

## Opinion No. 52-5493

February 14, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Chas. P. Dunwiddie Traffic Director The Governor's Traffic Safety Coordinating Committee P. O. Box 1641 Santa Fe, New Mexico

{\*207} I regret very much that your letter of November 28, 1951, was mislaid in the office and for that reason the delay in giving you a written opinion on your request:

Your first question is:

"a. Should the records of accidents, as reported to the Bureau of Revenue, Drivers License Department, which are now held and in use by the Traffic Section of the Governor's Traffic Safety Co-ordinating Committee, be subject to inspection and be made available for copying to Insurance Investigators and the Public (Chapter 68, Section 529, Motor Vehicle Laws)."

It is my opinion that nothing in either Sec. 69-529 of 1941 New Mexico Statutes Annotated or Ch. 38 New Mexico Session Laws of 1947 makes it mandatory or even discretionary on your department to allow the inspection of its original records or any records of automobile accidents to insurance investigators and the public. Prior to the passage of Chapter 38 New Mexico Session Laws of 1947 all reports of accidents were for the information {\*208} of the department and not open to public inspection; however, after the passage of Chapter 38 of the Laws of 1947 the Legislature made it mandatory on the New Mexico State Police Department to allow any person, that would include any insurance investigator and the public, to obtain photostatic copies of such original motor vehicle accident reports in the custody of the State Police Department, providing that such individual or company make written application, accompanied by a fee of 50c, for the photostat of each surface of all documents comprising the report.

Chapter 38 of the Laws of 1947 does not make it mandatory for the Bureau of Revenue, Drivers' License Department, or your coordinating Committee, which now holds the records of accidents, to be subject to inspection by any individual or the public and no insurance investigator or the public is permitted or allowed to inspect or copy the records held by your committee.

Your second question is:

"b. Under the Section governing Reports of accidents investigated by the New Mexico State Police, is it within the law in compiling such reports, to issue photostatic copies of said Reports where a statement explaining the accident is a part of the Report (Chapter 38 of Laws of New Mexico of 1947)."

I assume by your second question that you desire to know whether your Coordinating Committee is bound to make and issue these photostatic copies of accident reports, where a statement explaining the accident is part of the report. It is my opinion that the making of and issuing of photostatic copies of the original report is mandatory on the State Police Department but Chapter 38 of the New Mexico Session Laws of 1947 does not make it mandatory upon your committee to make or issue photostatic copies of the original accident reports.

It is, therefore, my opinion that your committee is not compelled by Chapter 38 New Mexico Session Laws of 1947 to issue photostatic copies of accident reports or a statement explaining the accident as part of the report to anyone but the State Police Department is compelled to do so.

I trust that this fully answers your inquiry.