

LFC Requester:

Noah Montano

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: Feb. 4, 2025

Check all that apply:

Bill Number: SB 265

Original Correction
Amendment Substitute

Sponsor: Sen. George Muñoz

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: MOTOR VEHICLE & BOAT PENALTIES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to and conflicts with SB 225.
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: Generally, SB 265 proposes amendments to the New Mexico Motor Vehicle Code (NMSA 1978, Section 66-8-1 to 66-8-141) and Boat Act (NMSA 1978, Section 66-12-1 to 66-12-23) that would increase the penalty assessments for certain misdemeanor violations of the Motor Vehicle Code and the Boat Act. By section, SB 265 proposes the following changes:

Section 1 amends NMSA 1978, Section 66-8-7, setting out the penalty for misdemeanor violations of the Motor Vehicle Code, by increasing the maximum fine for such violations from three hundred dollars (\$300) to five hundred dollars (\$500), and imposing a minimum fine of at least one hundred dollars (\$100).

Section 2 amends NMSA 1978, Section 66-8-113, prohibiting reckless driving, by increasing the minimum fine for a first conviction from twenty-five dollars (\$25.00) to five hundred dollars (\$500) and increasing the maximum fine from one hundred dollars (\$100) to seven hundred fifty dollars (\$750). For a second or subsequent conviction, the minimum fine would increase from fifty dollars (\$50.00) to seven hundred fifty dollars (\$750).

Section 3 amends NMSA 1978, Section 66-8-114, prohibiting careless driving, by adding specific punishments for the offense. Under the current version of the statute, careless driving is punished as a misdemeanor subject to a maximum fine of three hundred dollars under the more general provision NMSA 1978, Section 66-8-7. But as amended, Section 66-8-114 would permit the following punishments: For a first conviction, imprisonment of up to 90 days or a fine of two hundred fifty dollars (\$250) to five hundred dollars (\$500), or both, and for a second or subsequent conviction, imprisonment of up to six months and a fine of five hundred dollars (\$500) to seven hundred fifty dollars (\$750), or both.

Section 4 amends NMSA 1978, Section 66-8-116 (A), setting out the penalty assessment schedule for misdemeanor violations of the Motor Vehicle Code and Boat Act, by increasing the fines for all listed offenses to between one hundred dollars (\$100) and three hundred seventy-five dollars (\$375). Subsection (E) is amended to increase the fine for a second conviction under NMSA 1978 Section 66-7-413 to three hundred twenty-five dollars (\$325), and increase the fine upon a third or subsequent conviction to five hundred seventy-five dollars (\$575). Subsection (F) is also amended to increase the fine for a second conviction under NMSA 1978, Section 66-7-413(N) to five hundred seventy-five dollars, and increase

the fine for a third conviction to one thousand seventy-five dollars (\$1,075).

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 265 relates to and conflicts with SB 225, short titled "INCREASE VARIOUS PENALTIES." SB 225 proposes a change to NMSA 1978, Section 66-8-116 that would increase the fine for improper use of a travel lane to five hundred dollars (\$500), whereas SB 265 proposes to increase the same fine to three hundred twenty-five dollars (\$325).

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A