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SENATE BILL 202

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE MOTOR
VEHICLE CODE TO PROVIDE FOR ACCESS TO RECORDS BY LICENSED AUTO
RECYCLERS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION
OF LAW IN LAWS 2007.

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 by Laws 2007, Chapter 323,
Section 31 and by Laws 2007, Chapter 324, Section 1) 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

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1 another employee of the department or bureau any personal
2 information about an individual obtained by the department or
3 bureau in connection with a driver's license or permit, the
4 titling or registration of a vehicle, the administration of the
5 Ignition Interlock Licensing Act and the interlock device fund
6 or an identification card issued by the department pursuant to
7 the Motor Vehicle Code except:

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

10 (2) for use by any governmental agency,
11 including any court, in carrying out its functions or by any
12 private person acting on behalf of the government;

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

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

25 (5) for use by any insurer or insurance

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1 support organization or by a self-insured entity or its agents,
2 employees or contractors in connection with claims
3 investigation activities, antifraud activities, rating or
4 underwriting;

5 (6) for ~~[providing]~~ use by any person required
6 by law to provide notice to owners of towed or impounded
7 vehicles or for use by a licensed auto recycler in possession
8 of towed or impounded vehicles;

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

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

15 (9) for use by an insured state-chartered or
16 federally chartered credit union; an insured state or national
17 bank; an insured state or federal savings and loan association;
18 or an insured savings bank, but only:

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

22 (b) if the information as submitted is
23 not correct or is no longer correct, to obtain the correct
24 information, but only for the purpose of preventing fraud by
25 pursuing legal remedies against or recovering on a debt or

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1 security interest from the individual;

2 (10) for providing organ donor information as
3 provided in the Jonathan Spradling Revised Uniform Anatomical
4 Gift Act or Section 66-5-10 NMSA 1978; or

5 (11) for providing the names and addresses of
6 all lienholders and owners of record of abandoned vehicles to
7 storage facilities or ~~[wrecker yards]~~ licensed auto recyclers
8 for the purpose of providing notice as required in Section
9 66-3-121 NMSA 1978.

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