

HOUSE TRANSPORTATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 175

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO MOTOR VEHICLES; MAKING TECHNICAL ADJUSTMENTS TO THE
WEIGHT DISTANCE TAX; CHANGING AND CREATING DEFINITIONS IN THE
MOTOR VEHICLE CODE AND IN THE NEW MEXICO COMMERCIAL DRIVER'S
LICENSE ACT; CHANGING VEHICLE REGISTRATION REQUIREMENTS;
PROVIDING CERTAIN POWERS TO THE MOTOR VEHICLE DIVISION;
DEFINING GROUNDS FOR WHICH THE MOTOR VEHICLE DIVISION MAY
REFUSE, SUSPEND OR REVOKE VEHICLE REGISTRATION OR CERTIFICATE
OF TITLE; PROVIDING FOR VEHICLE REGISTRATION REFUNDS; CHANGING
DRIVER'S LICENSE ISSUANCE, CONTENT AND CHANGE OF ADDRESS OR
NAME REQUIREMENTS; CHANGING COMMERCIAL DRIVER'S LICENSE
CONTENT, APPLICATION, ISSUANCE AND DISQUALIFICATION
REQUIREMENTS; PROVIDING CONVICTION INFORMATION DISCLOSURE
REQUIREMENTS; PROVIDING FOR PRORATION OF DRIVER'S LICENSE AND
COMMERCIAL DRIVER'S LICENSE FEES IN CERTAIN CIRCUMSTANCES;
PROVIDING FOR DONOR STATUS ON IDENTIFICATION CARDS; INCREASING

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1 HEALTH STANDARDS ADVISORY BOARD MEMBERSHIP AND CHANGING PER
2 DIEM REQUIREMENTS FOR BOARD MEMBERS; CHANGING DISTRIBUTIONS;
3 PROVIDING A PENALTY; AMENDING SECTIONS OF THE NMSA 1978; MAKING
4 AN APPROPRIATION; DECLARING AN EMERGENCY.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 7-15A-6 NMSA 1978 (being Laws 1988,
8 Chapter 73, Section 33, as amended) is amended to read:

9 "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--
10 REDUCTION OF RATE FOR ONE-WAY HAULS.--

11 A. For on-highway operations of motor vehicles
12 other than buses, the weight distance tax shall be computed in
13 accordance with the following schedule:

Declared Gross Weight	Tax Rate
(Gross Vehicle Weight)	(Mills per Mile)
[26,000] <u>26,001</u> to 28,000	11.01
28,001 to 30,000	11.88
30,001 to 32,000	12.77
32,001 to 34,000	13.64
34,001 to 36,000	14.52
36,001 to 38,000	15.39
38,001 to 40,000	16.73
40,001 to 42,000	18.05
42,001 to 44,000	19.36
44,001 to 46,000	20.69

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1	46,001 to 48,000	[20.01] <u>22.01</u>
2	48,001 to 50,000	23.33
3	50,001 to 52,000	24.65
4	52,001 to 54,000	25.96
5	54,001 to 56,000	27.29
6	56,001 to 58,000	28.62
7	58,001 to 60,000	29.93
8	60,001 to 62,000	31.24
9	62,001 to 64,000	32.58
10	64,001 to 66,000	33.90
11	66,001 to 68,000	35.21
12	68,001 to 70,000	36.52
13	70,001 to 72,000	37.86
14	72,001 to 74,000	39.26
15	74,001 to 76,000	40.71
16	76,001 to 78,000	42.21
17	78,001 and over	43.78.

18 B. All motor vehicles for which the tax is computed
 19 under Subsection A of this section shall pay a tax that is two-
 20 thirds of the tax computed under Subsection A of this section
 21 if:

22 (1) the motor vehicle is customarily used for
 23 one-way haul;

24 (2) forty-five percent or more of the mileage
 25 traveled by the motor vehicle for a registration year is

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1 mileage that is traveled empty of all load; and

2 (3) the registrant, owner or operator of the
3 vehicle attempting to qualify under this subsection has made a
4 sworn application to the department to be classified under this
5 subsection for a registration year and has given whatever
6 information is required by the department to determine the
7 eligibility of the vehicle to be classified under this
8 subsection and the vehicle has been so classified."

