

<b>LFC Requester:</b>	Scott Sanchez
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**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 01/23/2025      *Check all that apply:*  
**Bill Number:** SB 91      Original X      Correction       
    Amendment           Substitute     

**Sponsor:** Sen. Heather Berghmans      **Agency Name and Code Number:** 305 – New Mexico Department of Justice  
**Short Title:** TRAFFIC VIOLATION PENALTIES      **Person Writing Analysis:** Lee Green  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: SB 91 repeals state revenue-sharing requirements applicable to municipalities, including home rule municipalities, by amending NMSA 1978, Section 3-18-17 (2023), to abrogate the statutory mandate that a municipality with a population exceeding 200,000 remit one-half of net penalties and fines—i.e., revenues derived from traffic-violation penalties—to the state general fund, and to remove the associated audit provisions.

These provisions take effect July 1, 2026.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

The amendments to Section 3-18-17 eliminate the audit process for traffic violation penalties; however, there is no additional language to describe whether or how the municipality will audit the penalties and fines coming into its own coffers. Nothing in the bill would prevent that income to the municipality from being audited as part of the state financial regulatory process under NMSA 1978, Section 12-6-3 (2011).

Further, the amended statute would no longer contain any external verification mechanism to ensure that retained revenues are used only for traffic safety programs, as required by Section 3-18-17(A)(3)(b), (A)(4)(b), or reasonable administrative costs (same).

**PERFORMANCE IMPLICATIONS**

None noted.

**ADMINISTRATIVE IMPLICATIONS**

None noted.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No known bills.

**TECHNICAL ISSUES**

The bill removes the substantive consequences tied to the 200,000-population threshold; however, it retains population-based language, which could invite future confusion or require cleanup legislation.

**OTHER SUBSTANTIVE ISSUES**

None noted.

**ALTERNATIVES**

None noted.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

**AMENDMENTS**