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SENATE BILL 40

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Peter Wirth and Christine Chandler and Cindy Nava

AN ACT

RELATING TO LICENSE PLATE READERS; ENACTING THE DRIVER PRIVACY
AND SAFETY ACT; PROVIDING LIMITATIONS ON THE SHARING OF
AUTOMATED LICENSE PLATE READER INFORMATION AND REQUIRING
REPORTING; PROVIDING FOR ENFORCEMENT AND PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Driver Privacy and Safety Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Driver Privacy and Safety Act:

A. "automated license plate reader" means an
electronic device that is capable of recording data on or
taking a photograph of a vehicle or the vehicle's license plate
and comparing the collected data and photographs to existing
law enforcement databases for investigative purposes and

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1 includes a device that is owned or operated by a person or an
2 entity other than a law enforcement agency;

3 B. "automated license plate reader information"
4 means information gathered by an automated license plate reader
5 or created from the analysis of data generated by an automated
6 license plate reader, excluding information used for the
7 purpose of auditing an automated license plate reader;

8 C. "automated license plate reader user" means a
9 person or an entity that owns or operates an automated license
10 plate reader or has access to automated license plate reader
11 information;

12 D. "law enforcement agency" means a state or local
13 agency, political subdivision of the state or private entity
14 that employs certified law enforcement officers or that is
15 charged with the enforcement of state, county or municipal laws
16 or with managing custody of detained persons in any state or
17 jurisdiction, including the police department of a
18 municipality, the sheriff's office of a county, the New Mexico
19 state police division of the department of public safety, the
20 department of public safety or the police department of an
21 Indian nation, tribe or pueblo that has entered into an
22 agreement with the department of public safety pursuant to
23 Section 29-1-11 NMSA 1978; and

24 E. "protected health care activity" means:

25 (1) seeking, providing or receiving

1 reproductive or gender-affirming health care; or

2 (2) assisting an individual who is seeking,
3 receiving or providing reproductive or gender-affirming health
4 care, including providing:

5 (a) information;

6 (b) transportation;

7 (c) lodging; or

8 (d) material support.

9 SECTION 3. [NEW MATERIAL] AUTOMATED LICENSE PLATE
10 READERS--LIMITATIONS ON SHARING.--

11 A. An automated license plate reader user shall not
12 sell, share, allow access to or transfer automated license
13 plate reader information if the automated license plate reader
14 user has reasonable belief that the automated license plate
15 reader information may be used for the purpose of:

16 (1) investigating or otherwise assisting in
17 immigration enforcement;

18 (2) investigating or prosecuting activities
19 legal in the state, including protected health care activity;
20 or

21 (3) efforts to identify or impose civil or
22 criminal liability upon a person or an entity based solely on
23 the person's or entity's participation in activities protected
24 by the United States constitution or the constitution of New
25 Mexico, including assembly, petitioning and speech, except as

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1 required by state or federal law.

2 B. An automated license plate reader user in New
3 Mexico that uses automated license plate reader systems shall
4 not allow access to automated license plate reader information
5 by an out-of-state third party without first obtaining from
6 that party a written declaration that the party expressly
7 affirms that automated license plate reader information
8 obtained shall not be used in a manner that would constitute a
9 violation of Subsection A of this section. The declaration
10 shall include the internal case number, when available, used by
11 the requesting third party associated with the relevant
12 investigation. If a written declaration of affirmation is not
13 executed, the automated license plate reader user shall not
14 share the automated license plate reader information with the
15 third party.

16 C. An automated license plate reader user shall not
17 sell, share, allow access to, transfer or otherwise make
18 available automated license plate reader information to non-law
19 enforcement officers or agencies.

20 D. Automated license plate reader information is
21 confidential and not considered a public record for the
22 purposes of the Inspection of Public Records Act.

23 E. Privately captured automated license plate
24 reader information may only be sold, shared, transferred or
25 released pursuant to a valid court order.

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1 F. Nothing in the Driver Privacy and Safety Act
2 shall define or limit any rights under the Reproductive and
3 Gender-Affirming Health Care Freedom Act or the Reproductive
4 and Gender-Affirming Health Care Protection Act.

5 SECTION 4. [NEW MATERIAL] AUTOMATED LICENSE PLATE
6 READERS--REPORTING.--A law enforcement agency that is an
7 automated license plate reader user shall report to the
8 attorney general quarterly. The attorney general shall
9 electronically publish each report received pursuant to this
10 section within one month of receiving the report. The report
11 shall include the:

12 A. number of requests for automated license plate
13 reader information from out-of-state third parties;

14 B. contents of declarations, including the case
15 numbers, made by out-of-state third parties pursuant to
16 Subsection B of Section 3 of the Driver Privacy and Safety Act;
17 and

18 C. number of requests that did not include a
19 written declaration pursuant to Subsection B of Section 3 of
20 the Driver Privacy and Safety Act.

21 SECTION 5. [NEW MATERIAL] ENFORCEMENT--PENALTIES.--

22 A. The attorney general or a district attorney is
23 authorized to enforce the provisions of the Driver Privacy and
24 Safety Act.

25 B. In an action to enforce the Driver Privacy and

1 Safety Act, the court may award appropriate relief, including
2 temporary, preliminary or permanent injunctive relief. The
3 court may also assess a civil penalty for a violation of the
4 Driver Privacy and Safety Act in the amount of ten thousand
5 dollars (\$10,000) or actual damages resulting from each
6 violation, whichever is greater.

7 SECTION 6. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2026.

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