9 Section 2. Section 7-15A-7 NMSA 1978 (being Laws 1988,
10 Chapter 73, Section 34, as amended) is amended to read:

11 "7-15A-7. TAX RATE FOR BUSES.--For all buses, the weight
12 distance tax shall be computed in accordance with the following
13 schedule:

Declared Gross Weight	Tax Rate
(Gross Vehicle Weight)	(Mills per Mile)
[26,000] <u>26,001</u> to 28,000	11.01
28,001 to 30,000	11.88
30,001 to 32,000	12.77
32,001 to 34,000	13.64
34,001 to 36,000	14.52
36,001 to 38,000	15.39
38,001 to 40,000	16.73
40,001 to 42,000	18.05
42,001 to 44,000	19.36
44,001 to 46,000	20.69

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1	46,001 to 48,000	22.01
2	48,001 to 50,000	23.33
3	50,001 to 52,000	24.65
4	52,001 to 54,000	25.96
5	54,001 and over	27.29."

6 Section 3. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
 7 Chapter 120, Section 17, as amended by Laws 2003, Chapter 142,
 8 Section 7 and by Laws 2003, Chapter 164, Section 2) is amended
 9 to read:

10 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
 11 Code:

12 A. "safety glazing materials" means glazing materials
 13 [~~so~~] constructed, treated or combined with other materials [~~as~~]
 14 to reduce substantially, in comparison with ordinary sheet
 15 glass or plate glass, the likelihood of injury to persons by
 16 objects from exterior sources or by these safety glazing
 17 materials when they are cracked and broken;

18 B. "safety zone" means the area or space that is
 19 officially set apart within a highway for the exclusive use of
 20 pedestrians and [~~which~~] that is protected or is so marked or
 21 indicated by adequate signs as to be plainly visible at all
 22 times while set apart as a safety zone;

23 C. "school bus" means [~~any motor vehicle operating~~
 24 ~~under the authority of the state board of education or private~~
 25 ~~school or parochial school interests that is used to transport~~

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1 ~~children, students or teachers to and from schools or to and~~
2 ~~from any school activity]~~ a commercial motor vehicle used to
3 transport preprimary, primary or secondary school students from
4 home to school, from school to home or to and from school-
5 sponsored events, but not including [any] a vehicle:

6 (1) operated by a common carrier, subject to and
7 meeting all requirements of the public regulation commission
8 but not used exclusively for the transportation of pupils;

9 (2) operated solely by a government-owned
10 transit authority, if the transit authority meets all safety
11 requirements of the public regulation commission but is not
12 used exclusively for the transportation of pupils; or

13 (3) operated as a per capita feeder as defined
14 in Section 22-16-6 NMSA 1978;

15 D. "seal" means the official seal of the taxation and
16 revenue department as designated by the secretary;

17 E. "secretary" means the secretary of taxation and
18 revenue, and, except for the purposes of Sections 66-2-3
19 and 66-2-12 NMSA 1978, also includes the deputy secretary and
20 any division director delegated by the secretary;

21 F. "semitrailer" means [any] a vehicle without motive
22 power, other than a pole trailer, designed for carrying persons
23 or property and for being drawn by a motor vehicle and so
24 constructed that some significant part of its weight and that
25 of its load rests upon or is carried by another vehicle;

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1 G. "sidewalk" means [~~that~~] a portion of street
2 between the curb lines, or the lateral lines of a roadway, and
3 the adjacent property lines, intended for the use of
4 pedestrians;

5 H. "slow-moving vehicle" means [~~any~~] a vehicle that
6 is ordinarily moved, operated or driven at a speed less than
7 twenty-five miles per hour;

8 I. "solid tire" means every tire of rubber or other
9 resilient material that does not depend upon compressed air for
10 the support of the load;

11 J. "special mobile equipment" means [~~every~~] a vehicle
12 not designed or used primarily for the transportation of
13 persons or property and incidentally operated or moved over the
14 highways, including but not limited to farm tractors, road
15 construction or maintenance machinery, ditch-digging apparatus,
16 well-boring apparatus and concrete mixers;

17 K. "specially constructed vehicle" means [~~every~~] a
18 vehicle of a type required to be registered under the Motor
19 Vehicle Code not originally constructed under a distinctive
20 name, make, model or type by a generally recognized
21 manufacturer of vehicles and not materially altered from its
22 original construction;

23 L. "state" means [~~any~~] a state, territory or
24 possession of the United States, the District of Columbia or
25 [~~any~~] a province of the Dominion of Canada;

