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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Munoz</u>	<b>LAST UPDATED</b> <u>2/10/23</u> <b>ORIGINAL DATE</b> <u>1/30/23</u>
<b>SHORT TITLE</b> <u>Improper Use of Travel Lane</u>	<b>BILL NUMBER</b> <u>Senate Bill 102/aSJC</u>
<b>ANALYST</b> <u>Anderson</u>	

### REVENUE\* (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
	Indeterminate but possibly substantial	Indeterminate but possibly substantial	Recurring	Motor Vehicle suspense fund at Taxation Revenue Department

Parentheses ( ) indicate revenue increases.  
 \*Amounts reflect most recent version of this legislation.

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Taxation Revenue Department	\$13.3			\$13.3	Nonrecurring	Information Technology Division- Personnel Costs

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent version of this legislation.

Relates to Senate Bill 174 (2022 session)

### Sources of Information

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)  
 Department of Public Safety (DPS)

#### No Response Received

Department of Transportation (DOT)

## SUMMARY

### Synopsis of SJC Amendment to Senate Bill 102

The Senate Judiciary Committee amendment to SB102 adds the phrase “for truck tractors” in two places within the bill while striking the word “vehicle” and replaces those occurrences with the words “for truck tractors” in several other instances. The amended language makes the bill and the misdemeanor penalty targeted specifically to truck tractors. While the definition of a truck tractor is not contained within the bill, Section 66-1-4.17 NMSA 1978 reads:

S. 'truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load drawn."

The amendment strikes the \$50 fine and misdemeanor penalty for the improper use of a travel lane and increases it to \$250, making the total amount of revenue to the Motor Vehicle suspense fund at TRD indeterminate but possibly substantial.

### Synopsis of Original Senate Bill 102

Senate Bill 102 amends Section 66-7-376 NMSA 1978 of the Motor Vehicle Code to provide requirements for vehicles driving on roadways that contain more than one lane of traffic in each direction. The provisions include that a vehicle being driven on a roadway with multiple lanes be driven within a single lane, when a vehicle may move into another lane, and provides requirements when a vehicle may use the left lane to overtake another vehicle on a roadway with multiple lanes. The bill imposes a \$50 fine and misdemeanor penalty for the improper use of a travel lane.

The effective date of this bill is July 1, 2023.

## FISCAL IMPLICATIONS

While it is unclear how many infractions will be realized as a result of the bill’s amendments to the Motor Vehicle Code, there will likely be a small increase in revenue associated with fines and penalties because the bill applies a new \$50 penalty to violators of the new provisions in the bill.

Implementation of Senate Bill 102 will have a minimal impact on the Information Technology Division of the Taxation and Revenue Department (TRD). The agency estimated the time to develop, test, and implement the system changes would be approximately 240 hours or 1.5 months as an estimated “soft cost” of \$13.3 thousand for state information technology resources.

## SIGNIFICANT ISSUES

This bill will provide for a new citation type to be issued by law enforcement. The Taxation and Revenue Department said the bill requires adding a new violation code in Motor Vehicle Division’s Tapestry system. The agency stated it will also need to implement software testing to ensure the quality of the changes, which might incur additional (minimal) contract or personnel costs. While the Department of Transportation (DOT) has not yet responded to the request for analysis, the agency may be required to amend its current signing and striping manual, which describes all requirements for regulatory signage posted on New Mexico highways as noted in

their response to a related bill from the 2022 session, Senate Bill 102. At that time, the agency noted a minimal fiscal impact for administrative updates. Some states have laws imposing higher penalties for improper lane usage, including the state of Illinois, which imposes a maximum fine of \$1,000.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 102 relates to Senate Bill 174, legislation put forth in the 2022 session. The Senate Floor Amendment to Senate Bill 174 clarified the exceptions under which a truck tractor attached to a freight trailer may drive in the left-hand lane. The amendment specified that driving in the left lane is allowable when otherwise required by law instead of specifying that driving in the left lane is allowable only when a vehicle has emergency hazard lights displayed. A synopsis of Senate Bill 174 amended the existing Motor Vehicle Code to require truck tractors attached to a freight trailer to drive in the right-hand lane on interstate highways, except when otherwise required by law, and provided for a penalty of \$200 for violations. The bill received a pocket veto.

GA/ne/mg/al/rl