

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 279

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO PUBLIC UTILITIES; PROHIBITING THE DISCLOSURE OF
CONSUMER INFORMATION.

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

Section 1. A new section of Chapter 62, Article 8 NMSA
1978 is enacted to read:

"[NEW MATERIAL] CONSUMER INFORMATION--DISCLOSURE
PROHIBITED.--

A. A public utility or its employees or agents
shall not sell or disclose consumers' nonpublic personal
information without the customer's permission or unless it is
in accordance with standardized credit reporting practices or
other reporting requirements imposed on the public utility.

B. Exempted from the provisions of this section
are:

1 (1) the public regulation commission pursuant
2 to the Public Utility Act and the Public Regulation Commission
3 Act and rules adopted pursuant to those acts;

4 (2) an action by a government agency or an
5 officer, employee or agent of an agency acting on behalf of the
6 agency to obtain telephone records in connection with the
7 performance of the official duties of the agency; or

8 (3) a telecommunications company that obtains,
9 uses, discloses or permits access to any telephone record
10 through its agents or contractors that is:

11 (a) with the lawful consent of the
12 customer or subscriber;

13 (b) permitted by law;

14 (c) necessarily incident to the
15 rendition of service or to the protection of the rights or
16 property of the provider of the service or the protection of
17 users of those services and other carriers from fraudulent,
18 abusive or unlawful use of or subscription to the services; or

19 (d) in connection with the sale or
20 transfer of all or part of its business or the purchase or
21 acquisition of a portion or all of a business or the migration
22 of a customer from one carrier to another."

23 Section 2. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2007.