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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/18/13

SPONSOR Rehm LAST UPDATED \_\_\_\_\_ HB 403

SHORT TITLE Accident Report Form Info Disclosure SB \_\_\_\_\_

ANALYST Cerny

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Transportation (DOT)  
 Taxation and Revenue Department (TRD)  
 Department of Public Safety (DPS)  
 Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

House Bill 403 (HB 403) amends Section 66-7-209 of the Motor Vehicle Code, which governs the form of accident reports that are required to be filed with the Department of Transportation (DOT) under Section 66-7-207. The proposed amendment would require certain information to be redacted from an accident report before the report was made available for public inspection.

HB 403 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.

This information 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 entities listed in the bill.

These are: a party involved in the accident or their legal representative; a licensed insurance agent of a party involved in the accident; an insurance carrier using the accident report for an insurance-related purpose; a person or entity under contract with an insurer to provide claims or underwriting information, including an insurance support organization, a law enforcement agency or a government entity for vehicle history purposes; a licensed private investigator; and any local, state or federal agency that is authorized by law to have access to accident reports.

### **FISCAL IMPLICATIONS**

HB 403 contains no appropriations. The Taxation and Revenue Department (TRD), the Department of Public Safety (DPS) and the DOT all state the bill has no significant impact on their agencies.

### **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 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.

### **TECHNICAL ISSUES**

HB 403 conflicts with Section 29-10-7(A)(5) of the Arrest Record Information Act, which requires that information in accident reports be available for public inspection.

### **AMENDMENTS**

A definition is needed for the term “involved person.” The DOT in previous analysis suggests the following language: 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.

Analysis of HB 403 by the Attorney General’s Office (AGO) states that HB 403 requires certain information to be redacted from an accident report unless the requester is “excepted under subsection E of the bill or ‘a person requests inspection of an accident report by use of a name of an involved person.’ If the quoted language were applied literally, anybody could request and receive unredacted reports as long as the requester used the name of a person who was involved in the accident. If the quoted language were deleted, the bill would effectively limit the persons given access to unredacted copies of accident reports to those covered by the exceptions listed in subsection E.”

### **OTHER SUBSTANTIVE ISSUES**

Numerous states are enacting privacy and identity protection laws that prohibit or limit the use of social security numbers in state records. The National Conference of State Legislatures (NCSL) website contains more information may be found here: <http://www.ncsl.org/issues-research/banking/social-security-number-2010-legislation.aspx>