

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/24/2025

Check all that apply:

Bill Number: SB65

Original Correction
Amendment Substitute

Sponsor: Sen. Katy M. Duhigg

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Consumer Solar Protection Act

Person Writing Analysis: Julie Ann Meade, GC
Phone: 505-537-7676
Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Section 1 creates the short title “Consumer Solar Protection Act.”

Section 2 of the bill creates definitions including: *consumer, consumer reporting agency, finance contract, power purchase agreement, repurchase, and residential solar energy system.*

Section 3 subsection (A) provides that all required permits be approved and displayed prior to beginning installation. Section 3(B) of the bill prohibits sellers of residential solar systems from making certain representations. Subsection (C) requires that upon the request of the consumer, a seller to provide a paper copy of any document the seller has proffered in electronic form. Subsection (D) prohibits sellers from requesting or accepting a power of attorney and provides any such power of attorney in violation of the subsection is void.

Section 4 of the bill provides that a residential solar system is considered operational if it is generating electricity. Subsection B provides several prohibitions regarding consumer payments if the system is not operational within 90 days after the first date of installation of solar panels.

Section 5 creates a private right of action and damages

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The residential solar energy industry has expanded significantly and federal and state regulators, including NMDOJ, receive voluminous complaints regarding unscrupulous companies and consumers deceived about costs, misled about loans and tax credits, and subjected to aggressive sales and marketing tactics. This bill proposes to address some of these consumer issues.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship to the Distributed General Disclosure Act, 57-31-1, NMSA. Importantly, this bill empowers consumers with a private right of action, which is a protection not available under the Distributed General Disclosure Act.

Relationship to Senate Bill 98 “Prohibit Certain Solar Covenants.”

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None note.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A