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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/13/19

SPONSOR HTPWC LAST UPDATED 3/05/19 HB 113/HTPWCS/aHF1#1

SHORT TITLE Drivers to Move Over for Stationary Vehicles SB \_\_\_\_\_

ANALYST Hawker

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

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Indeterminate but minimal					

Parenthesis ( ) indicate expenditure decreases

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HF1#1 Amendment

House Floor Amendment #1 to House Transportation, Public Works, and Capital Improvements Committee Substitute for House Bill 113 restores “authorized emergency vehicle or a recovery or repair” to Section 66-7-332B NMSA 1978. Thus the provisions of this bill only apply to drivers who are approaching a stationary authorized emergency vehicle or a recovery or repair vehicle displaying flashing emergency or hazard lights.

#### Synopsis of Original Bill

House Transportation, Public Works, and Capital Improvements Committee Substitute for House Bill 113 amends Section 66-7-332 NMSA 1978 to require drivers:

- if reasonably safe to do so, to drive in a lane not adjacent to a stationary vehicle, decrease the speed of the vehicle to a speed that is ten miles per hour lower than the posted speed limit or to a speed that is reasonable and prudent and proceed with caution when the stationary vehicle is displaying flashing emergency or hazard lights;
- if the driver cannot move to a not adjacent lane, to decrease the speed of the vehicle to a speed that is ten miles per hour lower than the posted speed limit or to a speed that is reasonable and prudent, proceeding with caution, and be prepared to stop.

A person who violates these provisions is guilty of a penalty assessment misdemeanor under the Motor Vehicle Code of \$500, up from \$50. Upon the third or subsequent conviction under Section 66-7-332 NMSA 1978, the penalty assessment shall be \$1,000.

### **FISCAL IMPLICATIONS**

There will be minimal administrative costs for statewide update, distribution and documentation of statutory changes.

Any additional fiscal impact on the judiciary would be proportional to the enforcement of HB113/HTPWCS and commenced prosecutions.

AOC notes there may be an increase in the amount of work done by the courts, which would require additional resources.

### **SIGNIFICANT ISSUES**

Currently Section 66-7-332 NMSA 1978 requires drivers to move to a non adjacent lane when approaching a stationary authorized emergency vehicle or a stationary recovery or repair vehicle. HB 113/HTPWCS strikes “emergency” and “recovery or repair” and requires drives reduce their speed to ten miles per hour below the posted speed limit.

Fines for violating Section 66-7-332 NMSA 1978 will increase from \$50 to \$500, upon the third or subsequent conviction, the fine will increase to \$1,000.

### **ADMINISTRATIVE IMPLICATIONS**

Penalty assessments require the courts to generate payment plans for individuals who cannot pay the full amount of the assessment at the time of adjudication. The courts track the payment plans and issue summonses when a payment is not made on time. According to AOC the larger the fine, the more time it takes for most offenders to pay. Fines of \$500 and \$1,000 will increase the work of the courts to ensure assessments are paid.

### **OTHER SUBSTANTIVE ISSUES**

NMDOT employees often pull over to the roadside in their course of patrolling and investigating maintenance needs on New Mexico’s roads.

VKH/gb/sb