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FISCAL IMPACT REPORT

LAST UPDATED _____
ORIGINAL DATE 1/30/23

SPONSOR Garcia, M.

BILL
NUMBER House Bill 68

SHORT TITLE Undercarriage Ground Clearance

ANALYST Gaussoin

REVENUE* (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
	Indeterminate but minimally positive	Indeterminate but minimally positive	Recurring	MVD Suspense Fund

Parentheses () indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	\$13.0			\$13.0	Nonrecurring	TRD operating
Total						

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

New Mexico Attorney General (NMAG)

Department of Public Safety (DPS)

No Response Received

Department of Transportation (NMDOT)

SUMMARY

Synopsis of House Bill 68

House Bill 68 (HB68) would amend the Motor Vehicle Code to require every freight trailer, trailer, or truck to have an undercarriage low enough that a vehicle or bicycle could not pass

under it. Someone who violated the undercarriage requirement would be guilty of penalty assessment misdemeanor of \$50.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

This bill would require the Motor Vehicle Division (MVD) of the Taxation and Revenue Department (TRD) to promulgate rules, which MVD states it could accomplish with existing resources, and would require an estimated 240 staff hours from TRD's Information Technology Division to develop, test, and implement data system at a cost of about \$13 thousand.

Violations under the proposal would generate revenue but the number of violators is likely to be low.

SIGNIFICANT ISSUES

HB68 does not specify an undercarriage height limit; however, MVD reports any rule would have to conform to industry standards so the freight industry could continue to transport commerce through New Mexico. MVD also notes HB68 calls for the owner of the vehicle to be cited if out of compliance but most drivers of freight trailers are not the owners of the trailer or equipment, making it unclear who would be the recipient of the citation.

New Mexico Law. The only mention of undercarriage height in the Motor Vehicle Code and the New Mexico Uniform Traffic Ordinance is a prohibition against very low cars driving over railroad tracks. The law limits total vehicle height to 14 feet. While municipal codes can vary from the uniform code, there are no statewide restrictions on frame, bumper, or suspension lift heights.

The code defines truck as a vehicle designed to transport property and freight trailer as a semitrailer or any trailer pulled by certain types of truck trailers or exceeding 26 thousand pounds, excluding manufactured homes or smaller trailers used to haul animals. Trailer is defined as any vehicle without a motor designed to be drawn by a motor vehicle.

Vehicle Dimensions. Notably, given the average truck is slightly over 6 feet according to a range of online sources, a truck could be raised to a height that would allow a bicycle to pass underneath and still stay under the maximum height of 14 feet. Semitrailer trucks already sit high enough that cars can slide underneath and federal law requires semitrailers be equipped with front and back underride guards. However, an Insurance Institute for Highway Safety (IIHS) study of crashes into the bars at 35 mph found the bars are effective if a passenger vehicle crashes directly into the back of a freight trailer but less effective if the vehicle is slightly to the side and will not prevent a "slide under" if more than half the car is to the side of the trailer. In addition, the IIHS found some of the guards are not strong enough to withstand a crash.

Safety Issues with Big Trucks and SUVs. In June 2021, *Consumer Reports* published an

article warning of the dangers of high-profile vehicles and noting a rising death toll for pedestrians and cyclists involved in motor vehicle accidents¹:

The reasons for the rising death toll are complex, with many variables, including more driver distraction. But a growing body of research indicates that the increasing dimensions of pickups may be contributing to the deadliness of crashes, especially when one hits a person, cyclist, or smaller vehicle. ... Despite these risks, CR has found that pickup trucks are less likely than sedans and SUVs to have certain advanced safety systems as a standard feature. For example, automatic emergency braking (AEB) with pedestrian detection has been shown to prevent crashes, but only Ford, Honda, Nissan, and Toyota make it standard equipment across their standard-duty truck lineups.”

IIHS, citing studies done in 2004² and 2020³, reports pedestrians are more likely to die when struck by SUVs or pickups than when struck by cars because of the height and shape of vehicle front ends:

Most struck pedestrians and bicyclists are hit by the front of a passenger vehicle. An adult pedestrian is likely to be struck in the legs and may be thrown onto the hood of the car. In contrast, when a pedestrian is struck by a taller vehicle such as an SUV or pickup truck, particularly one with a more vertical front end, the impact is higher on the body. In this case, the person is likely to be knocked down and run over.

NMDOT declined to provide analysis for HB68, and the response for DPS only noted the lack of a fiscal impact on the department; as a result no New Mexico-specific information is available on truck/bicycle or truck/pedestrian was included in this analysis.

TECHNICAL ISSUES

Both MVD and NMAG raise concerns about HB68.

From MVD: “It would be impossible for MVD to establish a rule, go to public hearing and then implement the system and training updates by June 16th, 2023. MVD recommends an effective date of January 1, 2024, at the earliest.”

From NMAG:

HB68 appears to use the word “trailer” as a catchall for any trailer other than a freight trailer. It is unclear whether “trailer” is intended to also include “utility trailer” as defined by Section 66-1-4.18 NMSA 1978. The definition of “utility trailer” includes “any trailer, semitrailer or pole trailer, but does *not* include freight trailers, manufactured homes, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight.” Section 66-1-4.18(B) NMSA 1978 (emphasis added). Accordingly, the language of HB68 may not encompass certain types of trailers as currently defined by statute.

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¹ <https://www.consumerreports.org/car-safety/the-hidden-dangers-of-big-trucks/>

² <https://pubmed.ncbi.nlm.nih.gov/15178671/>

³ <https://www.iihs.org/topics/bibliography/ref/2203>