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FISCAL IMPACT REPORT

ORIGINAL DATE 02/12/10
 SPONSOR HTRC LAST UPDATED 02/13/10 HB 179/HTRCS
 SHORT TITLE Raise Traffic Safety Fee SB _____
 ANALYST Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
	\$857.0	\$857.0	Recurring	Traffic Safety Education and Enforcement
	\$128.0	\$128.0	Recurring	Juvenile Adjudication
	\$565.0	\$565.0	Recurring	Interlock Device

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Bernalillo County Metropolitan Court (BCMC)
 Corrections Department (CD)
 Department of Public Safety (DPS)
 Department of Transportation (NMDOT)

SUMMARY

Synopsis of HTRC Substitute

House Taxation & Revenue Committee Substitute of House Bill 179 amends paragraph C of NMSA 66-8-116.3 by increasing the traffic safety fee for each penalty assessment misdemeanor (more commonly known as a traffic or speeding ticket). This money will continue to be credited

to the traffic safety education and enforcement fund. The bill also clarifies that the juvenile adjudication services fee collected for each penalty assessment misdemeanor will be remitted to the state treasurer for credit to the juvenile adjudication fund.

The House Transportation and Public Works Committee added a \$3 increase to the traffic safety fee (\$3 to \$6) for convictions of motor vehicle code violations in magistrate and metropolitan court.

The bill also adds the \$1 juvenile adjudication fee to Section 35-6-1 for convictions of motor vehicle code violations in magistrate and metropolitan court.

Finally, the bill adds a \$2 interlock device fee, to be collected upon conviction from persons convicted of violating any provisions of the Motor Vehicle Code.

The AOC estimates that the \$3 increase to Section 35-6-1 will bring in an additional \$384.0 for the traffic safety fund. Adding the penalty assessment \$3 increase in the original bill (\$473.30) will bring a total increase in the traffic safety fund of \$857.50.

The AOC also estimates that adding a \$1 fee juvenile adjudication fee to Section 35-6-1 for convictions of motor vehicle code violations in magistrate and metropolitan court will bring in \$128.0 for that fund.

The interlock device fee may generate an additional \$565 thousand.

FISCAL IMPLICATIONS

In FY09 the total collections for the Traffic Safety Fee for all Magistrate, District and Metro Courts was \$384,203 (Magistrate Courts: \$253,773; District Courts: \$700; Metro Court: \$129,730).

The FY09 total collected from the Motor Vehicle Division on penalty assessment misdemeanors was \$473,280. The proposed increase of this fee from \$3.00 to \$6.00 on would double the fee collected (or increase by 100%), which would bring in an additional \$473,280.

The fiscal implication to the AOC is minimal to none.

The Administrative Office of the Courts (AOC) serves as a “flow through” agency for this fee. The Magistrate Courts collect this fee and remit to the AOC on a monthly basis once collections are reconciled with their respective/local bank. These fees are then deposited into the Traffic Safety Agency Fund at the AOC where they are reconciled on a monthly basis between SHARE and the AOC’s internal book of record (RCS). Once reconciled, the collections are transferred to Traffic Safety Division.

SIGNIFICANT ISSUES

According to the Bernalillo Metropolitan Court, the fees that are currently added to the cost of a penalty assessment misdemeanor are already 15 times the amount of the penalty assessment itself. The Metropolitan Court has historically seen an increase in the number of “failure to appear” and “failure to pay” warrants that are issued each time the fees and costs related to penalty assessment misdemeanors and other traffic offenses are increased.

OTHER SUBSTANTIVE ISSUES

The New Mexico Department of Transportation believes New Mexico has made great strides in the reduction of fatalities, crashes and injuries. The number of overall crash and DWI related fatalities has decreased by 28% since fiscal year 2006. Due to the success of the traffic safety programs, New Mexico is no longer among the top ten states in the nation for DWI related fatalities. While this is a positive benefit, the consequence is that New Mexico is no longer eligible for federal funding under the high-risk state program. New Mexico previously received approximately \$2 million in federal funding for the purpose of addressing DWI. This legislation will provide the funding to allow NMDOT to continue the programs aimed at reducing crashes, injury and death.

NMDOT utilized approximately \$600,000 of the education and enforcement funding in FY10.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mt:mew