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. SHORT TITLE.--This act may be cited as the "Driver Privacy and Safety Act".

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

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

C. "automated license plate reader user" means a

person or an entity that owns or operates an automated license plate reader or has access to automated license plate reader information;

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

E. "protected health care activity" means:

(1) seeking, providing or receiving reproductive or gender-affirming health care; or

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

(a) information;

(b) transportation;

(c) lodging; or

(d) material support.

SECTION 3. AUTOMATED LICENSE PLATE READERS--LIMITATIONS ON SHARING.--

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

(1) investigating or otherwise assisting in immigration enforcement;

(2) investigating or prosecuting a protected health care activity; or

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

B. An automated license plate reader user in New Mexico that uses automated license plate reader systems shall not allow access to automated license plate reader information by an out-of-state third party or a non-New Mexico law enforcement agency without first obtaining from that party a written declaration that the party expressly affirms that automated license plate reader

information obtained shall not be used in a manner that would constitute a violation of Subsection A of this section. If a written declaration of affirmation is not executed, the automated license plate reader user shall not share the automated license plate reader information with the third party.

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

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

E. Privately captured automated license plate reader information may only be sold, shared, transferred or released with the express consent of the private entity or pursuant to a valid court order.

SECTION 4. AUTOMATED LICENSE PLATE READERS--REPORTING.--

A. A law enforcement agency that uses an automated license plate reader system shall report to the department of

public safety by April 1 of each year regarding the preceding calendar year. The report shall include:

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

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

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

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

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

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

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

(8) a list of all out-of-state agencies that queried automated license plate reader data.

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

SECTION 5. ENFORCEMENT--PENALTIES.--

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

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

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

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

E. A vendor of automated license plate readers that fails to comply with the Driver Privacy and Safety Act or department of public safety rules may be subject to corrective action, suspension of authorization or termination of access.

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