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FISCAL IMPACT REPORT

ORIGINAL DATE 3/06/09

SPONSOR Eichenberg LAST UPDATED _____ HB _____

SHORT TITLE Railroad-Highway Grade Crossing Penalties SB 395

ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to, SB-341, HB-29, HB-301. Please see "RELATIONSHIP."

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	Indeterminate		Recurring	General Fund
	See Narrative			

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 395 amends Section 66-8-116 NMSA 1978, setting penalty assessment misdemeanor amounts, to increase the penalty for a violation of Section 66-7-341 (railroad-highway grade crossing violations; all drivers) and Section 66-7-343 (railroad-highway grade crossing violations; certain vehicles required to always stop; exceptions) from \$10 to \$150.

FISCAL IMPLICATIONS

According to the AOC¹, there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. With the increase in penalty assessment from \$10 to \$150, more violators may choose to accept a notice to appear thus increasing the burden upon judicial resources.

The TRD has no estimate of the number of penalty assessment citations that might be issued for railroad grade crossing violations. Each violation would result in an additional \$140 directed to the General Fund.

ADMINISTRATIVE IMPLICATIONS

The TRD states that there would be no administrative impact on the Motor Vehicle Division.

RELATIONSHIP

Senate Bill 341, House Bill 29 and House Bill 301 also amend Section 66-8-116 NMSA 1978.

Senate Bill 341 and House Bill 301 would prohibit text messaging while driving.

House Bill 29 imposes an additional reinstatement fee of \$75 if the registration for a vehicle was suspended for failure to comply with the Mandatory Financial Responsibility Act.

CH/mt

¹ The analysis from the AOC includes the following disclaimer.

“THIS BILL ANALYSIS IS SUBMITTED BY THE AOC AND SHALL NOT BE CONSTRUED AS A SUBMISSION BY THE SUPREME COURT OR ANY OTHER COURT.”