

1 SENATE BILL 67

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

3 INTRODUCED BY

4 Craig W. Brandt

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9  
10 AN ACT

11 RELATING TO TELECOMMUNICATIONS; REQUIRING A WIRELESS SERVICE  
12 PROVIDER OR INTERNET SERVICE PROVIDER UPON THE REQUEST OF A LAW  
13 ENFORCEMENT AGENCY TO PROVIDE LOCATION INFORMATION REGARDING A  
14 DEVICE USED TO MAKE A 911 SERVICE COMMUNICATION FOR THE PURPOSE  
15 OF RESPONDING TO THE COMMUNICATION OR A SITUATION THAT INVOLVES  
16 THE RISK OF DEATH OR SERIOUS PHYSICAL HARM; REQUIRING THE  
17 DEPARTMENT OF PUBLIC SAFETY TO COLLECT CONTACT INFORMATION FROM  
18 INTERNET SERVICE AND WIRELESS SERVICE PROVIDERS AND DISSEMINATE  
19 THAT INFORMATION TO INTERNET SERVICE AND WIRELESS SERVICE  
20 PROVIDERS.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 63-9D-3 NMSA 1978 (being Laws 1989,  
24 Chapter 25, Section 3, as amended) is amended to read:

25 "63-9D-3. DEFINITIONS.--As used in the Enhanced 911 Act:

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1           A. "911 [~~call~~] service communication" means any  
2 real-time communication, message, signal or transmission  
3 between a person needing assistance and a public safety  
4 answering point [~~call-taker~~] dispatcher by dialing 9-1-1 or  
5 [~~its~~] an equivalent emergency phone number or through the use  
6 of an internet service;

7           B. "911 service area" means the area designated by  
8 the fiscal agent, local governing body or the division to  
9 receive enhanced 911 service;

10          C. "access line" means a telecommunications  
11 company's line that has the capability to reach local public  
12 safety agencies by dialing 911, but does not include a line  
13 used for the provision of interexchange services or commercial  
14 mobile radio service;

15          D. "commercial mobile radio service" means service  
16 provided by a wireless real-time two-way voice communication  
17 device, including:

18                 (1) radio-telephone communications used in  
19 cellular telephone service;

20                 (2) the functional or competitive equivalent  
21 of radio-telephone communications used in cellular telephone  
22 service;

23                 (3) a personal communications service; or

24                 (4) a network radio access line;

25          E. "commercial mobile radio service provider" means

1 a person who provides commercial mobile radio services,  
2 including a person who purchases commercial mobile radio  
3 service from a provider and resells that service;

4 F. "commission" means the public regulation  
5 commission;

6 G. "communication service" means any service that:

7 (1) is capable of and required by law to  
8 access, connect with or interface with the enhanced 911 system  
9 by directly dialing, initializing or otherwise activating the  
10 enhanced 911 system regardless of the transmission medium or  
11 technology employed; and

12 (2) provides or enables real-time or  
13 interactive communication;

14 H. "communications service provider" means any  
15 entity that provides communication services;

16 I. "database" means information that is collected,  
17 formatted and disseminated and that is necessary for the  
18 functioning of the enhanced 911 system, including geographic  
19 information system (GIS) addressing and digital mapping  
20 information;

21 J. "department" means the taxation and revenue  
22 department;

23 K. "division" means the local government division  
24 of the department of finance and administration;

25 L. "enhanced 911 surcharge" means the monthly

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1 uniform charge assessed on each access line in the state, on  
2 each active number for a commercial mobile radio service  
3 subscriber and on the number of VoIP lines for which the VoIP  
4 service provider enables the capacity for simultaneous calls,  
5 regardless of actual usage, to be connected to the public  
6 switched telephone network during the period for which the  
7 fixed charge is imposed for a VoIP service subscriber in New  
8 Mexico and the charge assessed on any other consumer purchase  
9 of communication service provided by a communications service  
10 provider that enables communication between a person needing  
11 assistance and a public safety answering point [~~call-taker~~]  
12 dispatcher by dialing 9-1-1 or its equivalent; provided that an  
13 enhanced 911 surcharge shall not be assessed on the provision  
14 of broadband internet access service;

