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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB24/aHTPWC/aHJC/aHF1</u>	Sponsor	<u>Lara/Akhil</u>
Tracking Number	<u>.213269.1</u>	Committee Referrals	<u>HTPWC/HJC</u>
Short Title	<u>Monitoring for School Bus Illegal Passes</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>2/26/19</u>
		Last Updated	<u>3/12/19</u>

BILL SUMMARY

Synopsis of House Floor Amendment 1

The House Floor Amendment 1 to HB24 as amended by the House Transportation, Public Works, and Capital Improvements Committee and the House Judiciary Committee (HB24/aHTPWC/aHJC/aHF1) makes a technical change aligning the title of the bill with the purpose of the bill as amended by HJC.

Synopsis of HJC Amendment

The House Judiciary Committee Amendment to HB24 as amended by the House Transportation, Public Works, and Capital Improvements Committee (HB24/aHTPWC/aHJC) would require all traffic fines collected to be transferred to the general fund, rather than the common school fund.

Synopsis of HTPWC Amendment

The House Transportation, Public Works, and Capital Improvements Committee Amendment to HB24 (HB24/aHTPWC) would require a sign on the back of each school bus warning drivers that it is illegal to pass a school bus when the bus is stopped and that the violation is punishable by a fine of \$300.

Synopsis of Original Bill

House Bill 24 (HB24) would require school buses to be equipped with cameras to record images of the license plates of vehicles that illegally pass the school bus. Cameras would be required to give a clear view of illegally passing vehicles on either side of the school bus, to not record images of vehicle occupants, and to allow images to display the date and time of the incident and whether any safety lights or mechanisms on the school bus were engaged. The Public Education Department (PED) would be authorized to adopt standards to enforce these requirements. HB24 also increases the penalty for illegally passing a school bus from \$100 to \$300. The bill also makes a technical change stating funds levied from traffic penalties should be transferred to the common

school fund; however this is a technical issue, and the funds should actually be transferred to the “current school fund” pursuant to the Constitution of the State of New Mexico.

FISCAL IMPACT

HB24/aHTPWC/aHJC/aHFI does not contain an appropriation. New Mexico funds school bus replacements using a non-recurring appropriation and the number of buses replaced per year is based on how much the Legislature appropriates for that specific purpose. The House Appropriations and Finance Committee Substitute for HB2 (HB2/HAFCS) includes \$32.9 million from the Public School Capital Outlay Fund for the replacement of school district-owned buses in FY20.

PED staff estimates the cost of a school bus without monitoring equipment is \$85 thousand, and the cost of installing camera systems to be about \$2,800 per bus. Though the wording in HB24/aHTPWC/aHJC/aHFI is unclear, it is likely the bill would require every school bus to be equipped with monitoring equipment. Data from PED shows that there are 2,060 school buses operated by school districts and school bus contractors in the state, bringing the cost of installing cameras on all school buses to \$5.8 million in FY20. There will also be an increase to recurring expenses for school bus replacement and contractor rental fees in FY21 and subsequent years, which PED estimates to be \$326.5 thousand annually.

However, the bill offsets these costs by increasing the penalty for illegally passing a school bus from \$100 to \$300. It is unclear by how much this would increase revenues from penalty assessments, mainly because it is difficult to estimate how many penalties go unassessed. It is likely installing cameras to catch every single offender, alongside increasing the penalty of the offense by 200 percent, will result in a considerable increase to revenues.

SUBSTANTIVE ISSUES

School bus cameras are designed to ensure safety laws regarding school buses are being followed. Recording equipment can act as a deterrent for drivers engaging in dangerous and illegal driving near school buses, such as passing a school bus when the bus is loading or unloading students. The recording equipment would be automatically engaged, ensuring drivers can focus on driving the school bus without any extra burden to operate the equipment.

According to the National Conference of State Legislatures, 16 other states have laws authorizing external school bus cameras, but only one state’s laws establish a requirement that school buses be outfitted with cameras. Most of the state laws enacted authorize local school districts to install such cameras, with many states also providing construction standards and penalties. Only Wyoming requires cameras to be installed on every school bus.

PED administrative rule at 6.40.2 NMAC allows the installation of new technologies and equipment, but school districts and school bus contractors currently must pay for such technologies out of their operational budget.

ADMINISTRATIVE IMPLICATIONS

Analysis from the Administrative Office of the Courts (AOC) notes the bill does not contain any guidelines for the use or processing of images recorded by school bus cameras. AOC explains the bill would benefit from guidelines on how the images will be used. For example, the law in

Alabama requires the “review of the violation by a law enforcement officer or trained technician” and a requirement that citations be issued 14 days after the violation.

TECHNICAL ISSUES

On page 1, line 25, the language referring to “new or retrofitted” school buses makes it unclear whether all school buses currently in operation would be required to be retrofitted with the new equipment, or whether the language only applies to buses that are retrofitted with some other equipment. The sponsors may wish to clarify this by removing the qualifiers “new or retrofitted” from the language entirely, requiring all school buses to be equipped with recording equipment.

RELATED BILLS

HB265/HPTWCS, Seat Belts in School Buses.

HB554, School Bus Air Conditioning & Seatbelts.

*SB321/SECS, School Bus Air Conditioners.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- Administrative Office of the Courts (AOC)

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