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FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/11
 LAST UPDATED 02/09/11 HB 11/aHCPAC

SPONSOR Stewart

SHORT TITLE Motor Scooter Definition & Operation SB _____

ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal, but probably less than \$10.0	Minimal, but probably less than \$10.0	Minimal, but probably less than \$10.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety

New Mexico Department of Transportation (NMDOT)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee Amendment to House Bill 11 adds to the definitions of moped and motor scooter electric powered mopeds and motor scooters of maximum kilowatt ratings and in the case of motor scooters a maximum speed of 30 miles per hour among the types of vehicles that require no additional licensing to operate.

Synopsis of Original Bill

House Bill 11 proposes to amend Section 66-1-4.11, NMSA 1978, to define a “motor scooter” as a two- or three-wheeled vehicle that has a seat or saddle for the use of the rider, an automatic transmission and a piston displacement of no less than 50 cubic centimeters (cc) and no more than 150cc.

The bill also proposes to add a new section to the Motor Vehicle Code that will allow adults with a driver’s licenses or commercial driver’s licenses to operate a motor scooter without an additional motorcycle license or endorsement.

The bill has an effective date of July 1, 2011

FISCAL IMPLICATIONS

The Taxation and Revenue Department (TRD) notes that the bill would have a minimal impact on the department.

SIGNIFICANT ISSUES

Currently, the largest two- or three-wheeled vehicle with an automatic transmission a licensed New Mexico driver can legally ride without a motorcycle endorsement is a moped. A moped is defined as having a piston displacement of less than fifty cubic centimeters and is capable of travelling at a maximum speed of not more than thirty miles an hour on level ground, at sea level. This bill would define a motor scooter in similar terms, with the difference being that the motor scooter may have a piston displacement of no less than fifty cubic centimeters and no more than one hundred fifty cubic centimeters. The increase in cubic centimeters would allow regular licensed drivers eighteen years of age and older, without a motorcycle endorsement, to travel at speeds up to fifty-five or sixty miles an hour.

PERFORMANCE IMPLICATIONS

According to NMDOT, crash data provided by the University of New Mexico, Division of Government Research, during the time period of 2000-2005, New Mexico averaged 33.8 motorcycle fatalities per year. For comparison purposes, during the time period of 2006-2010, New Mexico's fatality average increased to 44.6 per year. HB 11 would increase New Mexico ridership for two or three seat vehicles that travel at higher speeds, which could affect the State's fatality and injury rates.

TECHNICAL ISSUES

According to TRD, two and three-wheeled vehicles with electric motors are coming onto the market. Some of these electric vehicles have significant power, but the present law categorizes vehicle power by engine displacement, which does not apply to electric motors. Technically, an electric motor of any size has "an engine displacement of 150 cc or less." To address this exclusion, the definition of "motor scooter" in this bill, and of "moped" in current statute, should probably be amended to include the electric motor equivalent of a combustion engine. One approach would be to measure electric motor size in terms of watts using industry accepted Society of Automotive Engineers standards.

OTHER SUBSTANTIVE ISSUES

TRD notes that the current law requires anyone driving a motorcycle on the public highways of New Mexico (including all motor scooters with an engine larger than 50 cc) to have a motorcycle endorsement. The only exception is mopeds, which must have an engine of less than 50cc and can go no faster than 30 mph.

There is no evidence that either mopeds or 50-150 cc motor scooters are safer or require less skill for safe operation than traditional motorcycles.

According to the Motorcycle Safety Foundation:

1. People on scooters share the same risks on the same roadways as people on larger motorcycles. Just because they are on a smaller machine doesn't mean the cars on the road are going to treat them any differently than a motorcycle. When it comes to risk awareness and risk management, the strategies necessary to help 2-wheel operators are usually NOT the same strategies as used by car operators.

The basic physics of 2-wheel/single tracked vehicles does not change because of the controls design/operation. Thus, the challenges of handling/steering, sensitivity to operator inputs, visibility in a standard traffic mix (both seeing and being seen) will be much the same for all such vehicles.

DL/svb