15 M. "enhanced 911 system" means, regardless of the  
16 technology used, a landline, wireless, NG-911 or ESInet system  
17 consisting of network switching equipment, database, mapping  
18 and on-premises equipment, or the functional equivalent  
19 thereof, that uses the single three-digit number 911 for  
20 reporting police, fire, medical or other emergency situations,  
21 thereby enabling a caller to reach a public safety answering  
22 point to report emergencies by dialing 911, and includes the  
23 capability to:

24 (1) selectively route incoming 911 [~~calls~~]  
25 service communications to the appropriate public safety

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1 answering point operating in a 911 service area;

2 (2) automatically display the name, address  
3 and telephone number of an incoming 911 [~~call~~] service  
4 communication on a video monitor at the appropriate public  
5 safety answering point;

6 (3) provide one or more access paths for  
7 communications between users at different geographic locations  
8 through a network system that may be designed for voice, text  
9 or data, or any combination of these, and may feature limited  
10 or open access and may employ appropriate analog, digital  
11 switching or transmission technologies;

12 (4) relay to a designated public safety  
13 answering point a 911 caller's number and base station or cell  
14 site location and the latitude and longitude of the 911  
15 caller's location in relation to the designated public safety  
16 answering point; and

17 (5) manage or administer the functions listed  
18 in Paragraphs (1) through (4) of this subsection;

19 N. "enhanced 911 equipment" means the public safety  
20 answering point equipment directly related to the operation of  
21 an enhanced 911 system, including automatic number  
22 identification or automatic location identification controllers  
23 and display units, printers, logging recorders and software  
24 associated with [~~call~~] communication detail recording, [~~call~~]  
25 dispatch center work stations, training, latitude and longitude

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1 base station or cell site location data and GIS equipment  
2 necessary to obtain and process locational map and emergency  
3 service zone data for landline and wireless ~~callers~~  
4 communicators;

5 O. "equipment supplier" means a person who provides  
6 or offers to provide communications equipment necessary for the  
7 establishment of enhanced 911 services;

8 P. "ESInet" means emergency services internet  
9 protocol network, an internet-protocol-based, multipurpose  
10 inter-network supporting local, regional, state and national  
11 public safety communications services in addition to 911;

12 Q. "fiscal agent" means the local governing body  
13 that administers grants from the fund for a given locality or  
14 region by agreement;

15 R. "fund" means the enhanced 911 fund;

16 S. "local governing body" means the board of county  
17 commissioners of a county or the governing body of a  
18 municipality as defined in the Municipal Code;

19 T. "NG-911" means a next generation 911 system  
20 consisting of network, hardware, software, data and operational  
21 policies and procedures that:

22 (1) provides standardized interfaces from call  
23 and message services;

24 (2) processes all types of emergency ~~calls~~  
25 communications, including non-voice (multimedia) messages;

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1 (3) acquires and integrates additional data  
2 useful to ~~[call]~~ communication routing and handling;

3 (4) delivers the ~~[calls, messages]~~  
4 communications and data to appropriate public safety answering  
5 points and other appropriate emergency entities;

6 (5) supports data and communications needs for  
7 coordinated incident response and management; and

8 (6) provides a secure environment for  
9 emergency communications;

10 U. "proprietary information" means customer lists,  
11 customer counts, technology descriptions or trade secrets,  
12 including the actual or development costs of individual  
13 components of an enhanced 911 system; provided that such  
14 information is designated as proprietary by the communications  
15 service provider; and provided further that "proprietary  
16 information" does not include individual payments made by the  
17 division or any list of names and identifying information of  
18 subscribers who have not paid the surcharge;

19 V. "public safety answering point" means a twenty-  
20 four-hour local communications facility that receives 911  
21 service communications and directly dispatches emergency  
22 response services or that relays communications to the  
23 appropriate public or private safety agency;

24 W. "subscriber" means a person who purchases  
25 communication services at retail from a communications service

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1 provider that are capable of originating a 911 service  
2 communication;

3 X. "surcharge" means the 911 emergency surcharge;

4 Y. "surcharge collected" means the amount of  
5 enhanced 911 surcharge billed or received or deemed to have  
6 been received by the seller or provider, consistent with the  
7 seller's or provider's method of accounting, including accrual  
8 or cash;

9 Z. "telecommunications company" means a person who  
10 provides wire telecommunications services that are capable of  
11 originating a 911 communication;

12 AA. "vendor" means a person that provides 911  
13 equipment, service or network support;

14 BB. "VoIP" means "interconnected voice-over-  
15 internet protocol service" as defined in the Code of Federal  
16 Regulations, Title 47, Part 9, Section 9.3, as amended; and

17 CC. "VoIP service provider" or "interconnected  
18 voice-over-internet protocol service provider" means an entity  
19 that provides interconnected voice-over-internet protocol  
20 service to end users."

