FISCAL IMPACT REPORT

	ORIGINAL DATE	01/25/21	
SPONSOR Alcon	**LAST UPDATED**	02/18/21	**HB** 119/aHJC
SHORT TITLE Traffic Ticket Payments		**SB**	
	ANALYST	Glenn	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with SB7

SOURCES OF INFORMATION
LFC Files

Responses Received From
Administrative Office of the Courts (AOC)
Law Offices of the Public Defender (PDD)
Office of the Attorney General (NMAG)
Department of Public Safety (DPS)

No Response Received
Taxation & Revenue Department (TRD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 119 clarifies that a penalty assessment issued by "an arresting officer" must be submitted to the appropriate court within five business days of issuance.

Synopsis of Original Bill

House Bill 119 amends provisions of the Motor Vehicle Code governing penalty assessments. The bill:

- requires a law enforcement officer to advise a person arrested for violation of a penalty

assessment misdemeanor of their option to accept the penalty assessment and pay it to the court or to appear in court; prepare a citation with the penalty assessment notice and notice to appear in court if the assessment is not paid; and provide a copy of the citation to the person.

- provides that a penalty assessment citation issued by a law enforcement officer that is not submitted to the appropriate magistrate or metropolitan court within five business days of issuance may be dismissed with prejudice.

- makes it a penalty assessment misdemeanor for a person to fail to pay a penalty assessment, classifies a citation with a promise to pay a penalty assessment or appear in court as a summons, and authorizes issuance of a warrant if a person fails to appear in court or pay the assessment.

- requires that the email address and telephone number for an individual charged with a traffic violation be included with other personal information in the uniform traffic citation.

- deletes a provision allowing the Motor Vehicle Division of TRD (MVD) to suspend a driver's license without a preliminary hearing if the driver fails to pay a penalty assessment within 30 days of issuance.

- transfers responsibility for remitting penalty assessment and penalty assessment fee receipts to the appropriate fund from MVD to the Administrative Office of the Courts.

- repeals Section 66-8-117 NMSA 1978, which requires arresting officers to offer alleged violators the option of accepting a penalty assessment and requiring penalty assessment payments to be made by mail to MVD within 30 days of the arrest.

In addition to amending the Motor Vehicle Code, HB119 requires that moving violation penalty assessments issued by educational institutions be paid to the applicable magistrate, metropolitan or municipal court.

The effective date of HB119 is July 1, 2021.

FISCAL IMPLICATIONS

LOPD states that because the bill does not appear to affect traffic offenses that carry a jail penalty that would trigger LOPD representation, there would be no impact on the LOPD budget or provision of services. DPS, AOC and NMAG also indicate that the bill has no fiscal implications for their agencies.

SIGNIFICANT ISSUES

As noted by AOC, HB119 changes the current traffic citation process by having traffic citations paid to the appropriate court rather than to MVD and eliminating MVD's authority to suspend a driver's license for failure to pay a citation. Additionally, AOC states that the current law forces drivers at the time of a traffic stop to make an irrevocable decision whether they want to pay the

citation or go to court. If HB119 becomes law, the driver would not have to make a decision under the pressure of the time constraints of a traffic stop. The driver would have the same options (pay the penalty or go to court) but could do so after considering the outcomes. These provisions and the bill's requirement that a citation be filed in court within five business days of issuance are necessary to make the MVD consistent with Section 31-19A-1 NMSA 1978, which was enacted in 2019.

LOPD observes that debt-based license suspensions force people to make an impossible choice: stop driving and lose access to work and necessities or keep driving and risk more fines and fees, arrest and even incarceration. According to LOPD, this aspect of the bill would refocus license suspension on dangerous drivers, not people who simply cannot afford to pay a citation within 30 days.

ADMINISTRATIVE IMPLICATIONS

DPS states that the TraCs system used by DPS would have to be updated to accommodate citations containing the additional driver information required by HB119. DPS also notes that compliance with the bill's requirement that citations be submitted within five business days may be difficult for law enforcement officers in rural areas, who may have to travel a relatively long distance to an office or court where the citations can be uploaded or submitted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB119 and SB7 conflict because they both make amendments to Section 66-5-30 NMSA 1978.

OTHER SUBSTANTIVE ISSUES

AOC notes that HB119 is a product of the Traffic Reform Committee, which was convened in 2011 to examine ways of improving the operation of the traffic code and elevating compliance. According to AOC, stakeholders including law enforcement, MVD, Department of Transportation, New Mexico Counties, and the courts, agree that the reforms reflected in the bill are critical to making the process for handling traffic citations more efficient and improving compliance rates.

BG/rl/al