

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/07

SPONSOR Miera LAST UPDATED _____ HB 362

SHORT TITLE Penalties for Failure To Yield Right of Way SB _____

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Corrections Department (CD)
 Second Judicial District Attorney (SJDA)

SUMMARY

Synopsis of Bill

House Bill 362 The bill creates a new penalty in the Motor Vehicle Code for failure to yield the right of way. The bill establishes penalties, upon conviction, according to two categories.

When the driver fails to yield, but causes no great bodily injury or death, the driver is guilty of a misdemeanor. The punishment as set forth in current law is up to \$300 fine or imprisonment for not more than 90 days, or both

When the driver fails to yield, but causes great bodily injury or death, the driver is guilty of fourth degree felony. The punishment as set forth in current law is 18 months imprisonment, and possibly up to a \$5,000 fine.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The SJDA has stated that when a victim receives death or great bodily injury by a vehicle involved in a failure to yield or careless driving charge, there is currently no change in the penalty from a petty misdemeanor violation. The penalty is the same as if there were no injury at all. There is also a great disparity in a petty misdemeanor violation which jumps to a third degree felony depending on whether the suspect driver was careless or reckless in his driving behavior.

This bill addresses that disparity by providing a greater penalty for great bodily injury or death when a suspect driver fails to yield or is careless in his driving behavior.

ADMINISTRATIVE IMPLICATIONS

There may be an administrative impact on the courts as the result of an increase in caseload or in the amount of time necessary to dispose of cases.

DW/mt