

<b>LFC Requester:</b>	<b>Ismael Torres</b>
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**AGENCY BILL ANALYSIS  
2019 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**      
**Correction**     **Substitute**   

**Date** 02/05/19  
**Bill No:** HB 457

**Sponsor:** HOCHMANVIGIL,                      **Agency Code:** 264  
**Short**            REVISION MOTOR                      **Person Writing**            RVAZQUEZ  
**Title:**            VEHICLE CODE PENALTIES                      **Phone:** 5056708484                      **Email** ROSANNACVAZQU

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
0			

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
0	0	0	NON	

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY19</b>	<b>FY20</b>	<b>FY21</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**

**BILL SUMMARY**

Synopsis:

HB 457 seeks to amend NMSA Section 66-5-30 to no longer allow the Division to suspend a license and amends to “an administrative suspension” in the following instances:

1. Has failed to appear as a result of a signed promise to appear in court or a notice to appear in court as a result of a charge or conviction of the Motor Vehicle Code; or
2. Has failed to pay a penalty assessment in Court as a result of a conviction in violation of the Motor Vehicle Code. Pgs. 2, lines 20-25, pg. 3 lines 1-3.

Rather than a suspension by the Division, the Division **MAY** issue an “administrative suspension,” in the instances set forth above and adds compliance with terms of a citation in a foreign jurisdiction, and notification to a foreign jurisdiction of non-compliance with a citation. Pg. 3, lines 8-25, Pg. 4, lines 2-9.

The effect of the administrative suspension vs. a suspension is the requirement of an administrative hearing within department prior to a licensed being deemed “administratively suspended.”

To further the amendment of “suspension” to “administrative suspension” the bill amends NMSA 66-5-39 – Driving While License Suspended-Penalties. Currently the law requires a minimum four-day incarceration when driving on a suspended license. The bill amends the language:

1. From mandatory language of “shall” to “may” for imposition of a penalty of incarceration; Pg. 5, lines 15-21.
2. Amends the maximum time frame of incarceration from 365 to 90 days maximum (Pg. 5, lines 15-21); and
3. Deletes the language “or may be imposed in addition” the additional requirement of a penalty, to “or” on payment of a fine, as penalty for the crime. Pg. 5, lines 15-21.
4. Amends the amount of the fine from \$1,000.00 to \$300.00. Pg. 5, lines 15-21.
5. Deletes the entire paragraph wherein extension of a suspension is required when there

is a conviction. Pg. 6, lines 13-15

Administrative Suspension under this amendment is a “penalty assessment misdemeanor”.  
Section NMSA Section 66-5-39.2. See Pg. 6, lines 18-24

**FISCAL IMPLICATIONS:**

**SIGNIFICANT ISSUES:**

This is a change in venue from the court system and mandatory jail time to administrative hearing and a minimal fine.

**AMENDMENT LANGUAGE - NA**

**PERFORMANCE IMPLICATIONS – NA**

**ADMINISTRATIVE IMPLICATIONS - NA**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - NA**

**TECHNICAL ISSUES -NA**

**OTHER SUBSTANTIVE ISSUES - NA**

**ALTERNATIVES - NA**

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

Status quo.

**AMENDMENTS:**

Not at this time.