

1 SENATE BILL 36

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

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10 AN ACT

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

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

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

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

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

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

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underscored material = new
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- 1 A. "sensitive personal information" means an
- 2 individual's:
- 3 (1) status as a recipient of public assistance
- 4 or as a crime victim;
- 5 (2) sexual orientation, gender identity,
- 6 physical or mental disability, medical condition, immigration
- 7 status, national origin or religion; and
- 8 (3) social security number; and
- 9 B. "social security number" includes an individual
- 10 tax identification number."

11 **SECTION 3.** A new section of Chapter 10 NMSA 1978 is

12 enacted to read:

13 "[NEW MATERIAL] SENSITIVE PERSONAL INFORMATION--

14 EXCEPTIONS.--A state agency employee shall not intentionally

15 disclose sensitive personal information acquired by virtue of

16 the employee's position with a state agency to anyone outside

17 the state agency except when such disclosure is:

- 18 A. necessary to carry out a function of the state
- 19 agency;
- 20 B. necessary to comply with an order or subpoena
- 21 issued by a court of this state or a United States district
- 22 court;
- 23 C. required by the Inspection of Public Records
- 24 Act;
- 25 D. required by federal statute;

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1 E. made to or by a court in the course of a
2 judicial proceeding or made in a court record;

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

8 G. made pursuant to the Whistleblower Protection
9 Act;

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

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

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

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

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

4 "66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--CONFIDENTIAL.--

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

15 (1) to the individual or the individual's
16 authorized representative;

17 (2) for use by any governmental agency,
18 including any court, in carrying out its functions or by any
19 private person acting on behalf of the government;

20 (3) for use in connection with matters of
21 motor vehicle and driver safety or theft; motor vehicle
22 emissions; performance monitoring of motor vehicles, motor
23 vehicle parts and dealers; motor vehicle market research
24 activities, including survey research; motor vehicle production
25 alterations, recalls or advisories; and removal of non-owner

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1 records from original owner records of motor vehicle
2 manufacturers;

3 (4) for use in research activities and for use
4 in producing statistical reports, so long as the personal
5 information is not published, redisclosed or used to contact
6 individuals;

7 (5) for use by any insurer or insurance
8 support organization or by a self-insured entity or its agents,
9 employees or contractors in connection with claims
10 investigation activities, antifraud activities, rating or
11 underwriting;

12 (6) for providing notice to owners of towed or
13 impounded vehicles;

14 (7) for use by an employer or its agent or
15 insurer in obtaining or verifying information relating to a
16 holder of a commercial driver's license;

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

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

24 (a) to verify the accuracy of personal
25 information submitted by an individual to the credit union,

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1 bank, savings and loan association or savings bank; and

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

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

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

14 B. It is unlawful for a department or bureau
15 employee or contractor or for a former department or bureau
16 employee or contractor to disclose to a federal, state or local
17 governmental agency or nongovernmental entity for purposes of
18 enforcing federal immigration laws any personal information
19 about an individual obtained by the department or bureau in
20 connection with a driver's license or permit, the titling or
21 registration of a vehicle, the administration of the Ignition
22 Interlock Licensing Act and the interlock device fund or an
23 identification card issued by the department pursuant to the
24 Motor Vehicle Code.

25 C. Whenever the department or the division enters

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1 into a contract with a nongovernmental entity for the
2 disclosure of personal information pursuant to Subsection A of
3 this section, the department or the division shall require that
4 a nongovernmental entity that receives or has access to records
5 or information from the department or division, including
6 through a database or automated network, shall certify in
7 writing to the department or division, before receipt of or
8 access to the information, and as a condition of renewal of any
9 agreement for such receipt or access, that the entity shall not
10 use or disclose the records or information for the purpose of
11 enforcing federal immigration law.

12 [B-] D. Any person who violates the provisions of
13 this section is guilty of a misdemeanor and upon conviction
14 shall be sentenced in accordance with the provisions of Section
15 31-19-1 NMSA 1978."

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