

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov).

FISCAL IMPACT REPORT

SPONSOR Gonzales **ORIGINAL DATE** 1/25/21
LAST UPDATED 2/12/21 **HB** _____
SHORT TITLE Vehicle Drivers Yield to The Right of Way To Bus **SB** 22/aSTBTC
ANALYST Graeser/Iglesias

REVENUE (dollars in thousands)

Estimated Revenue					Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23	FY24	FY25		
	Indeterminate, but minimal				Recurring	General Fund (penalty assessment misdemeanor)
	Indeterminate, but minimal				Recurring	Municipalities that have enacted Municipal Motor Vehicle Codes

Parenthesis () indicate revenue decreases

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation (DOT)
Taxation and Revenue Department (TRD/MVD)

SUMMARY

Synopsis of Senate Tax, Business and Transportation Committee Amendment

The STBTC amendment to Senate Bill 22 clarifies a driver must yield the right of way to a transit bus when an illuminated yield sign is displayed on the rear of the bus and the bus is attempting to merge into a traffic lane from a designated bus stop.

The amendment also clarifies the yield signs installed on buses by a public mass transit operator must be illuminated.

Synopsis of Bill

Senate Bill 22 establishes a new motor vehicle code requirement. When a transit bus operated by a governmental mass transit agency seeks to enter traffic and that bus has an illuminated yield sign on the back of the bus, oncoming traffic must yield the right of way. Violation of this requirement is determined to be a penalty assessment misdemeanor (PA or PAM) and the penalty is a fine of \$25. Small passenger vans are not eligible to claim this right-of-way.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature (June 19, 2021).

FISCAL IMPLICATIONS

LFC staff have no information or data on the number of PAM violations cited and paid by violators cited by County Sherriff deputies, state police officers or municipal police officers in municipalities that have enacted municipal motor vehicle codes. If these data were available, this violation is similar to the requirement at 66-733.2 NMSA 1978, which requires a vehicle being overtaken to move to the right and not obstruct the oncoming, passing vehicle. It would likely be cited less frequently than passing a school bus at 66-6-347 NMSA 1978.

PERFORMANCE IMPLICATIONS

TRD does not publish data on PAMs cited and paid. Publishing these data might lead to a more effective and accountable mail-in PA system.

ADMINISTRATIVE IMPLICATIONS

TRD will incur costs in adding this violation to the computer system and reports, as well as costs in updating the uniform traffic citation books issued to law enforcement.

OTHER SUBSTANTIVE ISSUES

DOT notes a collateral issue that may engender advice to mass transit operators, who have the option of installing illuminated yield signs on their transit buses.

SB22 adds a new section to the Motor Vehicle Code requiring drivers to yield the right of way to a stopped transit bus that is preparing to leave a bus stop and illuminates a sign displayed on its back that warns drivers that the bus is attempting to enter traffic. This bill has NO IMPACT to the NMDOT as it does not require the NMDOT to specify requirements for these signs. However, the NMDOT does recommend that the signs comply with the Manual on Uniform Traffic Control Devices (MUTCD) guidance regarding text size and font to ensure that the sign is understandable to the motorists and that the signs are appropriately sized for the roadway speed and function.