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AN ACT

RELATING TO IGNITION INTERLOCKS; REQUIRING CONFIDENTIALITY IN  
THE ADMINISTRATION OF THE IGNITION INTERLOCK LICENSING ACT  
AND THE INTERLOCK DEVICE FUND; ALLOWING THE PAROLE BOARD AND  
PROBATION AND PAROLE OFFICERS TO DETERMINE INDIGENCY FOR  
PURPOSES OF ASSISTANCE FROM THE FUND.

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 department or bureau  
employee or contractor or for any former department or bureau  
employee or contractor to disclose to any person other than  
another employee of the department or bureau any personal  
information about an individual obtained by the department or  
bureau in connection with a driver's license or permit, the  
titling or registration of a vehicle, the administration of  
the Ignition Interlock Licensing Act and the interlock device  
fund or an identification card issued by the department  
pursuant to the Motor Vehicle Code except:

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

(2) for use by any governmental agency,

1 including any court, in carrying out its functions or by any  
2 private person acting on behalf of the government;

3 (3) for use in connection with matters of  
4 motor vehicle and driver safety or theft; motor vehicle  
5 emissions; performance monitoring of motor vehicles, motor  
6 vehicle parts and dealers; motor vehicle market research  
7 activities, including survey research; motor vehicle  
8 production alterations, recalls or advisories; and removal of  
9 non-owner records from original owner records of motor  
10 vehicle manufacturers;

11 (4) for use in research activities and for  
12 use in producing statistical reports, so long as the personal  
13 information is not published, redisclosed or used to contact  
14 individuals;

15 (5) for use by any insurer or insurance  
16 support organization or by a self-insured entity or its  
17 agents, employees or contractors in connection with claims  
18 investigation activities, antifraud activities, rating or  
19 underwriting;

20 (6) for providing notice to owners of towed  
21 or impounded vehicles;

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

25 (8) for use by any requester if the

1 requester demonstrates that it has obtained the written  
2 consent of the individual to whom the information pertains;

3 (9) for use by an insured state-chartered or  
4 federally chartered credit union; an insured state or  
5 national bank; an insured state or federal savings and loan  
6 association; or an insured savings bank, but only:

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

10 (b) if the information as submitted is  
11 not correct or is no longer correct, to obtain the correct  
12 information, but only for the purpose of preventing fraud by  
13 pursuing legal remedies against or recovering on a debt or  
14 security interest from the individual;

15 (10) for providing organ donor information  
16 as provided in the Uniform Anatomical Gift Act or Section  
17 66-5-10 NMSA 1978; or

18 (11) for providing the names and addresses  
19 of all lienholders and owners of record of abandoned vehicles  
20 to storage facilities or wrecker yards for the purpose of  
21 providing notice as required in Section 66-3-121 NMSA 1978.

22 B. Any person who violates the provisions of this  
23 section is guilty of a misdemeanor and upon conviction shall  
24 be sentenced in accordance with the provisions of Section  
25 31-19-1 NMSA 1978."

1 Section 2. Section 66-8-102.3 NMSA 1978 (being Laws  
2 2002, Chapter 82, Section 2, as amended) is amended to read:

3 "66-8-102.3. IMPOSING A FEE--INTERLOCK DEVICE FUND  
4 CREATED.--

5 A. A fee is imposed on a person convicted of  
6 driving while under the influence of intoxicating liquor or  
7 drugs pursuant to Section 66-8-102 NMSA 1978 or adjudicated  
8 as a delinquent on the basis of Subparagraph (a) of Paragraph  
9 (1) of Subsection A of Section 32A-2-3 NMSA 1978 or a person  
10 whose driver's license is revoked pursuant to the provisions  
11 of the Implied Consent Act, in an amount determined by rule  
12 of the traffic safety bureau of the department of  
13 transportation not to exceed one hundred dollars (\$100) but  
14 not less than fifty dollars (\$50.00) for each year the person  
15 is required to operate only vehicles equipped with an  
16 ignition interlock device in order to ensure the solvency of  
17 the interlock device fund. The fee shall not be imposed on  
18 an indigent person. The fee imposed by this subsection shall  
19 be collected by the vendor who provides an ignition interlock  
20 device to the person. The vendor shall remit the fees  
21 collected on a quarterly basis to the traffic safety bureau  
22 of the department of transportation.

23 B. The "interlock device fund" is created in the  
24 state treasury. The fee imposed pursuant to Subsection A of  
25 this section shall be distributed to the fund by the traffic

