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FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/19

SPONSOR Gonzales LAST UPDATED _____ HB 76

SHORT TITLE Yield Right of Way to Transit Buses SB _____

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications	See Fiscal Implications	See Fiscal Implications			See Fiscal Implications

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 192, HB 282, & SB 332

SOURCES OF INFORMATION

LFC Files

Response Received From

Administrative Office of the Courts (AOC)

No Response Received From

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

House Bill 76 enacts a new section of the Motor Vehicle Code to require drivers to yield the right of way to a transit bus, except a passenger van, that displays an illuminated yield sign on the rear of the bus warning drivers that it is attempting to merge into a traffic lane. A violation of this provision is a penalty assessment misdemeanor carrying a \$25 fine. HB 76 clarifies that this section does not require a public mass transit operator to install yield signs on the buses it operates or relieve the driver of a transit bus from any applicable traffic laws or duty of care.

HB 76 amends Sections 66-1-4.11 and 66-1-4.17 of the Motor Vehicle Code to add definitions of “mass transit,” “passenger van,” “public mass transit operator,” and “transit bus.”

HB 76 has an effective date of July 1, 2021.

FISCAL IMPLICATIONS

Because HB 76's effective date is July 1, 2021, the bill likely would not have any fiscal implications for fiscal years 19, 20 or 21.

According to AOC, there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC states that any additional fiscal impact on the judiciary would be proportional to the enforcement of the Motor Vehicle Code as amended by the bill, and would depend on the number of offenders accepting a notice to appear in lieu of a notice of penalty assessment, which would increase the impact upon court resources. AOC observes that generally, 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

AOC notes that HB 76 provides no guidance regarding the required illuminated yield sign's dimensions, brightness or placement on the back of the bus. AOC states that, if the purpose of HB 76 is to ensure safety and smooth operation and traffic flow with a project like the Albuquerque Rapid Transit (A.R.T.) project, then consistency is required both in the characteristics of the yield sign and the existence of the yield sign. Without consistency, more drivers cited for violating the yield sign requirements are likely to accept a notice to appear in lieu of a notice of penalty assessment, increasing the impact upon court resources.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. According to AOC, HB 76 may have an impact on the measures of the metropolitan and magistrate courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percentage change in case filings by case type

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 76 conflicts with: HB 192 because both bills amend NMSA 1978, Section 66-8-116; HB 282 because both bills amend NMSA, Section 66-1-4.11; and SB 332 because both bills amend NMSA 1978, Section 66-1-4.14.

BG/al