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 **New Mexico Legislative Update 2015**

The following legislation, passed by the 2015 legislature and signed into law by New Mexico Governor Susana Martinez, may be of interest to the Traffic Safety community.

Note: June 19, 2015 is the effective date of legislation not carrying an emergency clause or other specified date.

Transportation

**HB 65 — Autocycle in Motor Vehicle Code**

* Author: Carl Trujillo (D)
* Summary: Defines "autocycle" and requires autocycles to be registered as motorcycles and have proof of financial responsibility, but a driver is not required to have a motorcycle endorsement to operate an autocycle or to wear a helmet.

**HB 91 — Drivers Education Insurance Reduction Age**

* Author: Tomás Salazar (D)
* Summary: Lowers the minimum age for drivers to take a non-profit driving class to reduce their insurance rates from 55 to 50 years of age.  Effective July 1, 2015.

**SB 125 — County Roads Speed Limits**

* Author: Pat Woods (R), Dennis Roch (R)
* Summary: Changes speed limits on county roads without posted speed limits to 55 mph. Effective January 1, 2016.

##### Law Enforcement

**HB 431 — Mounted Patrol Concealed Firearms Fees**

* Author: Bob Wooley (R)
* Summary: Provides exceptions to the fee and firearms training course requirements of the Concealed Handgun Carry Act for current members of the NM Mounted Patrol and the military. Provides for background checks for law enforcement officers applying for concealed handgun licenses.

**HB 560 – Forfeiture Act**

* Author: Zachary Cook (R)
* Summary: This bill eliminates the concept of "civil" asset forfeiture. Property can only be seized after there has been a criminal conviction. The proceeds from the sale of forfeited and abandoned property and currency must be deposited in the general fund. Effective July 1, 2015

**SB 95 — Reorganize Department of Public Safety**

* Author: Sander Rue (R)
* Summary: Places the Special Investigations Division and the Motor Transportation Division under the New Mexico State Police and changes the name of the Training and Recruiting Division to the New Mexico Law Enforcement Academy. Effective July 1, 2015.

**SB 83 — Criminal Sentencing Act Technical Corrections**

* Author: Jacob Candelaria (D)
* Summary: Those convicted of a second violent sexual offense receive a sentence of life imprisonment, exceptions.

##### Public Safety

**HB 174 – Amber Alerts to Pagers and Cell Phones**

* Author: Sarah Maestas Barnes (R)
* Summary: Requires cell phone and pager companies to issue Amber Alerts to customers. Effective July 1, 2015.

**HB 328 —No Alteration or Sale of Counterfeit Airbags**

* Author: Bill Rehm (R)
* Summary: Prohibits and provides penalties for installing counterfeit or non-functional airbags in vehicles. Effective July 1, 2015.

**SB 398 — Running At Large Of Livestock**

* Author: Pete Campos (D)
* Summary: County commissioners may make an order prohibiting the running at large of livestock within the town limits, conservancy or irrigation district, or a military reservation and shall publish the order once each week for four consecutive weeks in a newspaper published in the county where the petition has been filed.

**SB 433 – Include E-Cigarettes in Tobacco Products Act**

* Author: John Ryan (R)
* Summary: Regulates e-cigarettes, liquid nicotine and packaging, prohibits sale and gift to minors. A minor who purchases these products can be fined up to $100 or 48 hours community service. An adult who sells these products to a minor can be fined up to $1000. **Temporary Provision**--Not later than August 1, 2015, the public education department shall revise its tobacco, alcohol and drug free school districts policy to include e-cigarettes and nicotine liquid containers, as defined in Section 30-49-2 NMSA 1978.

##### Crime Victims

**HB 142 — Unauthorized Distribution of Sensitive Images**

* Author: Brian Egolf (D)
* Summary: Makes unauthorized distribution of sensitive images a misdemeanor. A second or subsequent conviction is a fourth degree felony. Effective July 1, 2015.

