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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/15
LAST UPDATED 3/3/15 **HB** 370/aHSCAC

SPONSOR Gonzales

SHORT TITLE Approach of Towing Vehicles on Roadside **SB** _____

ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HSCAC Amendment

The House Safety and Civil Affairs Committee amendment to House Bill 370 would insert the words “that are stationary, towing, or repairing a motor vehicle” to clarify that authorized emergency vehicle includes roadside towing and repair vehicles no matter if stationary, towing, or repairing a motor vehicle.

Synopsis of Original Bill

HB 370 would add towing and repair vehicles to the class of “emergency” vehicles for purposes of this statute (Section 66-7-332 NMSA 1978), thus requiring drivers to pull over and stop upon approach of the oncoming vehicle and to slow down, move over, and/or stop upon coming up on such a vehicle at the roadside.

FISCAL IMPLICATIONS

AODA provided the following:

There are far more towing and repair vehicles operating in traffic than other engaged, emergency vehicles. Requiring drivers to pull over and stop upon the approach of such a vehicle is likely to be more disruptive of traffic flow and more conducive to creating new,

hazardous driving situations. For example, in heavy traffic areas such as between Santa Fe and Albuquerque, there are times when, once pulled over to the side of the road, it is almost impossible to smoothly regain speed and entry back into the traffic lane. If this statute results in more accidents and injuries/fatalities, the DA offices will have to spend more time determining whether the conduct was reckless, careless, or otherwise subject to criminal prosecution, or whether it was unavoidable due to the conditions caused by the new law.

SIGNIFICANT ISSUES

AODA stated that this statute does not distinguish between divided and two lane highways, hence requiring drivers to stop upon the approach of a tow vehicle, on a divided highway, presents a question of need for this provision.

AOC provided the following:

Section 66-8-116 NMSA 1978 lists a violation of Section 66-7-332 NMSA 1978 as a penalty assessment misdemeanor with the common name of “failure to yield,” and carrying a fine of \$50. It appears that the “failure to yield” name covers a violation of Subsection B, requiring an operator to drive in a non-adjacent lane, decrease speed and proceed with caution, where safe, or to decrease speed, proceed with caution and be prepared to stop, if it is not reasonably safe to drive in a non-adjacent lane, as well as a violation of Subsection A, requiring a driver to yield the right of way and immediately drive to the curb and stop until the authorized emergency vehicle has passed.

EC/je/bb/je