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FISCAL IMPACT REPORT

SPONSOR <u>Martinez, A.</u>	LAST UPDATED _____ ORIGINAL DATE <u>2/16/23</u>
SHORT TITLE <u>Speed Limit in Farthest Left Lane</u>	BILL NUMBER <u>House Bill 348</u>
ANALYST <u>J. Torres</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal			General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent version of this legislation.

Relates to/Conflicts with Senate Bill 102

Sources of Information

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)
 New Mexico Attorney General (NMAG)
 New Mexico Sentencing Commission (NMSC)

No Response Received From

Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 Taxation and Revenue Department (TRD)
 Department of Transportation (NMDOT)
 New Mexico Supreme Court (NMSC)

SUMMARY

Synopsis of House Bill 348

This bill amends several traffic related laws, Chapter 66, Motor Vehicle.

Section 1 of the bill amends and adds new material to existing Section 66-7-312 NMSA 1978 (“Limitations on Overtaking on the Left”). It makes grammatical changes to the current language of Section 66-7-312 NMSA 1978, which governs driving to the left of the center of the roadway to overtake vehicles with due regard for oncoming traffic. The bill also adds subsections (B) through (D).

Subsection (B) provides that: “A vehicle may not be driven in the farthest left lane of a multi-lane highway at a speed of less than 10 miles per hour of the posted speed limit.”

Subsection (C) provides that this section does not apply to the following situations: (1) when no other vehicle is directly behind the vehicle in the left lane; (2) when traffic conditions and congestion make it impractical to drive in the right lane; (3) when snow and other weather conditions make it necessary to drive in the left lane; (4) when obstructions or hazards exist in the right lane; (5) when, due to highway design, a vehicle must be driven in the left lane when preparing to make a left turn or exit; and when (6) law enforcement vehicles, ambulances and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

Subsection (D) provides that a person who violates this section is guilty of a misdemeanor and shall be fined one hundred dollars (\$100).

Section 2 of the bill amends Section 66-8-116(A) NMSA 1978 to include the \$100 penalty assessment for Section 66-7-312 NMSA 1978.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

AOC states:

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 the number of offenders accepting a notice to appear in lieu of a notice of penalty assessment, increasing the impact upon court resources. 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.

DPS, NMAG, and NMSC documented that there was no fiscal impact to those agencies.

SIGNIFICANT ISSUES

AOC states:

The amendment to Section 66-8-116 NMSA results in conflicting penalties for violations of Section 66-7-312. The amendment adds a \$100 penalty assessment for Improper overtaking on the left, contrary to 66-7-312. Section 66-8-116 currently includes a \$25 penalty assessment for Improper passing contrary to 66-7-309 through 66-7-312.

NMSC states:

The title of HB348 states that the bill is “prohibiting driving less than 10 miles per hour below the posted speed limit in the farthest left lane.” However, the text of the bill prohibits driving in the farthest left lane “at a speed of less than 10 miles per hour of the posted speed limit”, which is unclear in meaning.

Additionally, Section 66-7-312 NMSA 1978, which HB348 amends, refers to overtaking on the left. Yet, HB348’s amendments seem to refer to all vehicles driving in the farthest

left lane, rather than just those using the left lane to pass a slower vehicle.

HB348 addition of Subsections C (providing exceptions) and D (providing the penalty) to Section 66-7-312 would also apply those exceptions and penalty to the existing Subsection A of the statute. Subsection A refers specifically to using the lane left of center to overtake a slower vehicle. It provides safety rules for minimizing risk to oncoming vehicles while using the left of center lane for passing. It is unclear if HB348 intended to apply the exceptions in Subsection C to that Subsection as well.

Subsection D under HB348 provides the penalty of a misdemeanor and \$100 fine. As stated above, this penalty would also apply to the existing Subsection A. A violation of Subsection A is currently a Traffic Code misdemeanor. Traffic Code misdemeanors currently carry a fine of up to \$300 or imprisonment up to 90 days. HB348 would reduce that penalty.

Although HB348 states that the penalty for a violation of Section 66-7-312 would be a misdemeanor, it also amends Section 66-8-116 NMSA 1978 to add violations of Section 66-7-312 to the list of penalty assessment misdemeanors in the Traffic Code. “Misdemeanors” within the Traffic Code refer to Traffic Code misdemeanors, punishable under Section 66-8-7 NMSA 1978, while “penalty assessment misdemeanors” are a lower class of misdemeanor offenses, punishable only by fine.

PERFORMANCE IMPLICATIONS

AOC states:

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the metropolitan and magistrate courts in the following areas:

- Cases disposed of as a percent of cases filed; and
- Percentage change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

AOC states:

There may be an administrative impact on the courts as the result of an increase in caseload and/or in the amount of time necessary to dispose of cases.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NMAG states:

SB102 (“Improper Use of Travel Lane”) is somewhat related. That bill would enact a new section in the motor vehicle code that would prohibit the use of the left lane of a multi-lane road except for passing and overtaking another vehicle; provided that use of the left lane would be allowed if road conditions or traffic conditions require use of the left lane to maintain safe traffic.

AOC states:

Conflicts with SB102 which creates a new section to the Motor Vehicle Code Section 66-7-376, that regulates lane travel, including limiting travel in left lanes of a roadway to overtaking and passing another vehicle. Section 66-8-116 NMSA is also amended in this

bill to define a \$50 penalty for violation of Section 66-7-376.

TECHNICAL ISSUES

NMAG states:

Proposed Section 66-7-312(B) would provide that “A vehicle may not be driven in the farthest left lane of a multi-lane highway at a speed of less than 10 miles per hour of the posted speed limit.”

For clarity, it may possibly be reworded as follows:

“A vehicle may not be driven in the farthest left lane of a multi-lane highway at a speed which is 10 miles per hour, or more, below the posted speed limit.”

As noted by responding agencies, it is important to resolve potential discrepancies in misdemeanor and penalty classifications prior to bill finalization.

JT/al/ne