

1 SENATE BILL 446

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Phil A. Griego

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9  
10 AN ACT

11 RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE MOTOR  
12 VEHICLE CODE TO PROVIDE FOR ACCESS TO RECORDS BY LICENSED AUTO  
13 RECYCLERS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION  
14 OF LAW IN LAWS 2007.

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

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

21 "66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--  
22 CONFIDENTIAL.--

23 A. It is unlawful for any department or bureau  
24 employee or contractor or for any former department or bureau  
25 employee or contractor to disclose to any person other than

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1 another employee of the department or bureau any personal  
2 information about an individual obtained by the department or  
3 bureau in connection with a driver's license or permit, the  
4 titling or registration of a vehicle, the administration of the  
5 Ignition Interlock Licensing Act and the interlock device fund  
6 or an identification card issued by the department pursuant to  
7 the Motor Vehicle Code except:

8 (1) to the individual or the individual's  
9 authorized representative;

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

13 (3) for use in connection with matters of  
14 motor vehicle and driver safety or theft; motor vehicle  
15 emissions; performance monitoring of motor vehicles, motor  
16 vehicle parts and dealers; motor vehicle market research  
17 activities, including survey research; motor vehicle production  
18 alterations, recalls or advisories; and removal of non-owner  
19 records from original owner records of motor vehicle  
20 manufacturers;

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

25 (5) for use by any insurer or insurance

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1 support organization or by a self-insured entity or its agents,  
2 employees or contractors in connection with claims  
3 investigation activities, antifraud activities, rating or  
4 underwriting;

5 (6) for ~~[providing]~~ use by any person required  
6 by law to provide notice to owners of towed or impounded  
7 vehicles or for use by a licensed auto recycler in possession  
8 of towed or impounded vehicles;

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

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

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

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

22 (b) if the information as submitted is  
23 not correct or is no longer correct, to obtain the correct  
24 information, but only for the purpose of preventing fraud by  
25 pursuing legal remedies against or recovering on a debt or

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1 security interest from the individual;

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

5 (11) for providing the names and addresses of  
6 all lienholders and owners of record of abandoned vehicles to  
7 storage facilities or ~~[wrecker yards]~~ licensed auto recyclers  
8 for the purpose of providing notice as required in Section  
9 66-3-121 NMSA 1978.

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