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HOUSE BILL 274

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY
George Dodge, Jr.

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING AN APPLICATION FOR
REGISTRATION AND CERTIFICATE OF TITLE TO BE SIGNED
ELECTRONICALLY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-3-4 NMSA 1978 (being Laws 1978,
Chapter 35, Section 24, as amended by Laws 2007, Chapter 319,
Section 16 and by Laws 2007, Chapter 320, Section 2) is amended
to read:

"66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

A. Except for a vehicle owned by a carrier that is
from a jurisdiction that is not a participant in the
International Fuel Tax Agreement, that is authorized by the
United States government or an agency of the United States

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1 government to conduct cross-border operations beyond the
2 commercial border zone pursuant to the provisions of the North
3 American Free Trade Agreement and that identifies New Mexico as
4 the carrier's base jurisdiction, every owner of a vehicle of a
5 type required to be registered in this state shall make
6 application to the division for the registration and issuance
7 of a certificate of title for the vehicle. Applications shall
8 be upon the appropriate forms furnished by the division and
9 shall bear the signature of the owner; provided that the
10 signature may either be made using an electronic signature in
11 conformance with the Electronic Authentication of Documents Act
12 and the Uniform Electronic Transactions Act or written with pen
13 and ink. All applications presented to the division shall
14 contain:

15 (1) for a vehicle other than a recreational
16 vehicle, the name, bona fide New Mexico residence address and
17 mail address of the owner or, if the owner is a firm,
18 association or corporation, the name, bona fide New Mexico
19 business address and mail address of the firm, association or
20 corporation and for a recreational vehicle, the name, bona fide
21 residence address and mail address of the owner and proof of
22 delivery in New Mexico;

23 (2) a description of the vehicle including, to
24 the extent that the following specified data may exist with
25 respect to a given vehicle, the make, model, type of body,

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1 number of cylinders, type of fuel used, serial number of the
2 vehicle, odometer reading, engine or other identification
3 number provided by the manufacturer of the vehicle, whether new
4 or used and, if a vehicle not previously registered, date of
5 sale by the manufacturer or dealer to the person intending to
6 operate the vehicle. In the event a vehicle is designed,
7 constructed, converted or rebuilt for the transportation of
8 property, the application shall include a statement of its
9 rated capacity as established by the manufacturer of the
10 chassis or the complete vehicle;

11 (3) a statement of the applicant's title and
12 of all liens or encumbrances upon the vehicle and the names and
13 addresses of all persons having an interest in the vehicle, the
14 nature of each interest and the name and address of the person
15 to whom the certificate of title shall be delivered by the
16 division;

17 (4) if the vehicle required to be registered
18 is a house trailer, as defined in the Motor Vehicle Code, a
19 certificate from the treasurer or assessor of the county in
20 which the house trailer is located showing that either:

21 (a) all property taxes due or to become
22 due on the house trailer for the current tax year or any past
23 tax years have been paid; or

24 (b) no liability for property taxes on
25 the house trailer exists for the current year or any past tax

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1 years; and

2 (5) further information as may reasonably be
3 required by the division to enable it to determine whether the
4 vehicle is lawfully entitled to registration and the owner
5 entitled to a certificate of title.

6 B. The owner of a vehicle subject to registration
7 that has never been registered in this state and that has been
8 registered in another state, except manufactured homes, shall
9 have the vehicle examined and inspected for its identification
10 number or engine number by the division or an officer or a
11 designated agent of the division incident to securing
12 registration, reregistration or a certificate of title from the
13 division.

14 C. When an application refers to a vehicle not
15 previously registered and the vehicle is purchased from a
16 dealer licensed in this state or a dealer licensed or
17 recognized as such in any other state, territory or possession
18 of the United States, the application shall be accompanied by a
19 manufacturer's certificate of origin duly assigned by the
20 dealer to the purchaser. In the event that a vehicle not
21 previously registered is sold by the manufacturer to a dealer
22 in a state not requiring a manufacturer's certificate of origin
23 and in the event that the vehicle is subsequently purchased by
24 a dealer or any person in this state, the application for title
25 shall be accompanied by the evidence of title accepted by the

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1 state in which the vehicle was sold by the manufacturer to a
2 dealer in that state together with evidence of subsequent
3 transfers.

4 D. Prior to the sale or disposal of a nonrepairable
5 vehicle, the owner, owner's agent or salvage pool shall obtain
6 a properly endorsed nonrepairable vehicle certificate from the
7 department and deliver it to the purchaser within twenty days
8 after payment in full for the nonrepairable vehicle and shall
9 also comply with Section 66-3-10.1 NMSA 1978. The department
10 shall accept the endorsed nonrepairable vehicle certificate in
11 lieu of the certificate of ownership or other evidence of
12 ownership when accompanied by an application and other
13 documents and fees as may be required by the department. A
14 vehicle for which a nonrepairable vehicle certificate has been
15 issued shall not be titled or registered for use on the
16 highways of this state.

17 E. If an insurance company makes a total loss
18 settlement on a nonrepairable vehicle and takes possession of
19 that vehicle, either itself or through an agent or salvage
20 pool, the insurance company or an authorized agent of the
21 insurance company shall:

22 (1) stamp the face of the title or
23 manufacturer's certificate of origin with the word
24 "NONREPAIRABLE", in letters no less than one-half inch high, at
25 an angle of approximately forty-five degrees to the text of the

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1 title or manufacturer's certificate of origin; and

2 (2) within twenty days after receipt of title
3 by the insurer, free and clear of all liens, submit a copy of
4 the branded title or manufacturer's certificate of title to the
5 department together with documents explaining the reason for
6 branding, and shall forward a properly endorsed certificate of
7 title or manufacturer's certificate of origin or other evidence
8 of ownership acceptable to the department together with the
9 proper fee to the department. The department, upon receipt of
10 the title or manufacturer's certificate of origin or other
11 evidence of ownership, shall issue a nonrepairable vehicle
12 certificate for the vehicle.

13 F. If an owner of a nonrepairable vehicle elects to
14 retain possession of the vehicle, the insurance company shall
15 notify the department of the retention on a form prescribed by
16 the department. The insurance company shall also notify the
17 insured or owner of the insured's or owner's responsibility to
18 comply with this section. The owner shall, within twenty days
19 from the date of settlement of the loss, forward a properly
20 endorsed certificate of title or manufacturer's certificate of
21 origin or other evidence of ownership acceptable to the
22 department together with the proper fee to the department. The
23 department, upon receipt of the title or manufacturer's
24 certificate of origin or other evidence of ownership, shall
25 issue a nonrepairable vehicle certificate for the vehicle.

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1 G. If a nonrepairable vehicle is not the subject of
2 an insurance settlement, the owner shall, within twenty days
3 from the date of the loss, forward a properly endorsed
4 certificate of title or manufacturer's certificate of origin or
5 other evidence of ownership acceptable to the department
6 together with the proper fee to the department. The
7 department, upon receipt of the title or manufacturer's
8 certificate of origin or other evidence of ownership, shall
9 issue a nonrepairable vehicle certificate for the vehicle.

10 H. The department shall not issue a new
11 registration card and certificate of ownership pursuant to
12 Subsection A, B or C of this section on a vehicle that has been
13 issued a nonrepairable vehicle certificate pursuant to
14 Subsections E, F and G of this section."

15 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
16 provisions of this act is July 1, 2018.

