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FISCAL IMPACT REPORT

SPONSOR Neville ORIGINAL DATE 1/26/17
 LAST UPDATED 2/9/17 HB _____

SHORT TITLE Increase Fines for Certain Driving Violations SB 55/aSPAC/aSJC

ANALYST Romero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$8.4	\$0.0	\$8.4	Nonrecurring	TRD – ITD Operating
	\$0.0	Minimal	\$0.0	Minimal	Nonrecurring	Courts Operating

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Transportation (DOT)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Senate Judiciary Committee Amendment

Senate Judiciary Committee amendment to Senate Bill 55 strikes Senate Public Affairs Committee Amendments 2 and 4. In the title, this amendment strikes “careless driving.” It inserts a new section to Section 3-17-1 between lines 15 and 16 and strikes lines 13 through 25 on page 2 and lines 1 through 4 on page 3 which provides for fines of not more than \$1,000.00 or imprisonment of not more than 180 days, or both. Lastly, the amendment renumbers the succeeding sections accordingly.

Synopsis of Senate Public Affairs Amendment

Senate Public Affairs Committee amendment to Senate Bill 55 adds, “providing jurisdiction to municipal and metropolitan courts,” to the title and amends the existing Section 3-17-1 NMSA 1978. The amendment authorizes municipal ordinance penalties for second or subsequent reckless driving violations and first, second, and subsequent careless driving violations. The amendment also provides clean up language to provide consistency.

Synopsis of Original Bill

Senate Bill 55 amends Section 66-8-113 NMSA 1978 to increase fines for reckless driving for the first conviction from \$25.00 to \$100.00 and for subsequent conviction from \$50.00 to \$300.00. Section 66-8-114 NMSA 1978 is amended to include a fine for the first conviction of careless driving of not less than \$100.00 or more than \$500.00 and on the subsequent conviction not less than \$500.00 and no more than \$1,000.00. Section 66-8-116 NMSA 1978 is amended to increase the fines for texting while driving from \$25.00 to 100.00 for the first violation and for subsequent violation from \$50.00 to \$200.00. Using a handheld mobile communication device while driving a commercial vehicle fines increase from \$25.00 to \$100.00 for the first offence and from \$50.00 to \$200.00 for the subsequent violation

FISCAL IMPLICATIONS

The Administrative Office of the Courts notes that increased penalties lower the prosecution's bargaining authority in offering plea agreements, and could lead to fewer plea agreements negotiated. Fewer successful plea agreements result in more time spent resolving cases. Any fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. Additionally, there will be minimal administrative costs for a statewide update, distribution and documentation of statutory changes.

Implementation of this bill will have a minimum impact on the Information Technology Division (ITD) at the Taxation and Revenue Department. Total time to complete, test and implement changes is 3 weeks.

- Development – 2 weeks
 - The new violation codes (66-7-375) for using a handheld mobile communication device while driving a commercial vehicle would need to be set up and added into the control process, in addition to new fees and new distributions.
- Testing of above changes – 1 week

Implementation of this bill will cost ITD about \$8,400.

SIGNIFICANT ISSUES

Noted by the Administrative Office of the Courts, the New Mexico Constitution, Article 12, Section 4; Section 34-6-37, NMSA 1978; and Section 35-7-4, NMSA 1978, unless otherwise provided by statute, all fines collected by state courts are deposited with the State Treasurer for credit to the current school fund. Therefore, increased fines may lead to more case processing work for the courts without adding to court funds to offset any such increase in workload.

The Department of Transportation reports that in 2014, over 21 percent of all crashes in New Mexico were due to driver inattention. In 2015, according to the Governor's Highway Safety Administration, 9.8 percent of all nationwide fatalities involved distracted driving, which includes texting while driving. In 2015, nationwide 3,459 people were killed due to distracted driving. Additionally, many instances of distracted driving may go unreported.

Distracted driving sanctions must be well-known to violators. In order to be effective, sanctions for distracted driving must have a high probability of being imposed. See 2008 National Cooperative Highway Research Program, pp. 8-9. Traffic laws, penalty types, and penalty levels are essential to, but only a part of, a distracted driving prevention system that includes broad public acceptance, active enforcement, effect administration of penalties, and publicity. Countermeasure strategies from the National Highway Traffic Safety Administration's

Countermeasures That Work, 7th Ed. (2013), and the Transportation Research Board's National Cooperative Highway Research Program Report, include high-visibility integrated enforcement of distracted driving laws, paired with mass media support, and outreach communication efforts to inform the public of the law.

The NMDOT Traffic Safety Division is primarily responsible for the management of safety programs designed to reduce traffic-related deaths and injuries. Strategies and programs include funding high-visibility enforcement paired with media support and outreach efforts to increase awareness about the dangers of distracted driving and reduce the incidents for all crashes.

TECHNICAL ISSUES

The wording in subsection Section 66-8-114 (C) NMSA 1978 could possibly be improved by adding that it does not exclude other penalties available under Subsection B so that it can be clear that this is not a special penalty misdemeanor.

IR/sb/jle/al/jle