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HOUSE BILL 403

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING AN EXCEPTION TO
DISCLOSURE OF CERTAIN INFORMATION ON ACCIDENT REPORT FORMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-7-209 NMSA 1978 (being Laws 1978,
Chapter 35, Section 398, as amended) is amended to read:

"66-7-209. ACCIDENT REPORT FORM.--

A. The [~~state highway and~~] department of
transportation [~~department~~] shall prepare and, upon request,
supply to police departments, district medical investigators,
sheriffs, garages and other suitable agencies or individuals
forms for accident reports required under Section 66-7-207 NMSA
1978 appropriate with respect to the persons required to make
the reports and the purposes to be served. The written reports
to be made by persons involved in accidents and by investigating

underscoring material = new
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underscored material = new
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1 officers shall call for sufficiently detailed information to
2 disclose with reference to a traffic accident the cause,
3 conditions then existing and the persons and vehicles involved.
4 The report of the investigating officer shall also state
5 whether the persons involved in the accident have motor vehicle
6 or automobile liability insurance and the name and address of
7 each insurance carrier.

8 B. Every accident report required to be made in
9 writing shall be made on an appropriate form approved by the
10 [~~state highway and~~] department of transportation [~~department~~]
11 in conjunction with the New Mexico state police division of the
12 [~~public safety~~] department of public safety and shall contain
13 all of the information required on the form unless not
14 available.

15 C. Every accident report shall also contain
16 information sufficient to enable the [~~state highway and~~]
17 department of transportation [~~department~~] to determine whether
18 the requirements for the deposit of security under any of the
19 laws of this state are inapplicable by reason of the existence
20 of insurance or other exceptions specified therein.

21 D. Notwithstanding the provisions of the Inspection
22 of Public Records Act and except as provided in Subsection E of
23 this section, unless a person requests inspection of an
24 accident report by use of a name of an involved person, the
25 following information regarding the accident that is the

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1 subject of the report shall be redacted from information
2 disclosed from or on an accident report form:

3 (1) the names, addresses, social security
4 numbers and driver's license numbers for the persons involved
5 and witnesses;

6 (2) contact information, including residential
7 addresses, mailing addresses and phone numbers, for the persons
8 involved and witnesses; and

9 (3) vehicle identification number and license
10 plate designation for a motor vehicle involved.

11 E. An accident report may be inspected or copied
12 without redaction by any of the following:

13 (1) a party involved in the accident;

14 (2) a legal representative of a party involved
15 in the accident, including an attorney or an attorney's
16 representative;

17 (3) a licensed insurance agent of a party
18 involved in the accident;

19 (4) an insurance carrier using the accident
20 report for an insurance-related purpose;

21 (5) a person or entity under contract with:
22 (a) an insurer to provide claims or
23 underwriting information, including an insurance support
24 organization;

25 (b) a law enforcement agency; or

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~~[bracketed material] = delete~~

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(c) a government entity for vehicle history purposes;
(6) a licensed private investigator; and
(7) any local, state or federal agency that is authorized by law to have access to accident reports."