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1 M. "state highway" means [~~any~~] a public highway that
2 has been designated as a state highway by the legislature, the
3 state transportation commission or the secretary of [~~highway~~
4 ~~and~~] transportation;

5 N. "stop", when required, means complete cessation
6 from movement;

7 O. "stop, stopping or standing", when prohibited,
8 means any stopping or standing of a vehicle, whether occupied
9 or not, except when necessary to avoid conflict with other
10 traffic or in compliance with the directions of a police
11 officer or traffic-control sign or signal;

12 P. "street" or "highway" means [~~every~~] a way or place
13 generally open to the use of the public as a matter of right
14 for the purpose of vehicular travel, even though it may be
15 temporarily closed or restricted for the purpose of
16 construction, maintenance, repair or reconstruction;

17 Q. "subsequent offender" means a person who was
18 previously a first offender and who again, under state law,
19 federal law or a municipal ordinance or a tribal law, has been
20 adjudicated guilty of the charge of driving a motor vehicle
21 while under the influence of intoxicating liquor or any drug
22 [~~which~~] that rendered him incapable of safely driving a motor
23 vehicle, regardless of whether the person's sentence was
24 suspended or deferred; and

25 R. "suspension" means that a person's driver's

1 license and privilege to drive a motor vehicle on the public
 2 highways are temporarily withdrawn."

3 Section 4. Section 66-2-9 NMSA 1978 (being Laws 1978,
 4 Chapter 35, Section 13, as amended) is amended to read:

5 "66-2-9. SEIZURE OF DOCUMENTS AND PLATES.--

6 A. The division [~~is authorized to~~] may take
 7 possession of any documents issued by it, including but not
 8 limited to any certificate of title, evidence of registration,
 9 permit, license or registration plate, upon expiration,
 10 revocation, cancellation or suspension thereof or [~~which~~] that
 11 is fictitious or [~~which~~] that has been unlawfully or
 12 erroneously issued.

13 B. If the division determines that any documents
 14 [~~purporting~~] purporting to be of a type described in Subsection
 15 A of this section are fictitious, the division shall turn them
 16 over to the proper law enforcement agency for use in
 17 prosecution.

18 C. The division may retrieve a registration plate
 19 from a motor carrier that is prohibited from operating a motor
 20 vehicle by order of a state or federal agency."

21 Section 5. Section 66-3-7 NMSA 1978 (being Laws 1978,
 22 Chapter 35, Section 27, as amended) is amended to read:

23 "66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING
 24 REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse,
 25 suspend or revoke registration or issuance of a certificate of

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1 title or [~~any~~] a transfer of registration upon the ground that:

2 A. the application contains [~~any~~] a false or
3 fraudulent statement or that the applicant [~~has~~] failed to
4 furnish the required information or reasonable additional
5 information requested by the division or that the applicant is
6 not entitled to the issuance of a certificate of title or
7 registration of the vehicle under the Motor Vehicle Code;

8 B. the vehicle is mechanically unfit or unsafe to be
9 operated or moved upon the highways;

10 C. a commercial motor vehicle is operated by a
11 commercial motor carrier that is prohibited from operating the
12 vehicle by order of a state or federal agency;

13 [~~G.~~] D. the division has a reasonable ground to
14 believe that the vehicle is a stolen or embezzled vehicle or
15 [~~that~~] the granting of registration or the issuance of a
16 certificate of title would constitute a fraud against the
17 rightful owner or other person having valid lien upon the
18 vehicle;

19 [~~D.~~] E. the registration of the vehicle stands
20 suspended or revoked for any reason as provided in the motor
21 vehicle laws of this state;

22 [~~E.~~] F. the required fee has not been paid;

23 [~~F.~~] G. the motor vehicle excise tax has not been
24 paid;

25 H. the weight distance tax has not been paid;

1 I. international fuel tax agreement taxes have not
 2 been paid;

3 [~~G.~~] J. if the vehicle is a mobile home, the property
 4 tax has not been paid;

5 [~~H.~~] K. the owner's address, as shown in the records
 6 of the division, is within a class A county or within [~~any~~] a
 7 municipality that has a vehicle emission inspection and
 8 maintenance program and the applicant has applied at an office
 9 outside the designated county or municipality; or

10 [~~I.~~] L. the owner is required to but has failed to
 11 provide proof of compliance with a vehicle emission inspection
 12 and maintenance program, if required in the county or
 13 municipality in which the owner resides."

