

<b>LFC Requester:</b>	<b>LFC Analyst Noah Montano</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:** 4FEB25 *Check all that apply:*  
**Bill Number:** SB 265 Original  Correction   
 Amendment  Substitute

**Sponsor:** Senator George Munoz **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Motor Vehicle & Boat Violation Penalties **Person Writing:** Matthew Broom, Deputy Chief  
**Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	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 misdemeanor violations of the Motor Vehicle Code and the Boat Act as follows:

Unless another penalty is specified in the Motor Vehicle Code, every person convicted of a misdemeanor for violation of any provision of the Code shall be punished by a fine of at least \$100 and up to \$500 (currently maximum of \$300), or by 90 days imprisonment or both.

A first conviction for reckless driving carries imprisonment for between 5 and 90 days or a fine between \$500 and \$750 (currently \$25 to \$100), or both. A second or subsequent conviction carries imprisonment for 10 days to 6 months or a fine between \$750 and \$1000 (currently \$50 to \$1,000), or both.

A first conviction for careless driving carries imprisonment for up to 90 days or a fine between \$250 and \$500 or both. A second or subsequent conviction carries imprisonment up to six months or a fine between \$500 and \$750. (Current statute only imposes a misdemeanor penalty for careless driving).

A second conviction for operation without a permit for excessive size or weight is a penalty of \$325 (up from \$250). For a third or subsequent conviction, the penalty is \$575 (up from \$500).

A second conviction for transport of a reducible load with a permit for excessive size or weight more than six miles from a port-of-entry facility is a penalty of \$575 (up from \$500). A third or subsequent conviction is a penalty of \$1,075 (up from \$1,000).

### **FISCAL IMPLICATIONS**

No Fiscal Impact to DPS.

### **SIGNIFICANT ISSUES**

No Fiscal Impact.

### **PERFORMANCE IMPLICATIONS**

In 2023, new legislation was enacted that significantly reduced or eliminated most court fees and penalties associated with violations of the motor vehicle code and boating laws. This included fees such as post-adjudication and DWI-related charges.

As a result, New Mexico effectively removed most monetary deterrents for violations of established driving and boating laws, including penalty assessments. By increasing the penalty assessment fees outlined in this legislation, we could reinstate a meaningful financial incentive to encourage compliance with motor vehicle and boating laws in our state. The increase in penalty assessments can help fund additional safety programs, training, or infrastructure improvements related to motor vehicle and boating safety.

DPS supports this bill as it proposes to increase penalties for certain misdemeanor violations under the Motor Vehicle Code and the Boat Act. Higher penalties for violations such as reckless driving, careless driving, and speeding are designed to deter dangerous driving behaviors. This increase in penalties will emphasize the seriousness of these violations and reinforce the importance of adhering to traffic laws, thereby potentially reducing accidents and fatalities on the road. According to the National Highway Traffic Safety Administration's Traffic Safety Facts 2022 Data publication, there were 12,151 speeding-related deaths in 2022, and speeding was a contributing factor in 29% of all traffic fatalities. In many instances, speeding is a factor in careless and reckless driving citations and crashes.

By increasing penalty assessments, the bill enhances law enforcement's ability to address repeated offenses more

effectively. The increased fines and penalties for subsequent violations, especially in cases like speeding, careless, or reckless driving, can help ensure that repeat offenders are held accountable and incentivized to change their behavior.

The bill places additional weight on minor violations such as improper registration, unfastened seat belts, and failure to signal, encouraging individuals to comply with even the smallest details of the traffic code. This focus can help foster a greater respect for all traffic laws, contributing to safer roads overall. Sometimes, small infractions can lead to big consequences. The National Highway Traffic Safety Administration's Traffic Safety Facts 2022 Data publication states that in fatal traffic crashes in 2022, more than half (52%) of speeding drivers of passenger vehicles were unrestrained at the time of crashes.

#### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

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

No conflict, duplication, companionship or relationship to DPS.

#### **TECHNICAL ISSUES**

No technical issues to DPS.

#### **OTHER SUBSTANTIVE ISSUES**

The proposed legislation to increase fines and penalties for misdemeanor violations under the Motor Vehicle Code and the Boat Act is a necessary step to ensure public safety and promote responsible behavior on the road and waterways. These updates are essential for maintaining the integrity of our transportation system, ensuring that violations are taken seriously, and deterring dangerous actions that put individuals and communities at risk.

This legislation reflects a strong commitment to the protection of public safety and the enforcement of motor vehicle and boat regulations. By raising fines and penalties for misdemeanor violations, we will create a more effective deterrent against dangerous driving practices, irresponsible operation of large vehicles, and violations that threaten public safety and infrastructure. We urge support for this bill to help make our roads and waterways safer for everyone.

#### **ALTERNATIVES**

Not applicable as no impact to DPS.

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

Status quo will remain.

#### **AMENDMENTS**

None at this time.