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FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/11

SPONSOR Wirth LAST UPDATED _____ HB _____

SHORT TITLE 5 Feet For Cars To Pass Bicycles SB 124

ANALYST Haug

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI	NFI	

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$2.5	\$2.5	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

None

SUMMARY

Synopsis of Bill

Senate Bill 124 would add a new section, 66-7-374 NMSA 1978, to establish a minimum 5 foot distance when passing a person on a bicycle as the least distance allowable for a safe distance between the passing motorist and the person on a bicycle. The bill would also add a penalty assessment misdemeanor of \$25.00 for approaching or passing a bicycle in violation of the minimum distance limitation.

FISCAL IMPLICATIONS

Senate Bill 124 contains no appropriation and would have only the most minimal revenue impact for egregious violations observed by law enforcement personnel.

It should be noted that fees specified in 66-8-116.3, listed below, would also apply to this newly added penalty misdemeanor as they are to all notice of penalty assessment when the alleged violator does not accept a notice to appear:

- in a county without a metropolitan court, twenty dollars (\$20.00) to help defray the costs of local government corrections;
- a court automation fee of ten dollars (\$10.00);
- a traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;
- a judicial education fee of three dollars (\$3.00), which shall be credited to the judicial education fund;
- a jury and witness fee of five dollars (\$5.00), which shall be credited to the jury and witness fee fund;
- a juvenile adjudication fee of one dollar (\$1.00), which shall be credited to the juvenile adjudication fund;
- a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund;
- until May 31, 2014, a magistrate courts operations fee of four dollars (\$4.00), which shall be credited to the magistrate courts operations fund.
- a court facilities fee as follows:
 - - in a county with a metropolitan court \$24.00;
 - in any other county \$10.00; and
- until May 31, 2014, a magistrate courts operations fee of four dollars (\$4.00), which shall be credited to the magistrate courts operations fund.

The revenue estimate in the table above represents the revenue impact for the penalty assessment itself assuming one thousand citations paid statewide. Should the number of citations vary for this very rough estimate, revenues would be correspondingly higher or lower. In addition, the fees described above would have slight effects on the various funds to which they are directed, but none would be significant enough to affect utilization of those other funds.

SIGNIFICANT ISSUES

Senate Bill 124, while calling attention to the need to respect the safety of bicyclists, may have, like cell phone usage in communities where it is restricted while driving, a limited amount of enforcement.

GH/bym