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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/11

SPONSOR Sharer LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Eliminate Some Drivers' License Penalties SB 216

ANALYST Lucero

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$12.0	\$12.0	\$24.0	Recurring	General Fund and various other MVD operational Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 216 amends Section 66-5-39 NMSA 1978 to separate the penalties imposed for driving on a revoked license from those imposed for driving on a suspended license. Provisions related to driving on a revoked license are unchanged.

A new section is added to the Motor Vehicle Code to impose a fine of not more than one thousand dollars for a person driving a motor vehicle with a suspended license, and the imprisonment component of the penalty is eliminated. This new section also provides that the division will extend the period of suspension upon receiving record of a conviction of driving with a suspended license.

### FISCAL IMPLICATIONS

TRD reports this bill would have a minimal administrative impact to the operating budget of the department.

## **SIGNIFICANT ISSUES**

The current penalty for driving while driving privileges are suspended is imprisonment for not less than 4 days but not more than 364 days. This bill calls for an extension of the suspension period and there may be imposed a fine of not more than one thousand dollars (\$1,000).

Under current law, when a person is guilty of driving while the person's driving privilege is suspended and pays any or all the cost of participating in a certified alternative sentencing program, the court may apply the cost of the alternative program against any fine imposed by the court. However, Section 2 of this bill includes no such deduction provision.

## **RELATIONSHIP**

SB-195 "Certain Motor Vehicle Penalty Conviction"

## **TECHNICAL ISSUES**

According to TRD:

- Section 66-5-39 has always contained conflicting language regarding a person's driving "privilege" and a person's driver's "license". The statute refers to a person's driving "privilege" being suspended or revoked and that the person knows the driver's "license" was suspended or revoked. There have been magistrate and municipal courts that have used the conflicting language to dismiss tickets because the person's license was already suspended or revoked. In Section 1, Subsection A (page 1 line 23) strike the word "license" and replace it with "driving privilege." A similar change should be made to Section 2, Subsection A (page 4, line 4).
- The reorganized penalty for driving while a license is suspended contains the existing confusing language specifying that MVD "shall extend the period of suspension for an additional like period." (Section 2, Subsection B on page 4, lines 11-12) Some suspensions are for indefinite time periods. For example, when a person does not pay a ticket, their driving privileges are suspended until the ticket is paid, perhaps three years later. The law would be clearer if it simply stated the specific length of the suspension period; a one year period would be consistent with Section 66-5-32.

DL/mew