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SENATE BILL 199

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John Arthur Smith

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO THE TAXATION AND REVENUE DEPARTMENT; PROHIBITING
CURRENT AND FORMER TAXATION AND REVENUE DEPARTMENT EMPLOYEES
FROM DISCLOSING TRADE SECRETS, CUSTOMER INFORMATION,
PROPRIETARY INFORMATION AND CERTAIN COMMERCIAL AND FINANCIAL
INFORMATION.

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, as amended) is amended to read:

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

A. It is unlawful for [any] a department employee
or contractor or for [any] a former department employee or
contractor to disclose to [any] a person other than another
employee of the department any personal information about an

underscored material = new
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1 individual obtained by the department in connection with a
2 driver's license or permit, the titling or registration of a
3 vehicle or an identification card issued by the department
4 pursuant to the Motor Vehicle Code except:

5 (1) to the individual or the individual's
6 authorized representative;

7 (2) for use by ~~[any]~~ a governmental agency,
8 including ~~[any]~~ a court, in carrying out its functions or by
9 ~~[any]~~ a private person acting on behalf of the government;

10 (3) for use in connection with matters of
11 motor vehicle and driver safety or theft; motor vehicle
12 emissions; performance monitoring of motor vehicles, motor
13 vehicle parts and dealers; motor vehicle market research
14 activities, including survey research; motor vehicle production
15 alterations, recalls or advisories; and removal of non-owner
16 records from original owner records of motor vehicle
17 manufacturers;

18 (4) for use in research activities and for use
19 in producing statistical reports, so long as the personal
20 information is not published, redisclosed or used to contact
21 individuals;

22 (5) for use by ~~[any]~~ an insurer or insurance
23 support organization or by a self-insured entity or its agents,
24 employees or contractors in connection with claims
25 investigation activities, antifraud activities, rating or

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[bracketed material] = delete

1 underwriting;

2 (6) for providing notice to owners of towed or
3 impounded vehicles;

4 (7) for use by an employer or its agent or
5 insurer in obtaining or verifying information relating to a
6 holder of a commercial driver's license;

7 (8) for use by ~~any~~ a requester if the
8 requester demonstrates that it has obtained the written consent
9 of the individual to whom the information pertains;

10 (9) for use by an insured state-chartered or
11 federally chartered credit union; an insured state or national
12 bank; an insured state or federal savings and loan association;
13 or an insured savings bank, but only:

14 (a) to verify the accuracy of personal
15 information submitted by an individual to the credit union,
16 bank, savings and loan association or savings bank; and

17 (b) if the information as submitted is
18 not correct or is no longer correct, to obtain the correct
19 information, but only for the purpose of preventing fraud by
20 pursuing legal remedies against or recovering on a debt or
21 security interest from the individual;

22 (10) for providing organ donor information as
23 provided in the Uniform Anatomical Gift Act or Section 66-5-10
24 NMSA 1978; or

25 (11) for providing the names and addresses of

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[bracketed material] = delete

1 all lienholders and owners of record of abandoned vehicles to
2 storage facilities or wrecker yards for the purpose of
3 providing notice as required in Section 66-3-121 NMSA 1978.

4 B. It is unlawful for a department employee or for
5 a former department employee to disclose to a person other than
6 another employee of the department any trade secret, customer
7 information, proprietary information or commercial or financial
8 information that is not disclosed by a public entity and that
9 is acquired by the department from a person who has contracted
10 with the department for electronic access to motor vehicle
11 division records.

12 [B.—Any] C. A person who violates the provisions
13 of this section is guilty of a misdemeanor and upon conviction
14 shall be sentenced in accordance with the provisions of Section
15 31-19-1 NMSA 1978. "