

<b>LFC Requester:</b>	<b>Montano, Noah</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:** 2/4/25 *Check all that apply:*  
**Bill Number:** SB 265 Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. George K. Munoz **Agency Name and Code:** AOC  
**Short Title:** Motor Vehicle & Boat Violation Penalties **Number:** 218  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with HB 23, SB 213, SB 225 and SB 226 (also amending Section 66-8-116 NMSA 1978).

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: SB 265 amends statutory sections within the Motor Vehicle Code (MVC) and the Boat Act to increase the penalty assessment for specified misdemeanor violations as follows:

- Section 66-8-7(B) NMSA 1978: increases the maximum fine for a person convicted of a misdemeanor for violation of the MVC when a penalty is not specified from \$300 to \$500 and sets the minimum penalty at \$100.
- Section 66-8-113(B) NMSA 1978: increases the minimum penalty for a first conviction for reckless driving from \$25 to \$500 and the maximum penalty from \$100 to \$750. Also increases the minimum penalty for a second or subsequent conviction for reckless driving from \$50 to \$750.
- Section 66-8-114(C) NMSA 1978: adds Subsection C, providing the following penalties:
  - First conviction: imprisonment of not more than 90 days or a fine of not less than \$250 or more than \$500, or both
  - Second or subsequent conviction: imprisonment of not more than 6 months or by a fine of not less than \$500 or more than \$750, or both
- Section 66-8-116 NMSA 1978: Increases the penalty assessment of every listed crime by \$75, except for the following:
  - Operation without oversize-overweight permit (66-7-413) is increased from \$50 to \$250, first violation, and from \$250 to \$325, second violation, and from \$500 to \$575, third or subsequent violation
  - Transport of reducible load with special permit more than 6 miles from a border crossing (66-7-413) is increased from \$100 to \$250, first violation, and from \$500 to \$575, second violation, and from \$1,000 to \$1,075, third or subsequent violation
  - Open container-first violation (66-8-138) is increased from \$25 to \$300
  - Using a handheld mobile communication device while driving a commercial motor vehicle, first violation, is increased from \$25 to \$250, and a second and subsequent violation is increased from \$50 to \$300

#### **FISCAL IMPLICATIONS**

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 any increase in the number of alleged violators who choose to accept a notice to appear in lieu of a notice of penalty assessment. 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.

Increased penalty assessments are likely to result in more alleged violators of penalty assessment misdemeanors choosing to accept a notice to appear in lieu of a notice of penalty assessment, requiring additional judge time, courtroom staff time and courtroom availability.

## **SIGNIFICANT ISSUES**

- 1) Increased penalty assessments are likely to result in more alleged violators of penalty assessment misdemeanors choosing to accept a notice to appear in lieu of a notice of penalty assessment, requiring additional judge time, courtroom staff time and courtroom availability.

## **PERFORMANCE IMPLICATIONS**

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

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

## **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

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

Conflicts with HB 23, SB 213, SB 225 and SB 226 (also amending Section 66-8-116 NMSA 1978).

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**