

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 40

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

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 a protected  
19 health care activity; or

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

25 B. An automated license plate reader user in New

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1 Mexico that uses automated license plate reader systems shall  
2 not allow access to automated license plate reader information  
3 by an out-of-state third party or a non-New-Mexico law  
4 enforcement agency without first obtaining from that party a  
5 written declaration that the party expressly affirms that  
6 automated license plate reader information obtained shall not  
7 be used in a manner that would constitute a violation of  
8 Subsection A of this section. If a written declaration of  
9 affirmation is not executed, the automated license plate reader  
10 user shall not share the automated license plate reader  
11 information with the third party.

12 C. An automated license plate reader user shall not  
13 sell, share, allow access to, transfer or otherwise make  
14 available automated license plate reader information to non-law  
15 enforcement officers or agencies. However, a user may make  
16 available automated license plate reader information to the  
17 user's automated license plate reader vendor for the purpose of  
18 providing the automated license plate reader service to the  
19 user.

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 with the express consent of the private entity or

1 pursuant to a valid court order.

2 SECTION 4. [NEW MATERIAL] AUTOMATED LICENSE PLATE  
3 READERS--REPORTING.--

4 A. A law enforcement agency that uses an automated  
5 license plate reader system shall report to the department of  
6 public safety by April 1 of each year regarding the preceding  
7 calendar year. The report shall include:

8 (1) the total number of cameras owned or  
9 leased, categorized by mobile or stationary placement;

10 (2) a list of all state and federal databases  
11 with which the system data was compared;

12 (3) the total number of times the system was  
13 queried, including the purposes for the queries;

14 (4) a list of other law enforcement agencies  
15 granted access to the system data;

16 (5) the number of identified instances of  
17 unauthorized use or access to the system as determined by the  
18 respective agency's audit policy;

19 (6) the number of subpoenas, search warrants  
20 and third-party requests received for system data or audit  
21 trails, including whether data was provided;

22 (7) the number of requests for automated  
23 license plate reader information from out-of-state third  
24 parties; and

25 (8) a list of all out-of-state agencies that

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1 queried automated license plate reader data.

2 B. The department of public safety shall aggregate  
3 reporting data and make that data publicly available by July 1  
4 of each year.

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

6 A. The attorney general or a district attorney is  
7 authorized to enforce the provisions of the Driver Privacy and  
8 Safety Act.

9 B. In an action to enforce the Driver Privacy and  
10 Safety Act, the court may award appropriate relief, including  
11 temporary, preliminary or permanent injunctive relief. The  
12 court may also assess a civil penalty for an intentional  
13 violation of Section 3 of the Driver Privacy and Safety Act in  
14 the amount of ten thousand dollars (\$10,000) or actual damages  
15 resulting from each violation, whichever is greater.

16 C. The department of public safety is authorized to  
17 enforce the provisions of the Driver Privacy and Safety Act.

18 D. A law enforcement agency that fails to comply  
19 with the Driver Privacy and Safety Act may have that law  
20 enforcement agency's automated license plate reader data  
21 sharing privileges revoked and access to the state-managed  
22 automated license plate reader systems restricted.

23 E. A vendor of automated license plate readers that  
24 fails to comply with the Driver Privacy and Safety Act or  
25 department of public safety rules may be subject to corrective

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1 action, suspension of authorization or termination of access.

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

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