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AN ACT

RELATING TO HIGHER EDUCATION; PROHIBITING POST-SECONDARY  
EDUCATIONAL INSTITUTIONS IN NEW MEXICO FROM SELLING STUDENT  
LISTS TO CREDIT CARD ISSUERS AND FROM CONTRACTING OR  
COOPERATING WITH CREDIT CARD ISSUERS TO MARKET CREDIT CARDS;  
PROVIDING FOR CIVIL LIABILITY.

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

Section 1. SALE OF STUDENT INFORMATION--MARKETING  
CREDIT CARDS TO STUDENTS--PROHIBITED PRACTICES.--

A. No public or private post-secondary educational  
institution, including its agents, its employees, its student  
or alumni organizations or its affiliates, shall:

(1) sell, give or otherwise transfer to any  
card issuer, for the purpose of distributing or marketing  
credit cards, the name, address, social security number, date  
of birth, telephone number or other contact or personal  
identifying information of an undergraduate student at the  
post-secondary educational institution;

(2) enter into any agreement or cooperate  
with a card issuer to market credit cards to undergraduate  
students at the post-secondary educational institution; or

(3) allow the marketing of credit cards from  
the property or campus of the post-secondary educational  
institution.

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B. A person whose contact information was sold, given or transferred in violation of this section, or the attorney general, may bring a civil action and seek a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) for each violation plus costs of the action and reasonable attorney fees.

C. For purposes of this section, "credit card" and "card issuer" have the meanings given them in the federal Truth in Lending Act.