

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 214 amends Section 66-8-7 NMSA 1978, regarding the penalty for misdemeanors in the Motor Vehicle Code, to increase the maximum potential fine for those offenses from \$300 to \$500 and require that the fine not be less than \$100.

SB 214 amends Section 66-8-113 NMSA 1978, regarding the offense of reckless driving, to increase the potential fine for a first offense from not less than \$25 or more than \$100 to not less than \$500 or more than \$750, and to increase the minimum potential fine for a second or subsequent offense from \$50 to \$750.

SB 214 amends Section 66-8-114 NMSA 1978, regarding the offense of careless driving, to provide that the penalty for careless driving shall be imprisonment of not more than 90 days and/or a fine of not less than \$250 or more than \$500 for a first offense, and imprisonment of not more than six months and/or a fine of not less than \$500 or more than \$750 for a second or subsequent offense. This replaces the default penalty under the Motor Vehicle Code, which is imprisonment for not more than 90 days and/or a fine of not more than \$300.

SB 214 amends Section 66-8-116 NMSA 1978, which provides a list of penalty assessment misdemeanors, to variously increase the penalty assessment amount for the offenses listed. New amounts for these offenses range from \$100 to \$375, instead of \$25 to \$300.

SB 214 also amends Section 66-8-116 to increase the penalty assessment for a second conviction of operation without a permit for excessive size or weight (pursuant to Section 66-7-413 NMSA 1978) from \$250 to \$325, and from \$500 to \$575 for a third or subsequent conviction.

The bill further amends Section 66-8-116 to increase the penalty assessment for a second conviction of transport of a reducible load with a permit for excessive size or weight under Section 66-7-413(N) NMSA 1978 from \$500 to \$575, and from \$1,000 to \$1,075 for a third or subsequent conviction.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

In FY 2024, the most recent year for which the NMSC has access to complete court data, there were 677 cases with reckless driving as the lead offense pursuant to Section 66-8-113 NMSA 1978. Of the 524 closed cases, 47 (9.0%) resulted in a conviction. In FY 2024, there were 2088 cases with careless driving as the lead offense pursuant to Section 66-8-114 NMSA 1978. Of the 1470 closed cases, 258 (17.6%) resulted in a conviction.

As SB 214 does not involve any felony offenses, it is unlikely to have any impact on incarceration costs to the Corrections Department. However, SB 214 does increase the potential jail time associated with second or subsequent convictions for careless driving pursuant to Section 66-8-114 NMSA 1978 and thus may lead to more people being jailed in county detention facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

There is at least one penalty assessment misdemeanor within the Motor Vehicle Code that is not included in the list provided in Section 66-8-116 NMSA 1978. *See* Section 66-8-126 NMSA 1978, regarding failure to obey a notice to appear.

At least two offenses included in the list of penalty assessment misdemeanors in Section 66-8-116 are classified as misdemeanors in their own statutes. *See* Section 66-7-366 NMSA 1978 and Section 66-7-367 NMSA 1978.

Similarly, SB 214 amends the penalty assessment amount for second and third or subsequent convictions under Section 66-7-413(N) NMSA 1978. Section 66-7-413 states that violations of the conditions or terms of special permits under that Section shall be misdemeanors.

On page 11, lines 23-24, the bill specifies that the offense described there pursuant to Section 66-7-413(N) applies when it occurs “more than six miles from a port-of-entry facility”. Section 66-7-413(N) itself applies “within six miles of the port of entry at the border”.

The proposed bill does not modify the penalty assessment misdemeanors listed in Section 66-8-116.1, all of which fall under the Motor Vehicle Code. It is unclear if this omission was intentional.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS