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HOUSE BILL 521

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO MOTOR VEHICLE RECORDS; ALLOWING CERTAIN ATTORNEYS TO
HAVE ACCESS TO MOTOR VEHICLE RECORDS.

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) is amended to read:

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

A. It is unlawful for any department employee or
contractor or for any former department employee or contractor
to disclose to any person other than another employee of the
department any personal information about an individual obtained
by the department in connection with a driver's license or
permit, the titling or registration of a vehicle or an
identification card issued by the department pursuant to the
Motor Vehicle Code except:

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- (1) to the individual or the individual's authorized representative;
- (2) for use by ~~any~~ a governmental agency, including any court, in carrying out its functions or by ~~any~~ a private person acting on behalf of the government;
- (3) for use in connection with matters of motor vehicle and driver safety or theft; motor vehicle emissions; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; motor vehicle production alterations, recalls or advisories and removal of non-owner records from original owner records of motor vehicle manufacturers;
- (4) for use in research activities and for use in producing statistical reports so long as the personal information is not published, redisclosed or used to contact individuals;
- (5) for use by ~~any~~ an attorney representing a person having a claim against another person insurer, ~~or~~ insurance support organization or ~~by a~~ self-insured entity, or ~~its~~ the agents, employees or contractors of the attorney. insurer, insurance support organization or self-insured entity in connection with claims investigation activities, antifraud activities, rating or underwriting;
- (6) for providing notice to owners of towed or impounded vehicles;

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

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

(9) for any use in response to requests for individual motor vehicle records if the department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations or identification cards notice that personal information collected by the department may be disclosed to any person and the department has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

B. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished in accordance with the provisions of Section 31-19-1 NMSA 1978. "

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 20, 1997

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 521

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 11, after "ATTORNEYS" insert "AND
FINANCIAL INSTITUTIONS".
2. On page 2, lines 17 and 18, strike the brackets and line
through "any" and delete the underscored language.
3. On page 2, line 20, after "contractors" strike the
remainder of the line and strike all of line 21.
4. On page 2, between lines 23 and 24, insert the following
new paragraphs:

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 521

Page 5

1
2 "(6) for use by attorneys in connection
3 with any civil, criminal, administrative or arbitration proceeding
4 in a federal, state or local court or agency or before a self-
5 regulatory body, including the service of process, investigation
6 in anticipation of litigation and the execution or enforcement of
7 judgments and orders or pursuant to an order of a federal, state
8 or local court;

9 (7) for use by an insured state or national
10 bank, a state or federal savings and loan association or savings
11 bank or a state or federal credit union or its agents, employees
12 or contractors, but only:

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

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

21 5. Renumber the succeeding paragraphs accordingly. ,

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23
24 and thence referred to the JUDICIARY COMMITTEE.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 521

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Respectfully submitted,

Gary King, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Heaton, Rios, Sandel, Vigil

Absent: None

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 28, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 521, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, King, Larranaga, Mallory, Rios, Stewart

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 10, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE BILL 521, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Garcia, Ingle, Smith

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

HB 521/a

3
4 March 19, 1997

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6 Mr. President:

7
8 Your JUDICIARY COMMITTEE, to whom has been referred

9 HOUSE BILL 521, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. Strike Consumer and Public Affairs Committee Amendments 4
15 and 5.

16
17 2. On page 2, between lines 23 and 24, insert the following
18 new paragraphs:

19 "(6) for use by attorneys in connection with a
20 specific case in any civil, criminal, administrative or
21 arbitration proceeding in which the attorney represents or is
22 associated in the representation of an individual or entity in a
23 federal, state or local court or agency or before a self-
24 regulatory body, including the service of process, investigation
25 in anticipation of litigation and the execution or enforcement of
judgments and orders or pursuant to an order of a federal, state
or local court;

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

SJC/HB 521

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(7) for use by an insured state or national bank, a state or federal savings and loan association or savings bank or a state or federal credit union or its agents, employees or contractors, but only:

(a) to verify the accuracy of personal information submitted by a person to the bank, savings and loan association, savings bank or credit union; and

(b) if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against or recovering on a debt or security interest against the person;".

3. Renumber the succeeding paragraphs accordingly.

Respectfully submitted,

Fernando R. Macias, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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SJC/HB 521

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Sanchez, Tsosie

Absent: None

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