

LFC Requester:

Sam Lesemann

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/6/2025

Check all that apply:

Bill Number: SB 91

Original

Correction

Amendment

Substitute

Sponsor: Sen. Katy M. Duhigg
Rep. Janelle Anyanonu

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: PRIVATE COLLECTION OF
SPEEDING CAMERA
FINES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Original: NMSA 1978 § 66-8-130 (as amended through 2013) permits municipalities to enact and enforce traffic ordinances. SB 91 proposes to place restrictions on the use of automated speed cameras by municipalities.

Namely, SB 91 would prohibit a municipality from (a) using automated speed cameras to impose a penalty that exceeds the statewide penalty assessment; (b) using a collections agency or other private entity to collect on penalties resulting from violations detected by automated speed cameras; (c) reporting unpaid fines resulting from such violations to credit agencies; (d) impounding vehicles based only on nonpayment of penalties resulting from such violations; and (e) paying a commission to a third-party administrator of a municipal penalty assessment program based on the number of penalty assessments issued.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 241 proposes to authorize the Department of Transportation to use automated speed cameras, but it does not appear to preclude their use by municipalities or otherwise conflict with SB 91.

TECHNICAL ISSUES

Subsection (E)(5) appears to prohibit only *third-party* administrators from receiving a commission based on the number of penalty assessments issued by automated cameras. If it is the Legislature's intent to prohibit any incentives-based compensation based on the use of automated cameras, this subsection would need to be amended to include first-party administrators and municipality employees, as well.

OTHER SUBSTANTIVE ISSUES

The constitutionality of the use of red-light and speeding cameras was affirmed in *Titus v. City of Albuquerque*, 2011-NMCA-038, ¶¶ 38-44, 149 N.M. 556.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A