

Opinion No. 67-87

June 29, 1967

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. Robert R. Salazar Commissioner Department of Motor Vehicles State Capitol Santa Fe, New Mexico

QUESTION

FACTS

Section 64-17-6, N.M.S.A., 1953 Compilation (N.M. Laws 1953, Ch. 139, § 44) requires the driver of a vehicle involved in an accident resulting in property damage to an apparent extent of \$ 25 or more to notify local law enforcement officers. Section 64-17-6, supra, was amended by N.M. Laws 1967, Ch. 12, § 1, which requires notification of an accident to local law enforcement officers if property damage is \$ 100 or more.

Section 64-17-7, N.M.S.A., 1953 Compilation (N.M. Laws 1953, Ch. 139, § 45), requires the driver of a vehicle involved in an accident resulting in total property damage to an apparent extent of \$ 25 or more to forward a written report of the accident to the Department of Motor Vehicles. Section 64-17-7, supra, also requires every law enforcement officer investigating the accident to forward a written report to the Department of Motor Vehicles. Section 64-17-7, supra, has not been amended.

QUESTIONS

1. What are the duties and responsibilities of the Department of Motor Vehicles with regard to administration of Section 64-17-7, supra?
2. For purposes of application of the New Mexico Financial Responsibility Law, is the extent of property damage to be based on \$ 25 or \$ 100?

CONCLUSIONS

1. The driver of a vehicle involved in an accident must report the accident to the Department of Motor Vehicles if total property damage is \$ 25 or more and every law enforcement officer investigating the accident must forward a written report of the accident to the Department of Motor Vehicles.
2. \$ 100.

OPINION

{*125} **ANALYSIS**

Because Section 64-17-7, supra, has not been amended, it is still in effect. N.M. Laws 1967, Ch. 12, § 1, which amended Section 64-17-6,, supra, has no effect upon the application or meaning of Section 64-17-7, supra. The driver of a vehicle involved in an accident resulting in total property damage to the apparent extent of \$ 25 or more must, therefore, forward a written report of the accident to the Department of Motor Vehicles. Moreover, every law enforcement officer investigating the accident must forward a written report of the accident to the Department of Motor Vehicles. Section 64-17-7, supra.

Section 64-24-45, N.M.S.A., 1953 Compilation (1965 P.S.) specifically provides that the act (Sections 64-24-42 through 64-24-104, N.M.S.A., 1953 Compilation) requiring deposit of security and filing of proof of financial responsibility shall apply to the driver and owner of a vehicle involved in an accident only if the accident results in damage to the property of any one person in excess of one hundred dollars. The New Mexico Financial {*126} Responsibility Law, therefore, applies only if the extent of property damage is in excess of one hundred dollars.

By: Edward R. Pearson

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