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SENATE BILL 152

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO HIGHER EDUCATION; PROHIBITING POST-SECONDARY
EDUCATIONAL INSTITUTIONS IN NEW MEXICO FROM SELLING STUDENT
LISTS TO CREDIT CARD ISSUERS AND FROM CONTRACTING OR
COOPERATING WITH CREDIT CARD ISSUERS TO MARKET CREDIT CARDS;
PROVIDING FOR CIVIL LIABILITY.

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

Section 1. SALE OF STUDENT INFORMATION--MARKETING CREDIT
CARDS TO STUDENTS--PROHIBITED PRACTICES.--

A. No public or private post-secondary educational
institution, including its agents, its employees, its student
or alumni organizations or its affiliates, shall:

(1) sell, give or otherwise transfer to any
card issuer the name, address, social security number, date of
birth, telephone number or other contact or personal

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1 identifying information of an undergraduate student at the
2 post-secondary educational institution;

3 (2) enter into any agreement or cooperate with
4 a card issuer to market credit cards to undergraduate students
5 at the post-secondary educational institution; or

6 (3) allow the marketing of credit cards from
7 the property or campus of the post-secondary educational
8 institution.

9 B. A person whose contact information was sold,
10 given or transferred in violation of this section, or the
11 attorney general, may bring a civil action and seek a civil
12 penalty in an amount not to exceed ten thousand dollars
13 (\$10,000) for each violation plus costs of the action and
14 reasonable attorney fees.

15 C. For purposes of this section, "credit card" and
16 "card issuer" have the meanings given them in the federal Truth
17 in Lending Act.