14 Section 6. Section 66-3-8 NMSA 1978 (being Laws 1978,
 15 Chapter 35, Section 28, as amended) is amended to read:

16 "66-3-8. EXAMINATION OF REGISTRATION RECORDS AND INDEX OF
 17 STOLEN AND RECOVERED VEHICLES.--The department, upon receiving
 18 application for original registration of a vehicle or [~~any~~] a
 19 certificate of title, except a title issued on a manufactured
 20 home, shall first check the engine or other standard
 21 identification number provided by the manufacturer of the
 22 vehicle shown in the application against its own records, the
 23 records of the national crime information center and other
 24 records as appropriate."

25 Section 7. Section 66-3-20.1 NMSA 1978 (being Laws 1988,
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1 Chapter 94, Section 1, as amended) is amended to read:

2 "66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS
3 FOR CERTAIN MOTOR VEHICLES--CREDIT FOR UNEXPIRED PORTION OF
4 FEE.--

5 A. Registrations of vehicles, motorcycles or trucks
6 with a declared gross weight of twenty-six thousand pounds or
7 less may be for a period of up to two years; provided, the
8 extended registration period shall begin on the first day of
9 any month and expire on the last day of any month.

10 B. The fee for an extended registration period shall
11 be the fee for a registration for one year divided by four and
12 multiplied by the number of calendar quarters in the
13 registration period with any fraction of a quarter year to be
14 considered a full quarter.

15 C. ~~[If a registration expires by operation of law~~
16 ~~prior to the end of the extended registration period, no~~
17 ~~portion of the registration fee shall be refunded.] A refund~~
18 ~~shall not be permitted for the first year of registration. A~~
19 ~~refund shall be permitted during the second year of~~
20 ~~registration for a quarter during which a person applying for~~
21 ~~the refund did not own the vehicle for which the refund is~~
22 ~~requested.~~

23 D. If the owner of a vehicle that is registered for
24 an extended registration period sells, transfers or assigns
25 title or interest to the vehicle and applies to have the

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1 registration number assigned to another vehicle, upon
 2 assignment, a credit amount representing the unexpired portion
 3 of the registration fee plus an administrative fee to be
 4 determined by the department shall be applied, on a pro rata
 5 basis, to the registration fee for the vehicle to which the
 6 registration number is assigned."

7 Section 8. Section 66-3-23 NMSA 1978 (being Laws 1978,
 8 Chapter 35, Section 43) is amended to read:

9 "66-3-23. NOTICE OF CHANGE OF ADDRESS OR NAME.--

10 A. Whenever any person after making application for
 11 or obtaining the registration of a vehicle or a certificate of
 12 title [~~shall move~~] moves from the address named in the
 13 application or shown upon a registration card or certificate of
 14 title, he shall, within ten days thereafter, excluding
 15 Saturdays, Sundays and legal holidays, notify the division in
 16 writing of his old and new addresses or by electronic media
 17 pursuant to department regulations.

18 B. Whenever the name of any person who has made
 19 application for or obtained the registration of a vehicle or a
 20 certificate of title is [~~thereafter~~] changed by marriage or
 21 otherwise, [~~he~~] the person shall, within ten days, excluding
 22 Saturdays, Sundays and legal holidays, make application for a
 23 new certificate of title and registration to the division. The
 24 division may require such evidence as it deems satisfactory
 25 regarding the change of name."

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1 Section 9. Section 66-3-424.6 NMSA 1978 (being Laws 2003,
2 Chapter 178, Section 2) is amended to read:

3 "66-3-424.6. SPECIAL WILDLIFE ARTWORK REGISTRATION
4 PLATES--PROCEDURES--FEE.--

5 A. The department shall establish and issue a
6 standardized special registration plate with a logo specified
7 in Section 66-3-424 NMSA 1978 featuring artwork of New Mexico
8 wildlife for any private motor vehicle except a motorcycle.
9 The department shall adopt procedures for application for and
10 issuance of the special wildlife artwork registration plates.

11 B. The director of the department of game and fish
12 shall designate a "share with wildlife" logo design committee
13 that shall recommend to the director the color and design of
14 the special wildlife artwork logo. The director in cooperation
15 with the secretary shall determine the design of the special
16 wildlife artwork logo. No personalized or vanity design
17 variation of the special wildlife artwork registration plates
18 shall be issued.

