

LFC Requester:	Kelly Klundt
----------------	--------------

**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

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

Check all that apply: Date 01/28/15  
**Original**     **Amendment**        **Bill No:** SB 308  
**Correction**     **Substitute**   

**Sponsor:** Senator Gerald Ortiz y Pino    **Agency Code:** Attorney General's Office  
**Short**    Require Motor Cycle Helmets    **Person Writing**    Sharon L. Pino, AAG  
**Title:** \_\_\_\_\_    **Phone:** 827-6930    **Email** spino@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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 Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

SB 308 amends Section 66-3-14, NMSA 1978 by adding Section G, which requires the Department to create a “distinctive motorcycle validating sticker” to signify that a person eighteen or older operating that motorcycle or any of that operator’s passengers are not required to wear a safety helmet while operating or riding that motorcycle. These “distinctive motorcycle validating stickers” are issued upon payment of a \$692.00 fee outlined in Section 2 of the bill.

Section 2 of the bill amends Section 66-6-1 to provide for the annual payment of fees for the “distinctive motorcycle validating stickers and that those fees shall be distributed:

- a. \$473.90 to the trauma system fund
- b. \$135.40 to the brain injury services fund
- c. \$67.70 to the fatal-injury diagnosis and reporting fund; and
- d. \$15.00 as otherwise provided by law

The fee for a “standard validating [motorcycle] sticker” is \$15.00.

Section 3 of SB 308 is new material that creates the non-reverting Fatal Injury Diagnosis and Reporting Fund to be administered by the University of New Mexico School of Medicine on behalf of the state medical investigator.

Section 4 of SB 308 amends 66-7-356 requires those operating a motorcycle affixed with a “standard validating sticker”, including persons under the age of eighteen and operators and passengers age eighteen or older, to wear a helmet. This section also reiterates that those 18 or older and their 18 and older passenger operating a motorcycle with a “distinctive motorcycle validating sticker” are not required to wear a helmet.

Section 4 also provides for the director to adopt rules and regulations establishing standards specifications for acceptable helmets.

Section 5 of SB 308 provides new penalties for Failure to wear a motorcycle safety helmet, 1<sup>st</sup> violation \$300.00, and subsequent violation \$600.00

**FISCAL IMPLICATIONS N/A**

**SIGNIFICANT ISSUES**

Under SB 308 helmets are still required for those 18 and under. However, there is an additional requirement of having a “standard sticker” for the motorcycle. The significance of SB 308 is the new requirement of a “distinctive motorcycle validating sticker” with much larger fees for those 18 and older who choose to ride without helmets or carry passengers 18 or over without helmets.

The costs appear to be geared toward funds designed to address injuries that may be sustained by individuals involved in motorcycle accidents while not wearing helmets. Presumably these funds defray costs that would ordinarily be absorbed from these types of injuries and go toward preventative measures, thereby benefiting the public at large from having to pay for injuries sustained by individual who chose to ride motorcycles without taking the additional safety precaution of wearing a helmet.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**