

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/23/26

Check all that apply:

Bill Number: SB 40

Original Correction
Amendment Substitute

Sponsor: Sen. Peter Wirth, Rep.
Christine Chandler, Sen.
Cindy Nava

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: Driver Privacy and Safety Act

Analysis: Nia Rucker

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Senate Bill 40 would establish the Driver Privacy and Safety Act and set restrictions on the use and sharing of information collected by Automated License Plate Readers (ALPR). The bill would require reporting to the attorney general. The attorney general or district attorneys would be granted enforcement authority.

Section 2 contains various definitions of key terms as used in the act, such as "automated license plate reader", "automated license plate reader information", "automated license plate reader user", "law enforcement agency", and "protected health care activity".

Section 3 of this bill would limit the sharing of information collected from automated license plate readers when the information may be used for the purpose of investigating or prosecuting immigration enforcement, activities which are legal in this state including protected health care activity and participation in public activities that are protected under the United States and New Mexico constitutions. This bill also sets out limitation on the sharing of automated license plate reader information with out-of-state third parties and the sharing of information by privately captured information without a valid court order.

Section 4 of this bill would create a reporting requirement whereby law enforcement agencies that are automated license plate reader users will report to the attorney general on a quarterly basis. The attorney general would electronically publish the reports.

Section 5 sets out the enforcement authority to the attorney general or district attorneys and establishes civil penalties for violating this bill of \$10,000 per violation.

Section 6 sets an effective date of July 1, 2026.

FISCAL IMPLICATIONS

SB 40 would require the attorney general to receive and publish quarterly reports. Additionally, the attorney general is authorized to file suit to enforce against violation. However, SB 40 does not appropriate funding to address the additional workload created by the Act.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

SB40 authorizes the attorney general to enforce violation of the Act by filing a civil suit. Importantly, SB 40 does not also grant the attorney general the necessary investigative tools to build an enforcement case. Specifically, SB 40 does not grant the attorney general with Civil Investigative Demand (CID) authority. Without such investigatory authority, enforcement of violations of Act are more complicated to identify and cases for suits are more challenging to build. Coupled with the lack of resources noted in Fiscal Implications above, effective enforcement would be difficult.

ADMINISTRATIVE IMPLICATIONS

As above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.