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FISCAL IMPACT REPORT

SPONSOR Larrañaga ORIGINAL DATE 01/30/12
LAST UPDATED _____ HB 195
SHORT TITLE Car Accident Report Confidentiality SB _____
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0 - \$100.0			Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)
Administrative Office of the Courts (AOC)
Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 195 (HB 195) amends the Motor Vehicle Code to create a "safe harbor" period of 60 days from the date of the filing of an accident report during which the accident report cannot be released, with exceptions. Generally, the exceptions deal with non-commercial purposes.

The bill provides penalties for requesting an accident report or soliciting clients arising out of an accident report for financial gain.

The bill makes minor technical adjustments to existing language to conform statute to today's terms.

FISCAL IMPLICATIONS

This bill could cause additional cases to be filed in appropriate jurisdictions.

For persons involved in activities in the bill not previously barred by law, a misdemeanor violation could result in one year of jail, a \$100 fine, or both, and a fourth degree felony conviction could result in 18 months of jail, a \$5,000 fine, or both.

SIGNIFICANT ISSUES

This bill amends Section 1 of the Motor Vehicle Code to provide a sixty-day period of non-disclosure of accident reports by public employees to persons or their agents seeking commercial gain from information obtained in an accident report. A violation of this provision is a misdemeanor offense. Exceptions include making the report immediately available to parties involved in a crash and their legal representatives, their insurers, prosecutors, victim services, radio/TV stations, and newspapers publishing legal notices.

The bill further enacts a new section of the Motor Vehicle Code and creates a fourth degree felony offense to give any form of compensation to secure a client or to be recommended to a potential client. This new section does not reference a time period.

TECHNICAL ISSUES

The AGO notes the bill refers in error to Section 66-7-8 NMSA for parameters of misdemeanor punishment. Such language is found in Section 66-8-7 NMSA.

OTHER SUBSTANTIVE ISSUES

Section 2A creates a misdemeanor offense if a person merely *requests* a report be released for ostensible commercial gain during the sixty-day non-disclosure period.

Sections 2B (2) could bar any form of advertising which might secure a client, for any period of time, including but not limited to, events arising out of a motor vehicle accident.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Accident victims must choose to refuse unwanted solicitation when approached by commercial interests.

AHO/lj