



The Legislature  
of the  
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 71

SENATE BILL 152, as amended

Introduced by

SENATOR MICHAEL S. SANCHEZ

SENATOR LINDA M. LOPEZ

SENATOR GEORGE K. MUÑOZ



# Chapter 71

## 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, for the purpose of distributing or marketing credit cards, the name, address, social security number, date of birth, telephone number or other contact or personal identifying information of an undergraduate student at the post-secondary educational institution;

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

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

1           B. A person whose contact information was sold,  
2 given or transferred in violation of this section, or the  
3 attorney general, may bring a civil action and seek a civil  
4 penalty in an amount not to exceed ten thousand dollars  
5 (\$10,000) for each violation plus costs of the action and  
6 reasonable attorney fees.

7           C. For purposes of this section, "credit card" and  
8 "card issuer" have the meanings given them in the federal  
9 Truth in Lending Act. \_\_\_\_\_

SB 152  
Page 2

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Diane D. Denish

Diane D. Denish, President  
Senate

Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

Ben Lujan

Ben Lujan, Speaker  
House of Representatives

Stephen R. Arias  
Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 8th day of March, 2010

Bill Richardson

Governor Bill Richardson  
State of New Mexico

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11