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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 312

SHORT TITLE: Safety Helmets as Negligence

SPONSOR: Sedillo Lopez

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/11/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Department of Public Safety

Agency or Agencies That Were Asked for Analysis but did not Respond

Department of Transportation

Office of the Attorney General

SUMMARY

Synopsis of Senate Bill 312

Senate Bill 312 (SB312) eliminates statutory provisions prohibiting courts from considering a motorcyclist's failure to wear a safety helmet when determining fault or damages in a civil action. The bill amends Section 66-7-356 NMSA 1978 and repeals Sections 32A-24-5 NMSA 1978 and 66-3-1010.4 NMSA 1978 to remove language stating that failure to use a helmet does not constitute contributory negligence and that it may not limit or apportion damages.

SB312 would allow evidence of helmet nonuse to be introduced and considered under New Mexico's comparative fault framework in civil litigation arising from motorcycle accidents. Courts and juries would be permitted to determine whether a plaintiff's failure to wear a helmet contributed to injury and to adjust fault or damages accordingly.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

SB312 does not create new criminal offenses, modify existing penalties, or impose additional enforcement responsibilities; therefore, it is not expected to increase law enforcement operating costs. However, by repealing statutory provisions that currently prohibit consideration of helmet nonuse in civil actions, the bill may have indirect fiscal implications for the judicial branch and state liability costs. Allowing evidence of helmet nonuse to be considered in civil litigation could affect the volume, complexity, or duration of personal injury cases arising from motorcycle accidents. Any such impacts would depend on future litigation patterns and judicial determinations and cannot be quantified at this time.

To the extent the state is a party to litigation involving motorcycle crashes, including cases implicating state employees or roadway conditions, the change in comparative fault analysis may affect damage awards or settlement outcomes. The direction and magnitude of any fiscal impact on the state's risk management or insurance costs are uncertain and would depend on case-specific findings.

SIGNIFICANT ISSUES

SB312 removes a statutory limitation on the admissibility and legal effect of helmet nonuse in civil litigation, thereby aligning motorcycle helmet cases with New Mexico's general system of pure comparative fault under Section 41-3A-1 NMSA 1978. As a result, courts would apply existing comparative negligence principles without a helmet-specific exception. This change may require judicial clarification over time regarding the evidentiary standards and the extent to which helmet nonuse is relevant to causation of specific injuries, particularly head or traumatic brain injuries.

Research from other states indicates helmet use is associated with reduced severity of head injuries and lower fatality rates in motorcycle crashes, as documented by the National Highway Traffic Safety Administration and the Centers for Disease Control and Prevention. In states that permit consideration of helmet nonuse in civil actions, courts have generally treated the issue as a question of fact tied to causation and apportionment of damages rather than as an automatic bar to recovery. However, legal standards vary by jurisdiction, and some states have enacted explicit statutory language addressing whether and how helmet nonuse may be considered. New Mexico's repeal of its current statutory prohibition would place the state among jurisdictions that rely on general comparative fault principles rather than a motorcycle-specific evidentiary rule.

Because the bill affects only civil liability standards and not criminal enforcement of helmet requirements, its broader public safety effects are uncertain. Some academic literature suggests that helmet mandates are associated with higher observed helmet use rates, whereas the relationship between civil liability rules and helmet use behavior is less clearly established. SB312 does not modify the existing helmet requirement for individuals under eighteen, but it may prompt legal and policy discussions about the interplay among safety regulations, personal responsibility standards, and compensation in injury cases.