



## ALBUQUERQUE PUBLIC SCHOOLS

### NOTIFICATION OF RESPONSIBILITIES AND LIABILITIES WHEN TRANSPORTING STUDENTS

District fleet liability insurance does not extend to the use of private vehicles by parents, faculty members, and other staff who transport students on field trips, athletic events or other school sponsored activities. Drivers transporting students may be liable for injuries to those passengers in the event of an accident.

The New Mexico Financial Responsibility Act (§§ 66-5-201 through 66-5-239 NMSA 1978) requires residents of New Mexico who own and operate motor vehicles upon the highways of the state either to have the ability to respond in damages to accidents arising out of the use and operation of a motor vehicle or to have a motor vehicle liability insurance policy as described on the reverse of this form. Persons transporting students must comply with this law.

In addition, New Mexico law (§66-7-372 NMSA 1978) requires every person to have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway. Further, the New Mexico Child Restraint Act (§66-7-369 NMSA 1978) requires that each person less than twelve years of age be properly secured in an approved child passenger restraint device or by a safety belt depending on the child's age as described on the reverse of this form. Persons transporting students must also comply with the requirements of this law.

District Policy G.13 *Background Investigations* requires volunteers with unsupervised access to students to successfully pass a background investigation conducted through APS Human Resources. This requirement applies to volunteer chaperones transporting students in private vehicles.

City ordinance prohibits passengers from being transported in the cargo area of a pick-up truck.

	Yes	No
I have read the above and understand my liabilities and responsibilities.		
My vehicle is insured per New Mexico law by: <i>Must attach copy of certificate</i>		
My vehicle has seatbelts or child restraint devices for each student.		
I have a current, valid driver's license. Number: <i>Must attach copy of license</i>		
My vehicle is in safe mechanical condition to transport students.		
I have successfully passed an APS background check. <i>Verification form attached</i>		
I agree to comply with all traffic laws, ordinances and regulations.		

School: \_\_\_\_\_

Activity/Purpose of Trip: \_\_\_\_\_

Vehicle Owners Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature of Driver: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Principal: \_\_\_\_\_ Date: \_\_\_\_\_

## EXCERPTS FROM APPLICABLE LAWS

### § 66-5-208 NMSA (1978) – EVIDENCE OF FINANCIAL RESPONSIBILITY, AMOUNTS AND CONDITIONS

"Evidence of financial responsibility," as used in the Mandatory Financial Responsibility Act [ 66-5-201 to 66-5-239 NMSA 1978], means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

- A. twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one person in any one accident;
- B. subject to this limit for one person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident;
- C. ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident; and
- D. if evidence is in the form of a surety bond or a cash deposit, the total amount shall be sixty thousand dollars (\$60,000).

### § 66-7-372 NMSA (1978) – SAFETY BELT USE REQUIRED

- A. Except as provided by Section 66-7-369 NMSA 1978 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway.

### § 66-7-369 NMSA (1978) - CHILD PASSENGER RESTRAINT

- A. A person shall not operate a passenger car, van or pickup truck in this state, except for an authorized emergency vehicle, public transportation or a school bus, unless all passengers less than eighteen years of age are properly restrained.
- B. Each person less than eighteen years of age shall be properly secured in a child passenger restraint device or by a safety belt, unless all seating positions equipped with safety belts are occupied, as follows:
  - (1) children less than one year of age shall be properly secured in a rear-facing child passenger restraint device that meets federal standards, in the rear seat of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag;
  - (2) children one year of age through four years of age, regardless of weight, or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards;
  - (3) children five years of age through six years of age, regardless of weight, or children who weigh less than sixty pounds, regardless of age, shall be properly secured in either a child booster seat or an appropriate child passenger restraint device that meets federal standards; and
  - (4) children seven years of age through twelve years of age shall be properly secured in a child passenger restraint device or by a seat belt.
- C. A child is properly secured in an adult seat belt when the lap belt properly fits across the child's thighs and hips and not the abdomen. The shoulder strap shall cross the center of the child's chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.

## SUMMARY OF CHILD RESTRAINT ACT REQUIREMENTS

Age/Weight of Child	Less than one year of age	One year of age through four years of age, or	Five years of age through six years of age, or	Seven years of age through twelve years
		Children who weigh less than forty pounds	Children who weigh less than sixty pounds	
Seating Requirement	Rear-facing child passenger restraint device in the rear seat	Child passenger restraint device	Child booster seat or an appropriate child passenger restraint device	Child passenger restraint device or seat belt

### § 8-2-1-27 (Albuquerque Code of Ordinances 65-1974) UNLAWFUL RIDING -

It shall be unlawful for any person to ride or to permit another person to ride in or upon any portion of a vehicle not designated or intended for the use of passengers. This provision shall not apply to any person riding within truck bodies in space intended for merchandise.