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FISCAL IMPACT REPORT

SPONSOR HJC DATE TYPED 3/6/05 HB 772/HJCS

SHORT TITLE Failure to Yield Right of Way Penalties SB _____

ANALYST Wilson

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|---------------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | | | See Narrative | | |

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Bill 772 provides the following penalties upon conviction for failure to yield the right of way:

- Failure to yield the right of way causing no great bodily injury or death is guilty of a misdemeanor and shall be punished pursuant to Section 66-8-7 NMSA 1978 which punishes a misdemeanor with a fine of not more than \$3 hundred or by imprisonment for not more than ninety days or both.
- Failure to yield the right of way causing great bodily injury or death is guilty of a fourth degree felony and shall be punished pursuant to Section 31-18-15 NMSA which punishes a fourth degree felony with eighteen months imprisonment.

This bill provides that “conviction,” as used in the act, means an adjudication of guilt and does not include imposition of a sentence. The bill also defines “great bodily injury.”

Significant Issues

The PDD noted that current law provides that if a person is driving recklessly and commits homicide by vehicle or causes great bodily harm, he is guilty of a third degree felony. The likely scenario for this to happen is while a person is entering an expressway and fails to yield to the through traffic. If charged under existing law, a person has an argument that this bill is more

specific and he should be subject to the lesser penalties.

FISCAL IMPLICATIONS

New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

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

DW/njw:yr