

<b>LFC Requester:</b>	<b>LFC Analyst Noah Montano</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 04FEB26 *Check all that apply:*  
**Bill Number:** SB207 Original  Correction   
 Amendment  Substitute

**Sponsor:** Senator Pete Campos **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Flashing Red Lights on Recovery & Repair Cars **Person Writing:** Matthew Broom, Deputy Chief  
**Phone:** 575-760-1485 **Email:** Matthew.broom@dps.nm.gov

**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
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

SB-207 amends the Motor Vehicle Code to allow “flashing lights in any color” including red, on a recovery or repair vehicle while it is standing on the highway for the purpose of removing a disabled vehicle.

#### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

#### **SIGNIFICANT ISSUES**

DPS has significant public safety concerns with allowing recovery or repair vehicles to display flashing lights in any color, including red, while stopped on a highway. Flashing red lights are a primary cue for emergency vehicles, and expanding their use to non-emergency vehicles may:

Confuse motorists and dilute emergency recognition, reducing immediate compliance (yielding, slowing, stopping) when police, fire, or EMS are responding.

Increase secondary-crash risk by triggering abrupt braking or unsafe lane changes near roadside incidents where personnel are working close to traffic.

Create misuse and enforcement challenges, because it may be difficult in real time to confirm whether a vehicle is legitimately stopped for the purpose of removing a disabled vehicle versus using red lights outside the intended circumstance.

These factors may undermine roadway safety and the effectiveness of emergency lighting as an urgent public warning signal.

#### **PERFORMANCE IMPLICATIONS**

No performance issues to DPS.

#### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

#### **TECHNICAL ISSUES**

Traditionally, flashing red lights are authorized only for designated emergency vehicles. This bill allows recovery or repair vehicles to use flashing red lights when stopped on a highway and actively removing a disabled vehicle. Under current law, these vehicles are not included in the definition of an “authorized emergency vehicle” in Section 66-1-4.1 NMSA 1978.

In addition, Section 66-3-835(E) NMSA 1978 limits the use of flashing red lights visible from the front of a vehicle to fire department vehicles, law enforcement vehicles, ambulances, and school buses. While the bill

amends Section 66-3-835(D) to permit recovery or repair vehicles to use flashing red lights in certain circumstances, it does not make a corresponding change to subsection (E).

This results in an inconsistency within Section 66-3-835 NMSA 1978 and may create uncertainty about when recovery or repair vehicles are permitted to display flashing red lights under the Motor Vehicle Code.

#### **OTHER SUBSTANTIVE ISSUES**

None from DPS at this time.

#### **ALTERNATIVES**

No alternatives from DPS.

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

Status quo will remain.

#### **AMENDMENTS**

None at this time.