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AN ACT

RELATING TO MOTOR VEHICLES; LIMITING THE LOCATIONS WHERE A
MOTOR VEHICLE MAY BE SOLD OR OFFERED FOR SALE; PROHIBITING
THE SALE OF A MOTOR VEHICLE BY A NON-OWNER WHO IS NOT A MOTOR
VEHICLE DEALER.

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

SECTION 1. Section 66-3-126 NMSA 1978 (being Laws 1987,
Chapter 250, Section 2) is amended to read:

"66-3-126. CASUAL SALES--REGISTRATION--PENALTY.--

A. Unless a person is a motor vehicle dealer or
the holder of a security interest filed pursuant to Section
66-3-201 NMSA 1978, before the person attempts to sell a used
motor vehicle, the person shall legally possess the title to
the used motor vehicle.

B. Any person who violates any provision of this
section is guilty of a misdemeanor and shall be punished by a
fine of three hundred dollars (\$300) or by imprisonment for
not less than thirty days or both."

SECTION 2. Section 66-4-2.2 NMSA 1978 (being Laws 2007,
Chapter 319, Section 41) is amended to read:

"66-4-2.2. OFF-SITE SALES.--

A. Except as otherwise provided in this section, a
New Mexico licensed dealer or the holder of a security
interest filed pursuant to Section 66-3-201 NMSA 1978 shall

1 not sell a vehicle or offer a motor vehicle for sale at a
2 location other than the licensed dealer's established place
3 of business, as defined in Section 66-1-4.5 NMSA 1978;
4 provided that for purposes of this subsection, a vehicle
5 shall not be deemed offered for sale at a location other than
6 the licensed dealer's established place of business if the
7 vehicle is in use for a purpose other than to sell or offer
8 the vehicle for sale.

9 B. A New Mexico licensed dealer, before offering a
10 vehicle or vessel for sale at a temporary off-site location,
11 shall apply to the department for and obtain an off-site
12 permit. No off-site permit shall be issued to a New Mexico
13 licensed dealer, other than a dealer in motorcycles only, for
14 a temporary off-site location unless the dealer:

15 (1) documents to the satisfaction of the
16 department that the dealer has offered the majority of
17 dealers, other than dealers in motorcycles only, in the
18 county in which the proposed temporary off-site location
19 would be located, the opportunity to offer vehicles or
20 vessels for sale at the proposed temporary off-site location;
21 provided that the offer shall be for sale of vehicles or
22 vessels at all times during which the applicant proposes to
23 sell vehicles or vessels and shall not be conditioned upon
24 the payment of a fee by a dealer to whom the off-site permit
25 is addressed that is greater than a fair share of the actual

1 expenses; and

2 (2) obtains either an original rider to the
3 dealer's existing corporate surety bond or an original
4 corporate surety bond in compliance with the provisions of
5 Section 66-4-7 NMSA 1978 to cover the proposed temporary off-
6 site location and dates of sale.

7 C. All temporary off-site locations shall be
8 identified by prominently displayed signs identifying the
9 names of the New Mexico licensed dealers selling vehicles or
10 vessels at the temporary off-site location and shall be of
11 sufficient size or space to permit the safe display of the
12 vehicles or vessels offered for sale."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2023. _____

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