

1 AN ACT  
2 RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING DISCLOSURE OF  
3 SENSITIVE PERSONAL INFORMATION BY STATE AGENCY EMPLOYEES;  
4 PROVIDING EXCEPTIONS; AMENDING THE MOTOR VEHICLE CODE;  
5 PRESCRIBING PENALTIES.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "SHORT TITLE.--Sections 1 through 4 of this act may be  
11 cited as the "Nondisclosure of Sensitive Personal Information  
12 Act".

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

15 "DEFINITIONS.--As used in the Nondisclosure of Sensitive  
16 Personal Information Act:

17 A. "sensitive personal information" means an  
18 individual's:

19 (1) status as a recipient of public  
20 assistance or as a crime victim;

21 (2) sexual orientation, gender identity,  
22 physical or mental disability, medical condition, immigration  
23 status, national origin or religion; and

24 (3) social security number; and

25 B. "social security number" includes an individual  
SB 36  
Page 1

1 tax identification number."

2 SECTION 3. A new section of Chapter 10 NMSA 1978 is  
3 enacted to read:

4 "SENSITIVE PERSONAL INFORMATION--EXCEPTIONS.--A state  
5 agency employee shall not intentionally disclose sensitive  
6 personal information acquired by virtue of the employee's  
7 position with a state agency to anyone outside the state  
8 agency except when such disclosure is:

9 A. necessary to carry out a function of the state  
10 agency;

11 B. necessary to comply with an order or subpoena  
12 issued by a court of this state or a United States district  
13 court;

14 C. required by the Inspection of Public Records  
15 Act;

16 D. required by federal statute;

17 E. made to or by a court or administrative  
18 tribunal in the course of a judicial or administrative  
19 proceeding or made in a court or administrative tribunal  
20 record;

21 F. made to a state contractor that needs the  
22 sensitive personal information to perform the contractor's  
23 obligations under the contract and has agreed in writing to  
24 be bound by the same restrictions on disclosure that are  
25 imposed on state employees by this section;

1 G. made pursuant to the Whistleblower Protection  
2 Act;

3 H. expressly permitted by the federal Health  
4 Insurance Portability and Accountability Act of 1996 and  
5 associated regulations; or

6 I. made with the written consent of the person  
7 whose information would be disclosed."

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

10 "ENFORCEMENT--PENALTIES.--The attorney general, a  
11 district attorney and the state ethics commission may  
12 institute a civil action in district court if a violation has  
13 occurred or to prevent a violation of the Nondisclosure of  
14 Sensitive Personal Information Act. Penalties for a  
15 violation of that act shall be a civil penalty of two hundred  
16 fifty dollars (\$250) for each violation, but not to exceed  
17 five thousand dollars (\$5,000)."

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

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

24 A. It is unlawful for any department or bureau  
25 employee or contractor or for any former department or bureau

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

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

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

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

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

1 (5) for use by any insurer or insurance  
2 support organization or by a self-insured entity or its  
3 agents, employees or contractors in connection with claims  
4 investigation activities, antifraud activities, rating or  
5 underwriting;

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

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

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

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

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

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

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

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

8                   B. It is unlawful for a department or bureau  
9 employee or contractor or for a former department or bureau  
10 employee or contractor to disclose to a federal, state or  
11 local governmental agency or nongovernmental entity for  
12 purposes of enforcing the federal Immigration and Nationality  
13 Act, except felony criminal provisions of that act, any  
14 personal information about an individual obtained by the  
15 department or bureau in connection with a driver's license or  
16 permit, the titling or registration of a vehicle, the  
17 administration of the Ignition Interlock Licensing Act and  
18 the interlock device fund or an identification card issued by  
19 the department pursuant to the Motor Vehicle Code.

20                   C. Whenever the department or the division enters  
21 into a contract with a nongovernmental entity for the  
22 disclosure of personal information pursuant to Subsection A  
23 of this section, the department or the division shall require  
24 that a nongovernmental entity that receives or has access to  
25 records or information from the department or division,

1 including through a database or automated network, shall  
2 certify in writing to the department or division, before  
3 receipt of or access to the information, and as a condition  
4 of renewal of any agreement for such receipt or access, that  
5 the entity shall not use or disclose the records or  
6 information for the purpose of enforcing the federal  
7 Immigration and Nationality Act, except felony criminal  
8 provisions of that act. If the director of the motor vehicle  
9 division of the department determines a nongovernmental  
10 entity has used or disclosed records or information for the  
11 purpose of enforcing the federal Immigration and Nationality  
12 Act other than felony criminal provisions of that act, the  
13 director may revoke the nongovernmental entity's access to  
14 personal information pursuant to Subsection A of this  
15 section.

16 D. Any person who violates the provisions of this  
17 section is guilty of a misdemeanor and upon conviction shall  
18 be sentenced in accordance with the provisions of Section  
19 31-19-1 NMSA 1978."

20 SECTION 6. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2025. \_\_\_\_\_