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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 2nd Session, 2026

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|------------------------|---------------------------------|----------------------------|--|
| Bill Number | <u>SB73</u> | Sponsor | <u>Berghmans/Sedillo Lopez/Parajón</u> |
| Tracking Number | <u>.232632.1</u> | Committee Referrals | <u>SEC/STBTC</u> |
| Short Title | <u>Driver's Ed Requirements</u> | | |
| Analyst | <u>Ortiz</u> | Original Date | <u>2/7/2026</u> |
| | | Last Updated | <u></u> |

BILL SUMMARY

Synopsis of Bill

Senate Bill 73 (SB73) would require driver education courses, including those provided in schools, to include at least three hours of education and training on driving with “vulnerable road users.”

The bill would amend Section 22-13-12 NMSA 1978 to clarify the Public Education Department (PED), or its designated representative, as the entity responsible for setting minimum standards for approved driver education courses taught in schools. The bill would add a definition for “vulnerable road users” and direct PED to promulgate rules for approved driver education for courses taught in any public school to include a minimum of three hours of educating and training driving with vulnerable road users. The bill defines a “vulnerable road user” as: 1) a pedestrian, including a person working or providing emergency services along a roadway; 2) a person leading or riding an animal; or 3) a person operating or riding a variety of pedal-powered vehicles or any other kind of vehicles that do not provide the same safety or protection as a car or truck.

The bill also makes conforming changes to the Motor Vehicle Code (Section 66-1-4.19 NMSA 1978) and the Driving School Licensure Act to also add the definition of a “vulnerable road user” and to require the same minimum of three hours of instruction to these training programs.

SB73 is accompanied by Senate Executive Message No. 61.

If enacted, SB73 would go into effect on January 1, 2027.

FISCAL IMPACT

SB73 does not contain an appropriation.

Agency analyses submitted by the Department of Transportation (DOT) and PED indicate any anticipated costs would be minimal and able to be absorbed by the agencies. The Regional

Education Cooperatives (RECs) report Pecos Valley REC #8 may experience minor fiscal impacts to update the curriculum it uses for driver training statewide.

SUBSTANTIVE ISSUES

Vulnerable Road Users. The bill requires PED, or its designee, to update existing driver education and motorcycle driver education standards for courses taught in public schools to include a minimum of three hours of education and training about driving with “vulnerable road users.” The bill defines vulnerable road users as a:

- Pedestrian, including a person working or providing emergency services along a roadway;
- Person riding or leading an animal; or
- Person lawfully operating or riding a
 - Bicycle;
 - Tricycle;
 - Other pedal-powered vehicle;
 - Farm tractor or similar farm vehicle designed for farm use;
 - Skateboard;
 - Scooter;
 - Moped;
 - Motorcycle;
 - Roller skates;
 - Inline skates;
 - Animal-drawn wheeled vehicle;
 - Electric personal assistive mobility device;
 - Wheelchair; or
 - Another mode of transportation that does not provide the shell of protection a car or truck provides.

Road User Safety. In July 2025, the Governors Safety Highway Association, a national nonprofit led by representatives from the National Highway Traffic Safety Administration (NHTSA) regions, released a [report](#), Pedestrian Traffic Fatalities by State: 2024 Preliminary Data. The report noted that despite a 4 percent drop in pedestrian fatalities, New Mexico continues to have the highest rate of pedestrian fatalities nationwide. New Mexico has had the highest pedestrian fatality rate since 2012.

Similarly, Smart Growth America, a national nonprofit focused on housing, transportation, land use, and economic development policy, [found](#) pedestrian safety in New Mexico ranked the worst in the nation. From 2013 to 2022, pedestrian deaths increased by 90 percent, and the organization identified Albuquerque as the second most dangerous metropolitan area in the nation for pedestrian safety. Additionally, the report [found](#) that nationally, African Americans and Native Americans, older adults, and people walking in low-income communities were killed at significantly higher rates.

Further, DOT's [2023 Vulnerable Road User Safety Assessment](#) found Native Americans were overrepresented in pedestrian accidents resulting in incapacitation or death. Between 2012 and 2018, 79 percent of pedestrian accidents resulted in injury to the pedestrian, while 12 percent resulted in pedestrian fatalities.

Child Fatalities Caused by Motor Vehicle Accidents. The New Mexico Department of Health's [2023 Child Fatality Report](#) found that between 2011 to 2021, 35 percent of child fatalities resulted from unintentional injury, with motor vehicle accidents contributing significantly to child deaths. The report did not specify what proportion of overall unintentional deaths were due to motor vehicle accidents, nor did it provide details about the circumstances of those accidents (e.g., whether the child was a vehicle occupant or a pedestrian, or whether the incident resulted from driver or pedestrian error).

State Initiatives. In 2021, DOT launched the [Target Zero](#) initiative statewide with a goal of eliminating all traffic related deaths by 2050 through improving driver education and public infrastructure. The provisions of SB73 appear to align with this initiative, which also identifies driver's education changes as an effective method to reduce traffic fatalities.

ADMINISTRATIVE IMPLICATIONS

SB73 would require PED to update minimum standards for approved driver education courses taught in public schools, including amending administrative rules governing driver's education and training on vulnerable road users. In its agency analysis, PED reports it currently assigns DOT as its designee for the development and administration of driver's education course content and materials for public schools. As the designee, DOT would be responsible for modifying course content to reflect SB73's proposed requirements.

DOT, through its Traffic Safety Bureau, would also be responsible for prescribing and enforcing corresponding minimum standards for licensed driver education schools and instructors.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- Regional Education Cooperatives (RECs)
- Department of Public Safety (DPS)
- Department of Transportation (DOT)
- Taxation and Revenue Department (TRD)

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