

<b>LFC Requester:</b>	<b>Caroline Monroe</b>
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**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:*

**Original**     **Amendment**    \_\_\_\_\_    **Date** February 4, 2015  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_    **Bill No:** SB 428

**Sponsor:** Sen. Phil A. Griego    **Agency Code:** Attorney General's Office  
**Short**    Use Handheld While Driving    **Person Writing**    Tony Long, AAG  
**Title:**    a Commercial Vehicle    **Phone:** 505/222-9020    **Email**    tlong@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: This bill, relates to Commercial Driver’s Licenses; defines texting while driving as a serious traffic violation; disqualifies a person from driving a commercial vehicle for life if convicted of using any motor vehicle in the commission of certain felonies; prohibits the use of a handheld mobile communication device while driving a commercial motor vehicle; and adds a penalty.

In §66-5-54(F), the definition of director is changed from the “director of the motor vehicle” to the “director of the division of the department”.

Section 66-5-54(T)(8) now defines texting while driving as a “serious traffic violation.”

Section 66-5-54(T)(9) now defines use of a handheld mobile communication device while driving a commercial motor vehicle as a “serious traffic violation.”

The subsections of §66-5-54(T) ten through thirteen are renumbered to accommodate the two new definitions.

Section 66-5-68(E) changes one of the disqualifying convictions to “...if the person is convicted of using a motor vehicle in the commission of any felony...” from “...if the person uses a commercial motor vehicle in the commission of a felony...”

Section 66-8-116(A) now provided for a \$25.00 penalty assessment for the first violation of texting while driving and a \$50.00 penalty assessment for any subsequent violation. The section also provides for a \$25.00 penalty assessment for use of a handheld mobile communication device while driving a commercial motor vehicle.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

None

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship – HB 32

Conflict – HB 32 – HB 32 changes the word director to secretary. It is possible that this is a different designation used by other bills.

Relationship – SB 269

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

N/A

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

Status quo

**AMENDMENTS**

N/A