19 C. For a fee of twenty-five dollars (\$25.00), which
20 shall be in addition to the regular motor vehicle registration
21 fees, an owner of a motor vehicle may apply for the issuance of
22 a special wildlife artwork registration plate. The owner of a
23 motor vehicle shall apply for the plate and pay the twenty-
24 five-dollar (\$25.00) fee for the first year and ten dollars
25 (\$10.00) for each subsequent year if he wishes to retain and

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1 renew the special wildlife artwork registration plate.

2 D. The revenue from the additional fee for a special
 3 wildlife artwork registration plate shall be distributed as
 4 follows:

5 (1) ten dollars (\$10.00) of the initial fee
 6 collected shall be [~~paid to the state treasurer for credit to~~
 7 ~~the motor vehicle suspense fund for distribution in accordance~~
 8 ~~with Section 66-6-23 NMSA 1978]~~ retained by the division and is
 9 appropriated to the division to defray the cost of making and
 10 issuing special registration plates for wildlife artwork; and

11 (2) fifteen dollars (\$15.00) of the initial fee
 12 and the entire renewal fee collected shall be distributed to
 13 the share with wildlife program of the game protection fund."

14 Section 10. Section 66-5-6 NMSA 1978 (being Laws 1978,
 15 Chapter 35, Section 228, as amended by Laws 1995, Chapter 135,
 16 Section 16 and also by Laws 1995, Chapter 136, Section 1) is
 17 amended to read:

18 "66-5-6. HEALTH STANDARDS ADVISORY BOARD.--

19 A. There shall be a "health standards advisory board"
 20 consisting of [~~three~~] five members of the healing arts
 21 professions appointed by the [~~director~~] secretary with the
 22 assistance of the secretary of health.

23 B. The health standards advisory board shall advise
 24 the [~~director~~] secretary on physical and mental criteria and
 25 vision standards relating to the licensing of drivers under the

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1 provisions of [~~this chapter~~] the Motor Vehicle Code.

2 C. The [~~division~~] department, having cause to believe
3 that a licensed driver or applicant may not be physically,
4 visually or mentally qualified to be licensed, may obtain the
5 advice of the health standards advisory board. The board may
6 formulate its advice from records and reports or may cause an
7 examination and report to be made by one or more members of the
8 board or any other qualified person it may designate. The
9 licensed driver or applicant may cause a written report to be
10 forwarded to the board by a healing arts practitioner of his
11 choice, and it shall be given due consideration by the board
12 only after the licensed driver or applicant has again undergone
13 an on-the-road examination and any physical, visual or mental
14 tests as recommended by the board. These examinations and
15 tests may not be waived by the [~~division~~] department.

16 D. Members of the health standards advisory board and
17 other persons making examinations shall not be held liable for
18 their opinions and recommendations presented pursuant to
19 [~~Subsection C of~~] this section.

20 E. The [~~director~~] secretary shall pay members of the
21 health standards advisory board per diem and mileage as
22 provided in the Per Diem and Mileage Act and, in addition, may
23 determine and pay an hourly rate for work performed not to
24 exceed fifty dollars (\$50.00) per hour and not to exceed [~~five~~]
25 twenty hours per month.

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1 F. Reports received or made by the health standards
 2 advisory board or its members for the purpose of assisting the
 3 [~~division~~] department in determining whether a person is
 4 qualified to be licensed are for the confidential use of the
 5 board or the [~~division~~] department and may not be divulged to
 6 any person or used as evidence in any trial."

7 Section 11. Section 66-5-15 NMSA 1978 (being Laws 1978,
 8 Chapter 35, Section 237, as amended) is amended to read:

9 "66-5-15. LICENSES ISSUED TO APPLICANTS.--The department
 10 shall, upon payment of the required fee, issue to every
 11 qualified applicant a driver's license as applied for [~~which~~].
 12 The license shall bear the full name, date of birth, current
 13 New Mexico [~~residence~~] physical or mailing address, a full face
 14 or front-view photograph of the license holder and a brief
 15 description of the licensee and the signature of the licensee.
 16 [~~No~~] A license shall not be valid unless it bears the signature
 17 of the licensee."

18 Section 12. Section 66-5-18 NMSA 1978 (being Laws 1978,
 19 Chapter 35, Section 240) is amended to read:

20 "66-5-18. ALTERED, FORGED OR FICTITIOUS LICENSE--
 21 PENALTY.--

22 A. [~~Any~~] A person who uses or possesses an altered,
 23 forged or fictitious driver's license, [~~or~~] permit or
 24 identification card is guilty of a misdemeanor.

