

<b>LFC Requester:</b>	<b>Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 1/31/2025 *Check all that apply:*  
**Bill Number:** SB 91 Original  Correction   
 Amendment  Substitute

**Sponsor:** Duhigg **Agency Name and Code:** Municipal League (ML)  
**Short Title:** Private Collection of Speeding Camera Fines **Number:** \_\_\_\_\_  
**Person Writing:** Jacob Rowberry **Phone:** 505-992-3538 **Email:** jrowberry@nmml.org

**SECTION II: FISCAL IMPACT**

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

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	Municipalities

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

Senate Bill 91 addresses the use of an automated camera or device to detect speeding infractions by municipalities. Municipalities may use these automated devices provided that the municipality does not use a collections agency or other private entity to collect unpaid penalties for violations detected by the automated device, report (municipality or third-party administrator) unpaid fines to a credit reporting agency, impound a vehicle based only on nonpayment of violations detected by the automated device, or pay a third-party administrator of an automated camera/device program a commission based on the number of penalty assessments issued. Additionally, the imposed penalties by a municipality can't exceed the existing penalties in Section 66-8-116 and Section 66-8-117 NMSA 1978.

## **FISCAL IMPLICATIONS**

The fiscal impact to municipalities is indeterminate but municipalities may incur additional costs to administer the provisions of SB91.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

## **SIGNIFICANT ISSUES**

SB91 infringes on local regulatory decision-making by stipulating how a municipality may operate an automated camera or device speeding infraction program, including the collection of violation fees. Such regulatory decisions should remain at the local level given the significant differences in needs and local approaches across the state regarding traffic enforcement and the implementation of automated camera/device speeding infraction programs.

Additionally, the removal of the collection methods outline in SB91 may have the unintended consequence of municipalities needing to utilize the issuance of bench warrants to collect the violation fees.

## **TECHNICAL ISSUES**

Clarification on Section 1(e)(5) on page 4 of the bill is needed. The way it is written, a municipality shall not: “pay a third-party administrator of a municipal penalty assessment program using automated cameras or devices a commission based on the number of penalty assessments issued,” is unclear, specifically the word “**commission.**” Is the word “commission” intended to mean a quota or volume of citations? Would a service fee or third-party administrator fee structure based on a percentage of an individual citation be included in the commission definition?