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FISCAL IMPACT REPORT

ORIGINAL DATE 03/07/11

SPONSOR HTPWC LAST UPDATED _____ HB 216/HTPWCS

SHORT TITLE Non-Disclosure Accident Report Form Info SB _____

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		See Narrative	See Narrative			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Transportation and Public Works Committee Substitute for House Bill 216 would provide for an exception to disclosure of certain information on accident report forms. The name, address, social security number and driver's license number for the persons involved; contact information including residence, mailing address and phone number; and vehicle identification number and license plate designation for vehicle involved would be redacted unless a person requests inspection of an accident report by use of a name of an involved person or is included in a specified list of persons and organizations who would have access to the unredacted information.

FISCAL IMPLICATIONS

House Bill 216 contains no appropriation. The DOT states that the fiscal implications would involve clerk hours to modify data to meet the redaction requirements of the bill. Assuming an hourly cost of \$25.00 including benefits, every 100 hours of redaction activity would cost \$2,500 dollars, assuming redaction decisions would be entrusted to a clerk.

SIGNIFICANT ISSUES

When motor vehicle crashes occur, law enforcement agencies throughout New Mexico are required to complete and submit a copy of the State of New Mexico Uniform Crash Report to the New Mexico Department of Transportation (NM DOT) Traffic Records Program. This information is compiled into a crash data system and is available for inspection and copying by the general public upon request.

The following persons or entities most frequently request the crash data: traffic engineers, insurance companies, law firms, individuals involved in the crash, and CARFAX. In addition, data sets are sent to University of New Mexico Division of Government Research, a NM DOT contractor that is tasked with the responsibility of assisting the NM DOT traffic records program with aggregating the compiled crash data and conducting a statistical analysis which is then submitted to the National Highway Traffic Safety Administration to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

According to the DPS, the most significant issues presented by the proposed legislation are the facial conflicts with existing sections of the NMSA. Notably, these exceptions are NMSA 1978, §29-2-25, accident reports and NMSA 1978, §29-10-7(5). Both of these sections make it clear that accident reports are public and shall not be redacted or changed.

The DPS notes further that there are potential, tremendous administrative implications for the New Mexico Department of Public Safety from passage of the proposed legislation. Current law in the form of NMSA 1978, §29-2-25 and NMSA 1978, §29-10-7 make it clear that accident reports are to be provided to the public without redaction. Requiring the Department to now redact this information would likely require many additional hours of work by FTE. Additionally, it should be noted that this impact would be felt by any agency that was required to produce an accident report and redact the information.

CONFLICT

The DPS has pointed out that there is conflict, with NMSA 1978, §29-2-25 and NMSA 1978, §29-10-7(5) which require release of accident information without redaction.

TECHNICAL ISSUES

The DOT has noted that a definition is needed for the term “involved person” and suggests: An “Involved Person” is anyone involved in or at the scene of an accident: passenger, witness, first responders, EMS, investigating Law Enforcement officer, or Office of the Medical Investigator etc..

The DPS, has reported that the technical issue referenced above in Significant Issues is the facial disparity between this section and current sections of law. It should be noted that the proposed legislation seeks to amend a section of the Act, which purportedly would only apply to the New Mexico Department of Transportation. Additionally, the proposal states, “notwithstanding the Inspection of Public Records Act,” but the Inspection of Public Records Act does not specifically address accident reports. The two sections referenced above, Sections 29-2-25 and 29-10-7(5) both provide that accident reports shall be provided as public records. The proposed language in House Bill 216 is facially in conflict with existing law.

GH/bym:svb