

LFC Requester:	LFC Analyst Joseph Simon
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AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 31JAN26 *Check all that apply:*
Bill Number: HB-188 Original Correction
 Amendment Substitute

Sponsor: Rep. Angelita Mejia **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Removal of Hazards on Roadways **Person Writing:** Matthew Broom, Deputy Chief
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Similar to 2025 HB314 & 2023 HB334
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

HB-188 authorizes a law enforcement officer or Department of Transportation employee to move a motor vehicle, cargo, or debris that poses an immediate public safety hazard on a roadway or highway right of way. The state, a county, municipality, officer, employee, or anyone acting under the direction of the officer or employee are not liable for any damage to a vehicle, cargo, or debris occasioned by the removal.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

This legislation benefits both the New Mexico Department of Public Safety (DPS) and citizens by enhancing road safety and ensuring more efficient management of hazardous situations on roadways. It improves public safety by allowing law enforcement officers and Department of Transportation (DOT) employees to move vehicles, debris, or cargo creating immediate safety hazards, thereby minimizing the risk of accidents and enabling quicker responses to dangerous conditions. Additionally, the legislation facilitates faster traffic recovery by allowing for the prompt removal of obstructions, which reduces traffic disruptions, improves traffic flow, and alleviates congestion for commuters and other road users.

By granting law enforcement and DOT employees the authority to act swiftly when public safety is at risk, the law enhances their ability to manage road hazards effectively and reduces delays in addressing such situations. The legislation also provides protection against liability, ensuring that law enforcement, DOT employees, and their agencies are not held responsible for any damage caused by removing a hazard, which encourages timely action. For citizens, this translates into clearer roadways and safer driving conditions, reducing the risk of accidents and secondary incidents like rear-end collisions. The legislation ensures quicker response times to road hazards, improves traffic safety, and enhances the ability of the New Mexico DPS and DOT to protect the public.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues for DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues for DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this legislation is not enacted, the consequences could be significant for both public safety and the efficient management of road hazards. Without the authority for law enforcement and DOT employees to quickly move vehicles, debris, or cargo creating safety hazards, dangerous conditions could persist longer on roadways, increasing the likelihood of accidents, including secondary incidents like rear-end collisions. Response times to hazardous situations could be delayed, leaving obstructions on the road for longer periods and further heightening the risks for drivers. Traffic congestion would also continue for an extended time, frustrating commuters and emergency responders, and creating a ripple effect across broader traffic systems.

Additionally, without protection against liability, law enforcement officers and DOT employees may hesitate to act in urgent situations for fear of legal repercussions, leading to inaction or delayed interventions. This hesitation could further compromise public safety. A lack of efficient responses to road hazards could erode public trust in the ability of law enforcement and DOT employees to maintain safety, reducing confidence and the public's sense of security. Moreover, increased accidents, traffic delays, and congestion could have wider economic impacts, such as lost productivity and stretched emergency services. Without this legislation, the roadways could become more hazardous, slower, and less efficient, compromising safety for both citizens and first responders.

AMENDMENTS

None at this time.