AN ACT

RELATING TO MOTOR VEHICLE RECORDS; AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

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

Section 1. Section 66-2-7.1 NMSA 1978 (being Laws 1995, Chapter 135, Section 4) is amended to read:

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

A. It is unlawful for any department employee or contractor or for any former department employee or contractor to disclose to any person other than another employee of the department any personal information about an individual obtained by the department in connection with a driver's license or permit, the titling or registration of a vehicle or an identification card issued by the department pursuant to the Motor Vehicle Code except:

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1   (1)   to the individual or the individual's

2   authorized representative;

3   (2)   for use by any governmental agency,

4   including any court, in carrying out its functions or by any

5   private person acting on behalf of the government;

6   (3)   for use in connection with matters of

7   motor vehicle and driver safety or theft; motor vehicle

8   emissions; performance monitoring of motor vehicles, motor

9   vehicle parts and dealers; motor vehicle market research

10   activities, including survey research; motor vehicle

11   production alterations, recalls or advisories and removal of

12   non-owner records from original owner records of motor vehicle

13   manufacturers;

14   (4)   for use in research activities and for

15   use in producing statistical reports so long as the personal

16   information is not published, redisclosed or used to contact

17   individuals;

18   (5)   for use by any insurer or insurance

19   support organization or by a self-insured entity or its

20   agents, employees or contractors in connection with claims

21   investigation activities, antifraud activities, rating or

22   underwriting;

23   (6)   for providing notice to owners of towed

24   or impounded vehicles;

25   (7)   for use by an employer or its agent or

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1   insurer in obtaining or verifying information relating to a

2   holder of a commercial driver's license;

3   (8)   for use by any requester if the requester

4   demonstrates that it has obtained the written consent of the

5   individual to whom the information pertains; [or]

6   (9)   for any use in response to requests for

7   individual motor vehicle records if the department has

8   provided in a clear and conspicuous manner on forms for

9   issuance or renewal of operator's permits, titles,

10   registrations or identification cards notice that personal

11   information collected by the department may be disclosed to

12   any person and the department has provided in a clear and

13   conspicuous manner on such forms an opportunity to prohibit

14   such disclosures; or

15   (10)   for use by an insured state-chartered or

16   federally chartered credit union; an insured state or national

17   bank; an insured state or federal savings and loan association

18   or insured savings bank; or any of their agents, employees or

19   contractors, but only:

20   (a)   to verify the accuracy of personal

21   information submitted by an individual to the credit union,

22   bank, savings and loan association or savings bank; and

23   (b)   if the information as submitted is

24   not correct or is no longer correct, to obtain the correct

25   information, but only for the purpose of preventing fraud by,

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1   pursuing legal remedies against or recovering on a debt or

2   security interest from the individual .

3   B.   Any person who violates the provisions of this

4   section is guilty of a misdemeanor and upon conviction

5   [thereof] shall be punished in accordance with the provisions

6   of Section 31-19-1 NMSA 1978."

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

January 30, 1998

Mr. President:

   Your **COMMITTEES' COMMITTEE**, to whom has been referred

SENATE BILL 143

has had it under consideration and finds same to be **GERMANE**,

pursuant to Senate Executive Message No. 28, and thence referred to

the **JUDICIARY COMMITTEE**.

                    Respectfully submitted,

                    _____

                    Manny M Aragon, Chairman

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Adopted_____ Not Adopted_____

1   (Chief Clerk)   (Chief Clerk)

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4   Date _____

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FORTY-THIRD LEGISLATURE   SB 143/a

SECOND SESSION, 1998

February 4, 1998

Mr. President:

    Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 143

has had it under consideration and reports same with recommendation

that it **DO PASS**, amended as follows:

    1.   On page 3, line 18, after the semicolon strike the remainder

of the line.

    2.   On page 3, line 19, strike "contractors,".

                        Respectfully submitted,

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_____

Fernando R. Macias,   Chairman

Adopted_____ Not Adopted_____

          (Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was <u>5</u> For <u>0</u> Against

Yes: 5

No: 0

Excused: Stockard, Tsosie, McSorley

Absent: None

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

February 14, 1998

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE,** to whom has been referred

SENATE BILL 143, as amended

has had it under consideration and reports same with recommendation that it **DO PASS.**

Respectfully submitted,

_____

Fred Luna, Chairman

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Adopted _____   Not Adopted _____
                (Chief Clerk)   (Chief Clerk)

                            Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: Lutz

Excused: Olguin, J.G. Taylor, Varela

Absent: Getty

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