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HOUSE BILL 847

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Mimi Stewart

AN ACT

**RELATING TO MOTOR VEHICLE INSURANCE; REVISING REPORTING
REQUIREMENTS FOR INSURANCE CARRIERS; AMENDING A SECTION OF THE
NMSA 1978.**

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

**Section 1. Section 66-5-205.1 NMSA 1978 (being Laws
1989, Chapter 214, Section 1, as amended) is amended to read:**

**"66-5-205.1. UNINSURED MOTORIST CITATION--REQUIREMENTS
TO BE FOLLOWED AT TIME OF ACCIDENT--SUBSEQUENT PROCEDURES--
INSURER NOTIFICATION REQUIREMENTS--SUSPENSION PROCEDURES.--**

**A. When a law enforcement officer issues a driver
who is involved in an accident a citation for failure to
comply with the provisions of the Mandatory Financial
Responsibility Act, the law enforcement officer shall at the
same time:**

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1 (1) issue to the driver cited a temporary
2 operation sticker, valid for thirty days after the date the
3 sticker is issued, and forward by mail or delivery to the
4 department a duplicate of the issued sticker; and

5 (2) remove the license plate from the vehicle
6 and send it with the duplicate of the sticker to the
7 department or, if it cannot be removed, permanently deface the
8 plate.

9 B. The department shall return or replace, in its
10 discretion, a license plate removed under the provisions of
11 Paragraph (2) of Subsection A of this section or replace a
12 license plate defaced under that paragraph when the person
13 cited for failure to comply with the provisions of the
14 Mandatory Financial Responsibility Act furnishes proof of
15 compliance to the department and pays to the division a
16 reinstatement fee of twenty-five dollars (\$25.00). If a
17 person to whom the temporary operation sticker is issued
18 furnishes to the department, within fifteen days after the
19 issuance of the sticker, evidence of financial responsibility
20 in compliance with the Mandatory Financial Responsibility Act
21 and in effect on the date and at the time of the issuance of
22 the sticker, the department shall replace or return the
23 license plate and waive the twenty-five dollar (\$25.00)
24 reinstatement fee.

25 C. The secretary shall adopt and promulgate rules

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1 prescribing the form and use of the sticker required to be
2 issued under Subsection A of this section.

3 D. The secretary shall adopt and promulgate rules
4 requiring insurance carriers [~~who terminate or cancel any~~
5 ~~motor vehicle insurance policy to report monthly each~~
6 ~~cancellation or termination to the department~~] to report
7 canceled, terminated and newly issued motor vehicle insurance
8 policies each month to the department. Information pertaining
9 to each motor vehicle shall be made a part of that vehicle
10 file for one year.

11 E. Within ten days of notification by the insurance
12 carrier of a termination or cancellation of a motor vehicle
13 insurance policy, the department shall demand satisfactory
14 evidence from the owner of the motor vehicle that he meets the
15 requirements of the Mandatory Financial Responsibility Act.
16 Failure to provide evidence of financial responsibility within
17 twenty days after the department has mailed its demand for
18 proof:

19 (1) constitutes reasonable grounds to believe
20 that a person is operating a motor vehicle in violation of the
21 provisions of Section 66-5-205 NMSA 1978; and

22 (2) requires the department to suspend the
23 person's registration as provided in Section 66-5-236 NMSA
24 1978.

25 F. The department shall notify the superintendent of
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1 insurance if an insurance carrier fails to provide
2 [~~notification of cancellations or terminations~~] monthly
3 reports to the department regarding motor vehicle insurance
4 policy information as required by Subsection D of this
5 section. "

6 Section 2. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 2001.

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