

STATE TELEMARKETING LAWS

New Mexico

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/new-mexico/>

01. Telephone solicitation sales

NMSA 1978, § 57-12-22

Prerecorded sales calls, disclosures, calling hours, dialer rules, the national registry, caller ID, definitions and exemptions.

02. Unfair Practices Act remedies

NMSA 1978, §§ 57-12-10, 57-12-11

Actual damages or \$100, up to \$300 or treble if willful, mandatory fees, class limits, and Attorney General penalties.

AT A GLANCE

New Mexico at a glance

WHY NEW MEXICO MATTERS

Calls may start no earlier than 9 a.m., the sponsor and purpose must be stated within fifteen seconds, and prerecorded sales calls need both a business relationship and consent. Federal courts apply the law to cell phones.



Who and what is covered

A "telephone solicitation" is a voice or fax communication over a telephone line to encourage the purchase, rental or investment in property, goods or services, by automated or other means.

Text messages

Section 57-12-22 covers voice and fax communications and does not mention texts. No New Mexico decision applying it to texts was located.

Aa. Exclusions

Prior permission, business relationship, political calls and polls.

Bb. Brokers

Resident licensed real estate brokers calling only about real estate.

Cc. Cell phones

Covered in federal court, despite the landline-based subscriber definition.

5





Prerecorded sales calls

A prerecorded sales call by an automated dialing system needs an established business relationship and the called person's consent to hear the message (§ 57-12-22(A)). Federal law requires prior express written consent.

Both conditions

Consent alone is not enough, and neither is a relationship alone. The state consent need not be in writing.

Twelve-month window

The relationship must exist now or within the past 12 months. Federal law allows 18 months, or 3 after an inquiry.

01. National registry adopted

NMSA 1978, § 57-12-22(C)(1)

No solicitation of a subscriber whose number has been on the national registry for at least three months. The federal duty attaches sooner.

02. No caller ID blocking

NMSA 1978, § 57-12-22(C)(2)

No blocking or intentional circumvention of a subscriber's caller ID. The clause still cites the repealed act, but it stands.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

New Mexico keeps no state list and has no registration or bond. Its former Consumer No-Call Act was repealed in 2003. Scrub on the federal 31-day cycle.



Calling hours and disclosures

Section 57-12-22(B) makes it unlawful to make a sales call received before 9:00 a.m. or after 9:00 p.m., in practice the called party's local time.

15

Seconds to identify

The sponsor name and primary purpose of the call, measured from answer (§ 57-12-22(B)(1)).



9 a.m. to 9 p.m.

One hour later in the morning than the federal 8 a.m. start.



Full terms first

Cost, terms, payment plans and extra charges before the customer commits.

Dialers and pretexts

Section 57-12-22(B) lists eight unlawful practices for sales calls, from late disclosure to early requests for credit card numbers.

No pretext calls

No sales call billed as a "courtesy call," a "public service information call," research or a survey.

Aa. **Release**

Automatic dialers must release the line as soon as the called party hangs up.

Bb. **Abandon**

Abandoned calls must stay within the FTC Telemarketing Sales Rule limits.

8

Cc. **Cards**

No asking for a card number until the buyer chooses to pay by card.



Telemarketing fraud crimes

New Mexico has no telemarketer registration or bond. The Fraudulent Telemarketing Act instead punishes knowing and willful telemarketing fraud to or from a New Mexico phone.

\$20,000

Felony threshold

Fraud obtaining more than \$20,000 is a second degree felony (§ 30-50-4).



Petty misdemeanor

The lowest grade, where \$250 or less is obtained.



Any network

Words, fax, modem, video or other transmission over local, long distance or cell networks.

Lawsuits and penalties



\$100

Actual damages or \$100, whichever is greater, with mandatory fees for a prevailing plaintiff.

\$300

For willful violations: up to three times actual damages or \$300, whichever is greater.

\$5,000

Attorney General civil penalty per willful violation. Class members get only actual damages.





New Mexico vs. the TCPA

New Mexico is stricter on calling hours, its fifteen-second disclosure, pretext and credit card rules, and prerecorded calls. It is looser in its three-month registry grace period, real estate broker exemption, silence on texts and remedies.

New Mexico

Calls 9 a.m. to 9 p.m., disclosure in 15 seconds, \$100 floor, statutory damages for named plaintiffs only.

Federal TCPA

Calls 8 a.m. to 9 p.m., no numeric disclosure deadline, \$500 per violation, classwide damages.

