

LFC Requester:

Joseph Simon

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: 2/1/2025

Check all that apply:

Bill Number: SB 241

Original Correction
Amendment Substitute

Sponsor: Sen. Roberto "Bobby" J. Gonzales

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

Short Title: HWY CONSTRUCTION AUTO SPEED ENFORCEMENT

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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: SB 241 gives the Department of Transportation (DOT) authorization to use automated speed detection devices to detect speeding violations in constructions zones. The bill also allows the DOT to issue violations, hold hearings to confirm disputed speeding violations, and collect fines.

Section 1 – short title

Section 2 – definitions

Section 3 – Section 3 authorizes the DOT to create an automated traffic enforcement system and hold owners strictly and vicariously liable for speeding violations in construction zones. If a car has more than one owner the owners are joint and severally liable.

Section 4 – Section 4 requires the division of safety at the DOT to review evidence and confirm the speeding violation before a civil fine notice is sent to the vehicle owner. Within 30 days of receiving the notice, the vehicle owner must pay the fine or request a hearing in order to refute the speeding claim. Section 4 also allows the DOT to pursue legal remedies if the owner defaults on fine payment.

Section 5 – Section 5 describes procedures when an owner requests a hearing and disputes the issued speeding violation.

Section 6 – Section 6 requires the DOT to calibrate the automated system annually and lays out the fines for speeding in the construction zone as follows: \$50 for 6-10 mph over, \$100 for 11-15 mph over, \$200 for 16+ mph over.

Section 7 – Section 7 provides the effective date of the provisions of the act – July 1, 2025

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Section 5 limits an owner’s ability to refute their speeding liability to four options. It may be possible that there are other explanations limiting the liability of the owner such as their license plate being stolen and put on another car. Maybe a solution would be a catchall 5th option.

Section 6 sets out the fines for speeding violations detected in a construction zone. It may be helpful to clarify how these fines relate to those describe in 66-7-301(A), (B)(3). For example, will all construction zones now have these fines or just the ones with the automated speed detection systems? Will the double fines be only in those construction zones without speed detection systems?

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

Vague or confusing language:

Section 3(A)(2)(a) “determine the applicability” could mean attributability or accuracy or credibility

Section 4(C) “applicable” may be clearer as attributable

Section 5(B)(2) “orderly exchange of relevant information” may be too vague

Section 5(B)(3) “competent evidence” wording may be unclear/vague; also, under the Inspection of Public Records act, NMSA 14-2-1 to -12, evidence of speeding violations will be public records and citizens may want to access evidence of their violation within the 30 days when they must decide whether to pay the fine or request a hearing.

OTHER SUBSTANTIVE ISSUES

Additional signs may need to provide notice of the automated speed detection system and camera. NMSA 66-7-103.1 requires advanced signal warning before a traffic light monitored by camera.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A