

TITLE 4: ECONOMIC RESOURCES
DIVISION 1: REVENUE AND TAXATION

§ 18164. Civil Damages for Unauthorized Disclosure of Returns and Return Information.

(a) *In General.*

(1) Disclosure By Employee of Commonwealth. If any officer or employee of the Commonwealth knowingly, or by reason of negligence, discloses any return or return information with respect to a taxpayer in violation of any provision of section 6103 of the NMTIT or of this Article, such taxpayer may bring a civil action for damages against the Commonwealth in the Commonwealth Superior Court.

(2) Disclosure By a Person Who Is Not an Employee of the Commonwealth. If any person who is not an officer or employee of the Commonwealth knowingly, or by reason of negligence, inspects or discloses any return or return information with respect to a taxpayer in violation of any provision of section 6103 of the NMTIT or of this Article, such taxpayer may bring civil action for damages against such person in the Commonwealth Superior Court.

(b) *No Liability for Good Faith But Erroneous Interpretation.* No liability shall arise under this section with respect to any inspection or disclosure which results from a good faith, but erroneous, interpretation of section 6103 of the NMTIT or of this Article, or any inspection or disclosure requested by the taxpayer.

(c) *Damages.* In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the sum of—

(1) The greater of:

(A) \$1,000 for each act of unauthorized inspection or disclosure of a return or return information with respect to which such defendant is found liable, or

(B) The sum of:

(i) The actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus

(ii) In the case of a willful disclosure or an inspection or disclosure which is the result of gross negligence, punitive damages, plus

(2) The costs of the action and reasonable attorneys fees if the plaintiff is the prevailing party in the action and the defendant does not include the Commonwealth.

(d) *Period for Bringing Action.* Notwithstanding any other provision of law, an action to enforce any liability created under this section may be brought, without regard to the amount in controversy, at any time within 2 years after the date of discovery by the plaintiff of the unauthorized inspection or disclosure.

Source: PL 14-35, § 4 (1954), modified.

Commission Comment: In the section above, the Commission substituted the word “Article” in place of “Subchapter” pursuant to its authority by 1 CMC § 3806.