

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 279

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

AN ACT

RELATING TO PUBLIC UTILITIES; PROHIBITING THE DISCLOSURE OF  
CONSUMER INFORMATION.

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

Section 1. A new section of Chapter 62, Article 8 NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ CONSUMER INFORMATION--DISCLOSURE  
PROHIBITED.--

A. A public utility or its employees or agents  
shall not sell or disclose consumers' nonpublic personal  
information without the customer's permission or unless it is  
in accordance with standardized credit reporting practices or  
other reporting requirements imposed on the public utility.

B. Exempted from the provisions of this section  
are:

1 (1) the public regulation commission pursuant  
2 to the Public Utility Act and the Public Regulation Commission  
3 Act and rules adopted pursuant to those acts;

4 (2) an action by a government agency or an  
5 officer, employee or agent of an agency acting on behalf of the  
6 agency to obtain telephone records in connection with the  
7 performance of the official duties of the agency; or

8 (3) a telecommunications company that obtains,  
9 uses, discloses or permits access to any telephone record  
10 through its agents or contractors that is:

11 (a) with the lawful consent of the  
12 customer or subscriber;

13 (b) permitted by law;

14 (c) necessarily incident to the  
15 rendition of service or to the protection of the rights or  
16 property of the provider of the service or the protection of  
17 users of those services and other carriers from fraudulent,  
18 abusive or unlawful use of or subscription to the services; or

19 (d) in connection with the sale or  
20 transfer of all or part of its business or the purchase or  
21 acquisition of a portion or all of a business or the migration  
22 of a customer from one carrier to another."

23 Section 2. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2007.