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## FISCAL IMPACT REPORT

**SPONSOR** Lopez **ORIGINAL DATE** \_\_\_\_\_ **LAST UPDATED** 01/29/15 **HB** \_\_\_\_\_

**SHORT TITLE** Autocycle Definitions & Requirements **SB** 185

**ANALYST** Cerny

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 65

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)

Department of Health (DOH)

Taxation & Revenue Department (TRD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 185 proposes to amend and add sections to the Motor Vehicle Code to include defining “autocycle” and providing exceptions to provisions to the Motor Vehicle Code (Section 66-1-4 NMSA 1978) which regulates motorcycles and their use.

Specifically, the bill would:

- Require that autocycles be registered as motorcycles and allow proof of financial responsibility to characterize them as motorcycles
- Allow operation without a motorcycle endorsement
- Define “autocycle” to mean a three-wheeled motorcycle on which the driver and all passengers ride in a completely enclosed, tandem seating area, that is equipped with a roll cage, safety belts for all occupants, airbag protection and antilock brakes and that is designed to be controlled with a steering wheel and pedals

- Exempt a person operating an autocycle from riding only upon the permanent regular seat attached thereto, and having the person's feet upon the footrests provided on the machine
- Exempt a person riding an autocycle from being required to ride on a permanent and regular seat or having the person's feet upon footrests
- Exempt a person operating an autocycle from having an eye protective device if the autocycle does not have a fixed windshield
- Permit a person under the age of 18 to operate an autocycle without using a securely fastened safety helmet, and permit passengers without using a securely fastened safety helmet
- Permit a dealer or person who leases or rents an autocycle to lease or rent a motorcycle to a person under the age eighteen without showing a valid driver's license or permit

## **FISCAL IMPLICATIONS**

The bill carries no appropriation and there is no fiscal impact.

## **SIGNIFICANT ISSUES**

Autocycles are a new type of vehicle that differ from 3-wheeled motorcycles in that the driver uses a steering wheel rather than handlebars to direct the vehicle, and operators in an autocycle sit in a seat rather than straddling or sitting astride the vehicle.

Various types of three-wheeled vehicles are being manufactured. This bill only defines some of these vehicles as "autocycles." There are several designs for autocycles, some of which do not meet the definition used in the bill.

Although SB185 defines an "autocycle" as having seatbelts, autocycle operators (and their passengers) would not be required to use a seat belt. The bill also exempts autocycles from the seating and helmet requirements that otherwise apply to motorcycles. Further it specifies that a motorcycle endorsement is not required for autocycle operation, although autocycles are to be registered as motorcycles. Those under the age of 18 who might wish to rent or lease a motorcycle would not be required to show either a valid driver's license or permit.

DOH analysis states that "Since most autocycles are much lighter and less stable than most cars, operators and passengers would be at increased risk of injury, particularly without the requirement of the demonstrated evidence-based practice of seatbelt use."

A 15-page report from the American Association of Motor Vehicle Administrators titled "Best Practices for the Regulation of Three-Wheel Vehicles" (October 2013) may be found here: <http://www.aamva.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4629&libID=4606>

The report states (p.2) that "Most three-wheel vehicles clearly meet the definition of a motorcycle in United States code 49 CFR 571.3(b) and should be regulated as motorcycles."

The report also states (p.2) that:

The National Highway Traffic Safety Administration (NHTSA) had identified issues with vehicles such as autocycles. Autocycles may have bodies that surround the passenger, and their overall appearance is similar to that of passenger cars. Passenger cars have to

meet crash tests and provide an established level of safety to occupants. Autocycles do not have to meet these standards because they are motorcycles and must meet the safety standards established for motorcycles. The public may not be aware of these differences and may have a false sense of safety when choosing a vehicle.

The report also recommends (p. 5) that a regular passenger car license should be required to operate an autocycle. It also recommends collection of specific safety statistics on autocycles as detailed information on their safety is needed.

### **OTHER SUBSTANTIVE ISSUES**

According to a report issued by the National Conference of State Legislatures (NCSL) in February 2014 titled “Traffic Safety Trends State Legislative Action 2013,” states that laws passed in Michigan, Louisiana, California, Nevada and South Carolina do not require a separate endorsement for an autocycle. Louisiana’s law does not require use of safety helmets in autocycle that meet or exceed standards for a safety helmet or roll cage, but does require drivers to hold a valid driver’s license.

### **AMENDMENTS**

DOH analysis suggests the bill be amended to include the requirement to wear seatbelts.

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