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FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/14
 SPONSOR Wirth LAST UPDATED 02/10/14 HB _____
 SHORT TITLE Prohibit Texting While Driving SB 19/aSPAC/aSJC/aSFL#1
 ANALYST Weber

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		
Undetermined	Undetermined	Undetermined	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)

SUMMARY

Synopsis SFL#1

Senate Floor Amendment 1 makes the following addition:

1. On page 1, line 21, after "help", insert "or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the federal communications commission".

Synopsis of SJC Amendment

The Senate Judiciary Committee makes the following addition to Senate Bill 19:

1. On page 1, between lines 21 and 22 insert the following:
 - B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communication device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

2. Reletter the succeeding subsection accordingly.

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 19 makes the following changes to Senate Bill 19:

1. On page 1, line 19, after "or", insert "manually".
2. On page 1, line 25, strike "or at", insert in lieu thereof a comma and on page 2, line 1, after "light", insert "or stop sign or otherwise".
3. On page 2, line 11, strike "write" and insert in lieu thereof "compose".
4. On page 7, line 10, strike "second" and insert in lieu thereof "subsequent".

The amendment makes minor clarifications that do not change the substance or purpose of the bill.

Synopsis of Original Bill

Senate Bill 19 enacts a new section of the Motor Vehicle Code, Section 66-1-1 NMSA 1978 to prohibit a person from reading or viewing a text message or from typing on a handheld mobile communication device for any purpose while driving, except to summon medical or other emergency help.

The bill defines “driving” to exclude a motor vehicle pulled over to the side or off an active roadway and has stopped at a location in which it can safely remain stationary. SB 19 defines “handheld mobile communication device” as a wireless communication device but excludes global positioning or navigation systems (GPS), devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to write, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function. “Text message” is defined to *include* e-mail, instant messages, a text or image communication and a command or request to an Internet site and to *exclude* communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

SB 19 amends Section 66-8-116 NMSA 1978 to add a penalty assessment misdemeanor or texting while driving. (\$25 for first violation; \$50 for second violation.)

The effective date of the Act is July 1, 2014.

FISCAL IMPLICATIONS

AOC notes there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and any of the number of alleged violators who accept a notice to appear in lieu of a notice of penalty assessment. 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.

SIGNIFICANT ISSUES

The Governors’ Highway Safety Association (GHSA) reports that Washington was the first state to pass a texting ban in 2007. Currently, 41 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. There are many distractions which may prevent a driver from focusing on the complex task of driving: changing the radio or a CD, talking to passengers, observing an event outside the vehicle, using an electronic device, etc. Navigational and other interactive devices, called telematics, in the vehicle are available in most vehicles and more will be available in the near future. These devices may also distract drivers.

GHSA supports state legislation that would ban hand-held cell phone use and text messaging for all drivers, electronic devices used for entertainment purposes with video screens that are within view of the driver and school bus drivers from text messaging or using electronic devices except in an emergency. GHSA believes that, when on the road, all drivers should not text message, use cell phones or other electronic devices, faxes, computers or other distracting devices except to report a crash to emergency responders. If a driver must use such devices to make a call or report an emergency, the driver should first stop in a parking lot or other protected area.

A GHSA study makes the following conclusions:

- Laws banning hand-held cell phone use reduced use by about half when they were first implemented. Hand-held cell phone use increased subsequently but the laws appear to have had some long term effect.
- A high-visibility cell phone and texting law enforcement campaign reduced cell phone use immediately after the campaign. Longer term effects are not yet known.
- There is no evidence that cell phone or texting bans have reduced crashes.

OTHER SUBSTANTIVE ISSUES

DPS notes that the most substantive issue presented by the proposed legislation is curbing the impact of distracted driving at a statewide level in New Mexico. Currently, several municipalities and jurisdictions have prohibitions on texting while driving or requiring a hands free device for using of a cellular or mobile telephone or communications device. This would create a statewide prohibition.

POSSIBLE QUESTIONS

Should other devices or activities in an automobile be banned as well?

MW/ds:svb:jl