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FISCAL IMPACT REPORT

SPONSOR Rubio/Wirth ORIGINAL DATE 1/30/19
LAST UPDATED _____ HB 192

SHORT TITLE Five Feet for Passing Bicycles SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY19 | FY20 | FY21 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| Total | | NFI | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Transportation (DOT)

SUMMARY

Synopsis of Bill

House Bill 192 establishes a minimum five-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 also adds a penalty assessment misdemeanor of \$25.00 approaching or passing bicyclist in violation of the minimum distance limitation.

FISCAL IMPLICATIONS

Neither of the responding agencies noted a fiscal impact associated with HB192.

SIGNIFICANT ISSUES

The Department of Transportation reports that preliminary data show that from 2015 to 2018, there have been 26 bicyclists on non-motorized bicycles killed on New Mexico roads. The most current data available shows that from 2012 to 2016, over 1,300 bicyclists were injured in a crash. The most current data shows that in 2016, 38 percent of all bicyclists in crashes were between 15 and 34 years old. Driver inattention and failure to yield, together, account for over 40 percent of the top contributing factors in bicycle-involved crashes.

According to a National Conference of State Legislatures 2018 report, 32 states have enacted laws similar to the law in HB 192 for motorists approaching a bicyclist.

OTHER SUBSTANTIVE ISSUES

Upon conviction, all fees specified in 66-8-116.3 NMSA 1978 (listed below) would apply to this new penalty assessment misdemeanor and would be added to the \$25 penalty assessment.

Metropolitan Court (Bernalillo County only)

- \$24: Facilities Fee
- \$20: Docket Fee (if contested)
- \$10: Automation Fee
- \$10: Corrections Fee
- \$5: Jury and Witness Fee
- \$5: Dom Violence Fee
- \$3: Judicial Education Fee
- \$3: Traffic Safety Fee
- \$5: Brain Injury Fee
- \$1: Juvenile Adjudication Fee (if contested)

Magistrate Courts

- \$10: Facilities Fee
- \$20: Docket Fee (if contested)
- \$10: Automation Fee
- \$20: Corrections Fee
- \$5: Jury and Witness Fee
- \$5: Dom Violence Fee
- \$3: Judicial Education Fee
- \$3: Traffic Safety Fee
- \$5: Brain Injury Fee
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