Key court rulings

Federal courts in New Mexico apply § 57-12-22 to cell phones and treat its listed practices as unlawful without proof of a misrepresentation.

Class limits

In a class action, only named plaintiffs get the \$100 or \$300 amounts; other members recover actual damages (§ 57-12-10(E)).

Aa. **Mohon**

D.N.M. 2019: registry protection covers wireless numbers.

Bb. **Mestas**

D.N.M. 2020: fake sponsor name past 15 seconds states a claim.

15

Cc. **Jones**

N.M. App. 1998: \$100 is available without actual losses.



Amendment history



1989

Laws ch. 309

Enacted the telephone solicitation section, § 57-12-22.

2003

Laws ch. 167

Amended § 57-12-22; the No-Call Act was repealed July 25, 2003.

2006

Fraud act

Laws 2006, ch. 29 last amended the Fraudulent Telemarketing Act.

2020

HB 78 not enacted

Would have extended the rules to wireless and VoIP service.



01. Calls and scripts

NMSA 1978, § 57-12-22(B)

- Call New Mexico numbers only 9 a.m. to 9 p.m.
- Give sponsor and purpose within 15 seconds.
- No courtesy, survey or research pretexts.
- Disclose all costs first; no early card requests.

02. Lists, robocalls and dialers

NMSA 1978, § 57-12-22(A), (C)

- Treat cell numbers as covered; scrub every 31 days.
- Prerecorded calls: relationship and consent.
- Release lines at once; keep caller ID on.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck

NEW MEXICO LAW

[NMSA 1978, Chapter 57](#) including §§ 57-12-10, 57-12-11, 57-12-22 (NMOneSource)

[NMSA 1978, Chapter 30](#) including §§ 30-50-1 to 30-50-4 (NMOneSource)

[NMSA 1978, § 57-12-22](#) (unofficial, Justia)

[House Bill 78 \(2020\)](#) New Mexico Legislature

COURT DECISIONS

[Mohon v. Agentra LLC](#), No. 18-cv-00915 (D.N.M. June 24, 2019)

[Mestas v. CHW Group Inc.](#), No. 19-cv-00792 (D.N.M. Dec. 16, 2020)

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and robocall rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales Rule

Read the full New Mexico guide: <https://tcpa.com/state-telemarketing-laws/new-mexico/>

Disclaimer: general information only

Full text: <https://tcpa.com/disclaimer/> and <https://tcpa.com/terms/>

Not legal advice

General information only. This deck is general, educational information about New Mexico and federal telemarketing law. It is not legal advice and does not tell you how the law applies to your facts. TCPA.com is not a law firm.

No attorney-client relationship. Viewing this deck, using TCPA.com or contacting us does not create an attorney-client relationship with TCPA.com, Ringba, LLC or the authors. Do not send confidential information; it may not stay confidential or privileged.

Talk to your own lawyer. Before you act, or decide not to act, on anything here, consult a lawyer licensed in your state. Deadlines may apply to your rights.

The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slide. If an official source and this deck differ, the official source controls.

No warranty

As is, no reliance. No guarantee that this deck is complete, current or free of errors. Any reliance is at your own risk, and TCPA.com and the authors are not liable for any action you take or do not take based on it.

Who we are. TCPA.com is owned by Ringba, LLC. It is not a government site and is not affiliated with or endorsed by any agency or court. The authors are Ringba executives, a role that may create conflicts of interest. Views are the authors' own.

Links. Third-party links are not endorsements. We do not control those sites.

Read the full New Mexico guide on TCPA.com

The guide covers calling hours, disclosures, prerecorded calls, the national registry, remedies, key rulings and a compliance checklist, with links to the official sources.



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/new-mexico/>



Adam Young

Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

[Read more from Adam at TCPA.com](#)

[TCPA.com author page](#)

[Website: adamyoun.com](#)

[LinkedIn: linkedin.com/in/capitalist](#)

[Instagram: @adamyoun](#)

[X: @arbitrage](#)

[YouTube: @adamyoun](#)



Harrison Gevirtz

Harrison Gevirtz is the Chief Strategy Officer of Ringba, a call tracking and pay per call platform based in Las Vegas. He has worked for years in call tracking, call routing and telemarketing operations, with a focus on how federal regulations affect daily operations. At TCPA.com he covers TCPA litigation, TSR enforcement, tech support fraud prosecutions and FCC rulemaking for executives and compliance managers who are not lawyers.

[Read more from Harrison at TCPA.com](#)

[TCPA.com author page](#)

[Instagram: @affiliate](#)