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## FISCAL IMPACT REPORT

SPONSOR SPAC DATE TYPED 2/18/05 HB \_\_\_\_\_

SHORT TITLE Prohibit Television Viewing By Drivers SB 86/SPACS

ANALYST Rosen

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From  
 Taxation and Revenue Department (TRD)  
 Attorney General's Office (AGO)

No Responses Received From  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

Senate Public Affairs Committee substitute for Senate Bill 86 enacts a new section of the Motor Vehicle Code prohibiting operation of motor vehicles while text or images are projected on a device that is visible to the driver. The bill also repeals Section 66-7-358 NMSA 1978, Restrictions on Use of Televisions in Motor Vehicles.

#### Significant Issues

This bill makes exceptions for vehicle information systems, navigation or global positioning displays, mapping displays, visual displays used to monitor areas immediately to the rear or sides of a motor vehicle for purposes of maneuvering the vehicle, any self-contained motor home in excess of 21 feet in length, or equipment used exclusively for safety, traffic engineering studies or in police, sheriff or emergency vehicles.

## ADMINISTRATIVE IMPACT

TRD indicates the bill will impose minor administrative impacts related to reprogramming the driver system to address penalties associated with violations of the statute.

## TECHNICAL ISSUES

TRD reports the bill will add some redundancy to the Motor Vehicle Code because these driving behaviors are already addressed by careless and reckless driving statutes. Section 66-8-113 (reckless driving) for example provides that: "Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving". Section 66-8-14 (careless driving) states that: "Any person operating a vehicle on the highway shall give his full time and entire attention to the operation of the vehicle".

According to AGO, language in subsection A "visible to the person operating" seems to conflict with "Front seat television and video monitors" in that it is not clear if the prohibition is only against such devices in the front seat or all of those that may be "visible to the operator" and as such may invite challenges for vagueness.

AGO indicates Subsection C, in exempting recreational vehicles, may invite challenges based on vagueness and equal protection in that it is unclear what would constitute a "recreational vehicle" and whether or not they are operated in the same manner as a motor vehicle. Additionally, in Subsection C the language exempting "a vehicle owned or operated by an electric, gas or telephone utility" certainly may be challenged based on equal protection in that an employee who drives a "company" car for a "utility" would be exempt.

JR/lg