25 B. [~~Any~~] A person who alters or forges a driver's

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1 license ~~[or]~~, permit or identification card or who makes a
2 fictitious driver's license ~~[or]~~, permit or identification card
3 is guilty of a fourth degree felony.

4 C. A person who possesses or uses a fraudulent,
5 counterfeit or forged document to apply for or renew a driver's
6 license, permit or identification card is guilty of a fourth
7 degree felony."

8 Section 13. Section 66-5-21 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 243, as amended) is amended to read:

10 "66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE
11 PERIOD--EIGHT-YEAR ISSUANCE PERIOD.--

12 A. Except as provided in Subsection B of this
13 section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA
14 1978, all driver's licenses shall be issued for a period of
15 four years, and each license shall expire thirty days after the
16 applicant's birthday in the fourth year after the effective
17 date of the license. A license issued pursuant to Section
18 66-5-19 NMSA 1978 shall expire thirty days after the
19 applicant's birthday in the year in which the license expires.
20 Each license is renewable within ninety days prior to its
21 expiration or at an earlier date approved by the department.
22 The fee for the license shall be as provided in Section 66-5-44
23 NMSA 1978. The department may provide for renewal by mail of a
24 driver's license issued pursuant to the provisions of this
25 subsection, pursuant to ~~[rules]~~ regulations adopted by the

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1 department and may require an examination upon renewal of the
 2 driver's license.

3 B. At the option of an applicant, a driver's license
 4 may be issued for a period of eight years, provided that the
 5 applicant:

6 (1) pays the amount required for a driver's
 7 license issued for a term of eight years;

8 (2) otherwise qualifies for a four-year driver's
 9 license; and

10 (3) will not reach the age of seventy-five
 11 during the last four years of the eight-year license period.

12 C. A driver's license issued pursuant to the
 13 provisions of Subsection B of this section shall expire thirty
 14 days after the applicant's birthday in the eighth year after
 15 the effective date of the license.

16 D. The director may adopt regulations providing for
 17 the proration of driver's license fees and commercial driver's
 18 license fees due to shortened licensure periods permitted
 19 pursuant to Subsection A of Section 66-5-19 NMSA 1978."

20 Section 14. Section 66-5-22 NMSA 1978 (being Laws 1978,
 21 Chapter 35, Section 244) is amended to read:

22 "66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--Whenever
 23 [any] a person, after applying for or receiving a driver's
 24 license, [~~shall move~~] moves from the address named in [~~such~~]
 25 the application or in the issued license [~~issued to him~~] or

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1 when the name of a licensee is changed by marriage or
2 otherwise, [~~such~~] the person shall, within ten days
3 [~~thereafter~~], notify the division [~~in writing of his~~] of the
4 new address in writing or by electronic media pursuant to
5 department regulations. In the event of a change of name, the
6 license must be delivered by the licensee to the division and
7 the change of name be accomplished on the license itself. The
8 division may require such evidence as it deems satisfactory
9 regarding the change of name."

10 Section 15. Section 66-5-54 NMSA 1978 (being Laws 1989,
11 Chapter 14, Section 3, as amended) is amended to read:

12 "66-5-54. DEFINITIONS.--As used in the New Mexico
13 Commercial Driver's License Act:

14 A. "commerce" means:

15 (1) trade, traffic or transportation within the
16 jurisdiction of the United States between a place in New Mexico
17 and a place outside of New Mexico, including a place outside of
18 the United States; and

19 (2) trade, traffic or transportation in the
20 United States that affects any trade, traffic or transportation
21 described in Paragraph (1) of this subsection;

22 B. "commercial motor vehicle" means a motor vehicle
23 or combination of motor vehicles used in commerce to transport
24 passengers or property if the motor vehicle:

25 (1) has a gross combination weight rating of

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1 more than twenty-six thousand pounds inclusive of a towed unit
 2 with a gross vehicle weight rating of more than ten thousand
 3 pounds;

4 (2) has a gross vehicle weight rating of more
 5 than twenty-six thousand pounds;

6 (3) is designed to transport sixteen or more
 7 passengers, including the driver; or

8 (4) is of any size and is used in the
 9 transportation of hazardous materials, which requires the motor
 10 vehicle to be placarded under applicable law;

