

<b>LFC Requester:</b>	<b>Scott 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:** 02/03/2025 *Check all that apply:*  
**Bill Number:** SB 225 Original  Correction   
 Amendment  Substitute

**Sponsor:** Senator George K. Munoz **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Increase Various Penalties **Person Writing:** Major Alexander J. Rodriguez  
**Title:** Increase Various Penalties **Phone:** (575)781-9360 **Email:** Alexander.rodriguez@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(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**

Increases fines and penalties for littering, for committing graffiti, for the improper use of a travel lane, and for violations of the Recycling and Illegal Dumping Act, as follows:

- Littering carries a fine of \$250 (increased from \$50).
- Unauthorized graffiti on personal or real property that causes damage of \$1,000 or less requires 150 hours of community service (up from 100).
- Graffiti that causes property damage of more than \$1,000 requires 200 hours of community service (up from 160).
- Improper use of a travel lane carries a fine of \$500 (up from \$250).
- Violation of the Recycling and Illegal Dumping Act: a person who knowingly engages in, maintains or allows illegal dumping is guilty of a fourth-degree felony, which carries a fine of up to \$10,000.

### **FISCAL IMPLICATIONS**

No Fiscal Impact to DPS

### **SIGNIFICANT ISSUES**

No Significant Issues to DPS

### **PERFORMANCE IMPLICATIONS**

DPS strongly supports the increase in fines and community service enumerated within this bill. New Mexico's efforts to attract tourism and mitigate littering, graffiti, and illegal dumping serve to maintain the beauty of our state and foster pride in our state by our residents. Increasing hours of community service will help to offset the impact caused by perpetrators of graffiti through potential clean-up efforts. Increasing the fine for improper use of travel lanes increases the safety of the motoring public, as it acts as a deterrent to the dangerous driving behavior of utilizing a turning lane as a travel lane. Reducing dangerous incidents will decrease the opportunities for confrontations following disagreements on our roadways, particularly at times of traffic congestion when frustration already exists.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

### **TECHNICAL ISSUES**

There is no difference between hazardous and non-hazardous, common waste. Adding a hazardous waste category with an increased fine would distinguish types of waste based on their additional negative impacts (hazardous to human and environmental health). DPS would support this distinction and increased fine.

### **OTHER SUBSTANTIVE ISSUES**

No substantive issues to DPS.

### **ALTERNATIVES**

None at this time.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain.

### **AMENDMENTS**

DPS believes this bill would be an excellent opportunity to overhaul all the penalty assessments in the traffic code. All of those penalties were reduced on July 1, 2024 when a previous bill went into effect doing away with the court costs portion of all citations. New Mexico penalty assessments were already some of the lowest in the country before the change and they now are a fraction of their previous cost. Many of the current traffic penalties are on par with fine amounts approximately 40 years ago (e.g. in 2002 a Speeding citation for 1-10 over the limit was \$59, today it is \$25). This does not provide a realistic deterrent to dangerous driving behaviors and DPS believes these amounts should be increased. DPS recommends an increase of at least \$75 per citation for regular motor vehicles and at least \$200 per citation for offenses specifically related to commercial motor vehicles. DPS does not consider these increases excessive, as they will still be less than many states in the region; however, we do believe the increased amounts will help serve as a deterrent to dangerous driving behaviors.