21 SECTION 2. A new section of the Enhanced 911 Act is  
22 enacted to read:

23 "[NEW MATERIAL] INTERNET AND WIRELESS SERVICE PROVIDERS--  
24 PROVISION OF USER LOCATION INFORMATION TO EMERGENCY  
25 RESPONDERS.--

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1           A. Upon request of a law enforcement agency or a  
2 public safety answering point on behalf of a law enforcement  
3 agency, an internet service or wireless service provider shall  
4 provide location information to the agency for a device used to  
5 send a 911 service communication. A law enforcement agency or  
6 public safety answering point may only request information  
7 under this section for the purpose of responding to a 911  
8 communication or an emergency situation that involves the risk  
9 of death or serious physical harm.

10           B. An internet or wireless service provider may  
11 establish protocols by which the service provider voluntarily  
12 discloses communication location information.

13           C. A claim for relief shall not be brought in any  
14 court against an internet service or wireless service provider  
15 or another person for providing communication location  
16 information when acting in good faith under this section.

17           D. The department of public safety shall obtain  
18 contact information from all internet service and wireless  
19 service providers authorized to do business in this state to  
20 facilitate requests from a law enforcement agency or a public  
21 safety answering point on behalf of a law enforcement agency  
22 for communication location information under this section. The  
23 department of public safety shall disseminate the contact  
24 information to each law enforcement agency and public safety  
25 answering point in this state."

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1           SECTION 3. Section 63-9D-10 NMSA 1978 (being Laws 1989,  
2 Chapter 25, Section 10, as amended) is amended to read:

3           "63-9D-10. IMMUNITY.--Enhanced 911 systems are within the  
4 governmental powers and authorities of the local governing body  
5 or state agency in the provision of services for the public  
6 health, welfare and safety. In contracting for such services  
7 or the provisioning of an enhanced 911 system, except for  
8 intentional acts, the local governing body, public agency,  
9 equipment supplier, communications service provider and their  
10 officers, directors, vendors, employees and agents are not  
11 liable for damages resulting from installing, maintaining or  
12 providing enhanced 911 systems or transmitting 911 ~~[calls]~~  
13 service communications."

14           SECTION 4. Section 63-9D-11 NMSA 1978 (being Laws 1989,  
15 Chapter 25, Section 11, as amended) is amended to read:

16           "63-9D-11. PRIVATE LISTING SUBSCRIBERS AND 911 SERVICE.--

17           A. Private listing subscribers waive the privacy  
18 afforded by nonlisted or nonpublished numbers only to the  
19 extent that:

20                       (1) the name and address associated with the  
21 telephone number may be furnished to the enhanced 911 system  
22 for ~~[call]~~ communication routing or for automatic retrieval of  
23 location information in response to a ~~[call initiated to]~~ 911  
24 service communication; or

25                       (2) the location information for a device used

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1 to make a 911 service communication is furnished to a law  
2 enforcement agency, a public safety answering point or an  
3 emergency responder to respond to a 911 service communication  
4 or to an emergency situation that involves the risk of death or  
5 serious physical harm.

6 B. Information regarding the identity of private  
7 listing subscribers provided by a communications service  
8 provider, including names, addresses, telephone numbers or  
9 other identifying information, is not a public record and is  
10 not available for inspection.

11 C. Proprietary information provided by a  
12 communications service provider is not public information and  
13 may not be released to any person without the express  
14 permission of the submitting provider, except that information  
15 may be released or published as aggregated data that does not  
16 identify the number of subscribers or identify enhanced 911  
17 system costs attributable to an individual communications  
18 service provider."

19 SECTION 5. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2025.