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## FISCAL IMPACT REPORT

SPONSOR:     Martinez                        DATE TYPED:     2/18/03     HB     504    

SHORT TITLE:     School Bus Accident Investigation     SB                     

ANALYST:     L. Baca    

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From  
State Department of Education (SDE)

### SUMMARY

#### Synopsis of Bill

House Bill 504 designates the Transportation Division of the State Department of Education (SDE) as an approved accident investigation unit for school bus crashes, provides for the confidentiality of records, and creates a new section of the NMSA 1978.

#### Significant Issues

HB 504 directs the SDE's Transportation Division to collect and analyze data related to school bus crashes and their causes in order to make improvements in school bus safety operations. The Division is to receive, upon request, assistance and data from any department, division, board, bureau, commission or other agency of the state, any political subdivision of the state or any public or private hospital that will enable the division to carry out investigations relating to school bus crashes and their causes.

The bill provides that the privacy of crash victims must be protected in a disclosure to the division; the division is directed to identify a victim by a case number and not by name. The bill further provides that all records of the division that are related to its operations as an approved accident investigation unit shall be confidential and not be available to any person other than an employee of the division. An employee of the division charged with the custody of the records is

not required to produce them or evidence of anything contained in them in a legal action or other proceeding.

## **CONFLICT**

The SDE reports three potential conflicts between HB 504 and:

Section 66-7-507 NMSA 1978, which provides that the Traffic Safety Bureau of the State Highway and Transportation Department is authorized to designate the practices of any accident-investigation unit. HB 504 appears to give the same type of authority to SDE's Transportation Division.

Section 66-7-508 NMSA 1978 provides that records of an approved accident-investigation unit shall be confidential and shall not be available to any person other than a member or employee of the unit, and the employee charged with keeping the records may not release them nor may they be used in any legal action or proceedings. HB 504 contains similar language and applies it to SDE's Transportation Division. Will the two state units be precluded from sharing accident investigation information?

Section 66-7-509 NMSA 1978 requires that an "approved accident-investigation unit shall make an annual report to the Traffic Safety Bureau, the Governor and the Legislature not later than January 1 of the calendar year following such designation of approval, and this report shall contain the unit's findings and recommendations as to the formulation of effective methods and means to reduce motor vehicle accidents." These provisions could be construed to require the disclosure of information deemed confidential by the unit's employees.

## **POSSIBLE QUESTIONS**

1. Is the primary purpose of the bill to improve school bus safety?
2. How will enacting this bill help improve school bus safety?
3. Will being designated as an authorized accident-investigating unit requires additional staff at SDE?
4. Is the SDE's Transportation Division staff trained to perform the duties assigned by this bill?

**LRB/sb**