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FISCAL IMPACT REPORT



SPONSOR: Hurt DATE TYPED: 02/03/02 HB _____

SHORT TITLE: Certain Speeding Convictions and Point System SB 116

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$60.0		Recurring	GF/OSF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY02	FY03			
	Minimal	Minimal	Recurring	General Fund; Local governments

(Parenthesis () Indicate Revenue Decreases)

Conflicts with HB 95

SOURCES OF INFORMATION

Taxation and Revenue Department (TRD)
 New Mexico State Highway and Transportation Department (SHTD)
 LFC files

SUMMARY

Synopsis of Bill

Senate Bill 116 adds new regulations to the Motor Vehicle Code in regards to penalty assessments related to speeding convictions on rural segments of roadways. The legislation would prevent Motor Vehicle Division (MVD) from assigning points for convictions for speeding on rural highways of New Mexico. A rural highway is defined as "part of a highway that is located at least two miles outside of boundaries of an incorporated city, town or village.

Significant Issues

1. In essence, SB116 would allow all motorists to speed on all highways outside a city's boundary --on all "rural highways"-- without facing consequences on their driver's license record. MVD would be unable to assess any points for such speeding violations and, consequently, would be unable to suspend a motorist who has a history of excessive speed on such roadways.
2. Insurance companies base individual rates on driving records and the assessment of point violations. Since insurance companies would no longer be able to effectively use the point system as criteria for evaluating the driver's record, the rates could be adversely affected for all drivers in New Mexico.
3. The point suspension program helps control at-risk drivers from speeding and encourages voluntary compliance with traffic laws. If SB116 were enacted, there could potentially be an increase in traffic safety problems (fatalities, crashes and injuries) since the point system would no longer be an effective deterrent or a tool to encourage voluntary compliance with traffic laws.
4. New Mexico traffic crash statistics for 2000** indicate the following:
 - 73% of all driver fatalities were on rural road segments.
 - 20.8% of New Mexico's total crashes were on New Mexico rural roadways.
 - More than 40% of New Mexico's injury crashes were from rural roadway segments.

**Statistics from the New Mexico Highway and Transportation Department

FISCAL IMPLICATIONS

By removing part of the incentive against speeding under current law, the legislation could, in fact, increase the incidence of speeding and resulting penalty assessments and various "add-on" fees imposed by the court system and local governments. However, at the state level, the amount of increase or decrease in revenue resulting from enactment of this bill is undetermined.

ADMINISTRATIVE IMPLICATIONS

To implement this legislation, TRD's Administrative Services Division would be required to redesign codes and reprogram its current system. According to TRD, the cost for these systems changes is estimated at \$60,000. In addition, MVD would need to restructure and reissue the Uniform Traffic Citation Code to over 300 law enforcement agencies that include over 3,500 certified officers.

CONFLICT

SB95 increases the penalty assessment for speeding in a construction zone or designated safety zone. The bill does not distinguish between urban or rural.

TECHNICAL ISSUES

“Rural highway” is ambiguous. It would be difficult for MVD to determine all the areas in the state that fall into the bill’s definition of a “rural highway.” The definition is confusing, and MVD would need to apply that definition to every city, town and village in the state.

OTHER SUBSTANTIVE ISSUES

Related to the above technical issue is the problem of the location of the offense as cited by the law enforcement officer. On the citation form, the officer must clearly write the location where the driver was stopped. Officers usually provide the location based upon the nearest mile marker. MVD would then be required to compare that location to a map indicating where the “rural highway” is in comparison to the boundary of the city, town or village. MVD clerks would waste valuable time determining the exact location of a stop.

POSSIBLE QUESTIONS

1. In what way does this legislation protect the public or promote good driver behavior? Why would a bill be proposed that discourages public safety and disregards the states’s 12-point license suspension system which is applicable to all New Mexico drivers?

CMH/ar