**SB 510 – Crime Victims Reparations Time and Fees**

* Author: Bill O’Neill (D)
* Summary: Enables the Crime Victims Reparation Commission (CVRC) to enhance services to victims of violent crimes such as payment for medical expenses, lost wages, counseling, and funeral expenses; improves CVRC’s ability to help victims of misdemeanor crimes. Allows victims to apply for services after the two-year timeline expires, if they can show good cause. Also, courts shall order anyone convicted of a misdemeanor a $50 penalty assessment and anyone convicted of a felony a $75 penalty assessment. Effective July 1, 2015.

##### Alcohol

**HB 204 – Liquor Excise Tax Distributions**

* Author: Carl Trujillio (D)
* Summary: Clarifies the distribution of the Liquor Excise Tax, repeals and amends some sections. Gives monies to the DWI Grant Fund and the Lottery Tuition Fund.
* A distribution to the local DWI grant fund in an amount equal to the following percentages of the net receipts of the liquor excise tax: (1) prior to July 1, 2015, 41 ½%; (2) from July 1, 2015 through June 30, 2018, 46%; and (3) on and after July 1, 2018, 41 ½% percent.
* A distribution of $20,750 monthly from the net receipts of the liquor excise tax shall be made to a municipality that is located in a Class A County and that has a population of more than 30,000 but less than 60,000. The distribution shall be used by the municipality only for the provision of alcohol treatment and rehabilitation services for street inebriates.
* From July 1, 2015 through June 30, 2017, a distribution of 39% of the net receipts of the liquor excise tax shall be made to the lottery tuition fund. Effective July 1, 2015.

**HB 243 — Liquor Licenses and Definitions**

* Author: Debbie Rodella (D)
* Summary: Revises the definition to include frozen and powdered alcohol, adds ‘growler’ and ‘cider’, revises application requirements, public hearings, sale, service, production of alcohol, transfer of licenses reconciling conflicting amendments to the same section of law. Effective July 1, 2015.

**HB 335 — Liquor Control Tasting Permit Violations**

* Author: Jim Trujillo (D)
* Summary: Revises the Liquor Control Act to provide penalties for violations of tasting permit provision: from up to a $1,000 and/or a two month restriction on tastings permits up to a fine of $5000 and a one year restriction on tastings for a third violation within a year of the first violation. Effective July 1, 2015.

**HB 478 — Staggered Liquor License Renewal Dates**

* Author: Jim Trujillo (D)
* Summary: Revises the Liquor Control Act to provide prorated fees and staggered renewal dates.

**HB 489 — Internet Wine Sales**

* Author: Donna Irwin (D)
* Summary: Revises the Liquor Control Act to allow winegrowers to make internet sales. Effective July 1, 2015.

**SB 238 — Craft Brewer Licenses**

* Author: Sue Wilson Beffort (R)
* Summary: Allows brewers and winegrowers to hold a restaurant dispenser’s and limited wholesaler’s licenses. Effective July 1, 2015.

**SB 440 — Small Brewer and Winegrower Reciprocity**

* Author: Richard Martinez (D)
* Summary: Revises the Liquor Control Act to create retail reciprocity between small breweries and wine growers, reconciles conflicting amendments to the same section of law. Effective July 1, 2015.

**SB 241 — Certain Liquor License Transfer Limits**

* Author: Phil Griego (D)
* Summary: Amends the Liquor Control Act to provide for limits on transfers of dispenser’s and retailer’s licenses to local option districts.

**Bills that were not enacted during the 2015 session included ones to:**

* allow driver’s licenses for some people with only one DWI,
* suspend driver’s licenses of truant students,
* require motorcycle riders to wear helmets
* give liquor tax proceeds to support the homeless,
* decrease marijuana possession penalties,
* convict under-21s of DWI if they have any alcohol in their bodies,
* increase the requirements for removing an interlock,
* allow beer and wine delivery licenses,
* give $750,000 of LDWI funding to support drug courts, and
* require GPS and security on school busses.