

HOUSE BILL 40

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Elizabeth "Liz" Thomson

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY; REQUIRING PEACE OFFICERS WHILE ENFORCING TRAFFIC LAWS TO HJC→, IF PRACTICABLE,←HJC DETERMINE WHETHER A MOTOR VEHICLE IS IN THE NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY.

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

SECTION 1. A new section of the Motor Vehicle Code is

.223427.2AIC February 7, 2023 (11:02am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

enacted to read:

"[NEW MATERIAL] NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY--INCLUSION IN VEHICLE RECORD SYSTEM AND NATIONAL CRIME INFORMATION CENTER SYSTEM.--

A. The department shall create and maintain a statewide registry referred to as the "nontraditional communication or disability registry" to identify motor vehicles that may be driven or occupied by a person who has a medical diagnosis by a licensed health practitioner of a condition or disability that may cause the person to fail to be able to communicate with a peace officer or to respond appropriately to a peace officer's commands, including an autism spectrum disorder, deafness, a brain injury, an intellectual disability, a behavioral health disorder HJC→, dementia←HJC or a seizure disorder. The registry shall cite all of the conditions and disabilities associated with the drivers and occupants of a particular motor vehicle. The department shall provide online internet access to the registry to peace officers. The registry shall not be made available to the public and is exempt from disclosure pursuant to the Inspection of Public Records Act.

B. The department shall include in its electronic motor vehicle record management system a data field indicating that a motor vehicle is in the nontraditional communication or disability registry and a link to the registry. The department

.223427.2AIC February 7, 2023 (11:02am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

shall share this data with the department of public safety, which shall include it in the national crime information center system for peace officers to view when enforcing the law."

SECTION 2. A new section of Chapter 29, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CONSULT NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY.--Prior to interacting with a driver or occupant of a motor vehicle, every peace officer shall HJC→, if practicable,←HJC consult the national crime information center system or other electronic motor vehicle record management system to determine if the motor vehicle is on the nontraditional communication or disability registry, HJC→if practicable,←HJC and if the motor vehicle is on the registry, take appropriate safety precautions during the interaction. If the registry reveals that a driver or occupant of the motor vehicle has a seizure disorder that may be triggered by flashing lights, including photosensitive epilepsy, the peace officer shall minimize the use of flashing lights to the extent feasible, taking safety into consideration."

SECTION 3. Section 66-3-4 NMSA 1978 (being Laws 1978, Chapter 35, Section 24, as amended) 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

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

International Fuel Tax Agreement, that is authorized by the United States government or an agency of the United States government to conduct cross-border operations beyond the commercial border zone pursuant to the provisions of the [~~North American Free Trade~~] United States-Mexico-Canada Agreement Implementation Act and that identifies New Mexico as the carrier's base jurisdiction, every owner of a vehicle of a type required to be registered in this state shall make application to the division for the registration and issuance of a certificate of title for the vehicle. Applications shall be upon the appropriate forms furnished by the division and shall bear the signature of the owner; provided that the signature may either be made using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act or written with pen and ink. All applications presented to the division shall contain:

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

(2) a description of the vehicle, including,

.223427.2AIC February 7, 2023 (11:02am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

to the extent that the following specified data may exist with respect to a given vehicle, the make, model, type of body, number of cylinders, type of fuel used, serial number of the vehicle, odometer reading, engine or other identification number provided by the manufacturer of the vehicle, whether new or used, and, if a vehicle not previously registered, date of sale by the manufacturer or dealer to the person intending to operate the vehicle. In the event a vehicle is designed, constructed, converted or rebuilt for the transportation of property, the application shall include a statement of its rated capacity as established by the manufacturer of the chassis or the complete vehicle;

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

(4) a space to allow the applicant the option of adding the applicant's vehicle to the nontraditional communication or disability registry; provided that the applicant submits evidence satisfactory to the division that the vehicle will regularly be driven or occupied by a person who has a medical diagnosis by a licensed health practitioner of a condition or disability that may cause the person to fail

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

to be able to communicate with a peace officer or to respond appropriately to a peace officer's commands, including an autism spectrum disorder, deafness, a brain injury, an intellectual disability, a behavioral health disorder HJC→, dementia←HJC or a seizure disorder;

[~~(4)~~] (5) if the vehicle required to be registered is a house trailer, as defined in the Motor Vehicle Code, a certificate from the treasurer or assessor of the county in which the house trailer is located showing that either:

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

(b) no liability for property taxes on the house trailer exists for the current year or any past tax years; and

[~~(5)~~] (6) further information as may reasonably be required by the division to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

B. The owner of a vehicle subject to registration that has never been registered in this state and that has been registered in another state, except manufactured homes, shall have the vehicle examined and inspected for its identification number or engine number by the division or an officer or a

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

designated agent of the division incident to securing registration, reregistration or a certificate of title from the division.

C. When an application refers to a vehicle not previously registered and the vehicle is purchased from a dealer licensed in this state or a dealer licensed or recognized as such in any other state, territory or possession of the United States, the application shall be accompanied by a manufacturer's certificate of origin duly assigned by the dealer to the purchaser. In the event that a vehicle not previously registered is sold by the manufacturer to a dealer in a state not requiring a manufacturer's certificate of origin and in the event that the vehicle is subsequently purchased by a dealer or any person in this state, the application for title shall be accompanied by the evidence of title accepted by the state in which the vehicle was sold by the manufacturer to a dealer in that state together with evidence of subsequent transfers.

D. Prior to the sale or disposal of a nonrepairable vehicle, the owner, owner's agent or salvage pool shall obtain a properly endorsed nonrepairable vehicle certificate from the department and deliver it to the purchaser within twenty days after payment in full for the nonrepairable vehicle and shall also comply with Section 66-3-10.1 NMSA 1978. The department shall accept the endorsed nonrepairable vehicle certificate in

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

lieu of the certificate of ownership or other evidence of ownership when accompanied by an application and other documents and fees as may be required by the department. A vehicle for which a nonrepairable vehicle certificate has been issued shall not be titled or registered for use on the highways of this state.

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

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

(2) within twenty days after receipt of title by the insurer, free and clear of all liens, submit a copy of the branded title or manufacturer's certificate of title to the department together with documents explaining the reason for branding and shall forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

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

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

H. The department shall not issue a new

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

registration card and certificate of ownership pursuant to Subsection A, B or C of this section on a vehicle that has been issued a nonrepairable vehicle certificate pursuant to Subsections E, F and G of this section."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is HJC→January←HJC HJC→July←HJC 1, 2024.