

SENATE BILL 36

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING DISCLOSURE OF SENSITIVE PERSONAL INFORMATION BY STATE AGENCY EMPLOYEES; PROVIDING EXCEPTIONS; AMENDING THE MOTOR VEHICLE CODE; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 10 NMSA 1978 is enacted to read:

.229165.5AIC February 18, 2025 (3:05pm)

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"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Nondisclosure of Sensitive Personal Information Act"."

SECTION 2. A new section of Chapter 10 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Nondisclosure of Sensitive Personal Information Act:

A. "sensitive personal information" means an individual's:

(1) status as a recipient of public assistance or as a crime victim;

(2) sexual orientation, gender identity, physical or mental disability, medical condition, immigration status, national origin or religion; and

(3) social security number; and

B. "social security number" includes an individual tax identification number."

SECTION 3. A new section of Chapter 10 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SENSITIVE PERSONAL INFORMATION--EXCEPTIONS.--A state agency employee shall not intentionally disclose sensitive personal information acquired by virtue of the employee's position with a state agency to anyone outside the state agency except when such disclosure is:

A. necessary to carry out a function of the state

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agency;

B. necessary to comply with an order or subpoena issued by a court of this state or a United States district court;

C. required by the Inspection of Public Records Act;

D. required by federal statute;

STBTC→~~E. made to or by a court in the course of a judicial proceeding or made in a court record;~~←STBTC

STBTC→E. made to or by a court or administrative tribunal in the course of a judicial or administrative proceeding or made in a court or administrative tribunal record;←STBTC

F. made to a state contractor that needs the sensitive personal information to perform the contractor's obligations under the contract and has agreed in writing to be bound by the same restrictions on disclosure that are imposed on state employees by this section;

G. made pursuant to the Whistleblower Protection Act;

H. expressly permitted by the federal Health Insurance Portability and Accountability Act of 1996 and associated regulations; or

I. made with the written consent of the person whose information would be disclosed."

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SECTION 4. A new section of Chapter 10 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ENFORCEMENT--PENALTIES.--The attorney general, a district attorney and the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act. Penalties for a violation of that act shall be a civil penalty of two hundred fifty dollars (\$250) for each violation, but not to exceed five thousand dollars (\$5,000)."

SECTION 5. Section 66-2-7.1 NMSA 1978 (being Laws 1995, Chapter 135, Section 4, as amended by Laws 2007, Chapter 323, Section 31 and by Laws 2007, Chapter 324, Section 1) is amended to read:

"66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--CONFIDENTIAL.--

A. It is unlawful for any department or bureau employee or contractor or for any former department or bureau employee or contractor to disclose to any person other than another employee of the department or bureau any personal information about an individual obtained by the department or bureau in connection with a driver's license or permit, the titling or registration of a vehicle, the administration of the Ignition Interlock Licensing Act and the interlock device fund or an identification card issued by the department pursuant to the Motor Vehicle Code except:

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- (1) to the individual or the individual's authorized representative;
- (2) for use by any governmental agency, including any court, in carrying out its functions or by any private person acting on behalf of the government;
- (3) for use in connection with matters of motor vehicle and driver safety or theft; motor vehicle emissions; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; motor vehicle production alterations, recalls or advisories; and removal of non-owner records from original owner records of motor vehicle manufacturers;
- (4) for use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals;
- (5) for use by any insurer or insurance support organization or by a self-insured entity or its agents, employees or contractors in connection with claims investigation activities, antifraud activities, rating or underwriting;
- (6) for providing notice to owners of towed or impounded vehicles;
- (7) for use by an employer or its agent or

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insurer in obtaining or verifying information relating to a holder of a commercial driver's license;

(8) for use by any requester if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;

(9) for use by an insured state-chartered or federally chartered credit union; an insured state or national bank; an insured state or federal savings and loan association; or an insured savings bank, but only:

(a) to verify the accuracy of personal information submitted by an individual to the credit union, bank, savings and loan association or savings bank; and

(b) if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by pursuing legal remedies against or recovering on a debt or security interest from the individual;

(10) for providing organ donor information as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act or Section 66-5-10 NMSA 1978; or

(11) for providing the names and addresses of all lienholders and owners of record of abandoned vehicles to storage facilities or wrecker yards for the purpose of providing notice as required in Section 66-3-121 NMSA 1978.

B. It is unlawful for a department or bureau

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employee or contractor or for a former department or bureau employee or contractor to disclose to a federal, state or local governmental agency or nongovernmental entity for purposes of enforcing SJC→~~federal immigration laws~~←SJC SJC→the federal Immigration and Nationality Act, except felony criminal provisions of that act,←SJC any personal information about an individual obtained by the department or bureau in connection with a driver's license or permit, the titling or registration of a vehicle, the administration of the Ignition Interlock Licensing Act and the interlock device fund or an identification card issued by the department pursuant to the Motor Vehicle Code.

C. Whenever the department or the division enters into a contract with a nongovernmental entity for the disclosure of personal information pursuant to Subsection A of this section, the department or the division shall require that a nongovernmental entity that receives or has access to records or information from the department or division, including through a database or automated network, shall certify in writing to the department or division, before receipt of or access to the information, and as a condition of renewal of any agreement for such receipt or access, that the entity shall not use or disclose the records or information for the purpose of enforcing SJC→~~federal immigration law~~←SJC SJC→the federal Immigration and Nationality Act, except felony criminal

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provisions of that act←SJC . SJC→If the director of the motor vehicle division of the department determines a nongovernmental entity has used or disclosed records or information for the purpose of enforcing the federal Immigration and Nationality Act other than felony criminal provisions of that act, the director may revoke the nongovernmental entity's access to personal information pursuant to Subsection A of this section.←SJC

[B-] D. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978."

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.