11 C. "disqualification" means:

12 (1) a suspension, revocation or cancellation of
 13 a commercial driver's license by the state or jurisdiction that
 14 issued the commercial driver's license;

15 (2) a withdrawal of a person's privileges to
 16 drive a commercial motor vehicle by a state or other
 17 jurisdiction as the result of a violation of state or local law
 18 relating to motor vehicle control other than a parking, vehicle
 19 weight or vehicle defect violation; and

20 (3) a determination by the federal motor carrier
 21 safety administration that a person is not qualified to operate
 22 a motor vehicle;

23 D. "driving a commercial motor vehicle while under
 24 the influence of alcohol" means:

25 (1) driving a commercial motor vehicle while the

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1 driver has an alcohol concentration in the driver's blood or
2 breath of four one hundredths or more;

3 (2) driving a commercial motor vehicle while the
4 driver is under the influence of intoxicating liquor; or

5 (3) refusal to submit to chemical tests
6 administered pursuant to Section 66-8-107 NMSA 1978;

7 [~~E.~~] E. "employee" means an operator of a commercial
8 motor vehicle, including full-time, regularly employed drivers;
9 casual, intermittent or occasional drivers; leased drivers; and
10 independent owner-operator contractors, while in the course of
11 operating a commercial motor vehicle, who is either directly
12 employed by or under lease to an employer;

13 [~~D.~~] F. "employer" means a person, including the
14 United States, a state and a political subdivision of a state
15 or their agencies or instrumentalities, who owns or leases a
16 commercial motor vehicle or assigns employees to operate such a
17 vehicle;

18 G. "fatality" means the death of a person as a result
19 of a motor vehicle accident;

20 [~~E.~~] H. "gross combination weight rating" means the
21 value specified by the manufacturer as the loaded weight of a
22 combination vehicle. In the absence of a value specified by
23 the manufacturer, gross combination weight rating shall be
24 determined by adding the gross vehicle weight rating of the
25 power unit and the total weight of the towed unit or units and

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1 any load thereon;

2 ~~[F.]~~ I. "gross vehicle weight rating" means the value
3 specified by the manufacturer as the loaded weight of a single
4 vehicle;

5 J. "imminent hazard" means a condition that presents
6 a substantial likelihood that death, serious illness, severe
7 personal injury or a substantial endangerment to health,
8 property or the environment will occur before the reasonable
9 foreseeable completion date of a formal proceeding to lessen
10 the risk of that death, illness, injury or endangerment;

11 K. "noncommercial motor vehicle" means a motor
12 vehicle or combination of motor vehicles that is not a
13 commercial motor vehicle;

14 L. "nonresident commercial driver's license" means a
15 commercial driver's license issued by another state to a person
16 domiciled in that state or by a foreign country to a person
17 domiciled in that country;

18 ~~[G.]~~ M. "out-of-service order" means a declaration by
19 an authorized enforcement officer of a federal, state,
20 Canadian, Mexican or local jurisdiction that a driver, a
21 commercial motor vehicle or a motor carrier operation is
22 temporarily prohibited from operating;

23 ~~[H.]~~ N. "railroad-highway grade crossing violation"
24 means a violation of a provision of Section 66-7-341 or
25 66-7-343 NMSA 1978 or a violation of federal or local law or

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1 rule pertaining to stopping at or crossing a railroad-highway
2 grade crossing; and

3 ~~[F.]~~ 0. "serious traffic violation" means conviction
4 of any of the following if committed when operating a
5 commercial motor vehicle:

6 (1) speed of fifteen miles or more per hour
7 above the posted limits;

8 (2) reckless driving as defined by Section
9 66-8-113 NMSA 1978 or a municipal ordinance or the law of
10 another state;

11 (3) homicide by vehicle, as defined in Section
12 66-8-101 NMSA 1978;

13 (4) injury to pregnant woman by vehicle as
14 defined in Section 66-8-101.1 NMSA 1978 or a municipal
15 ordinance or the law of another state; ~~[or]~~

16 (5) any other violation of law relating to motor
17 vehicle traffic control, other than a parking violation, that
18 the secretary determines by regulation to be a serious traffic
19 violation. "Serious traffic violation" does not include a
20 vehicle weight or vehicle defect violation;

21 (6) improper or erratic lane changes in
22 violation of Section 66-7-317 NMSA 1978;

23 (7) following another vehicle too closely in
24 violation of Section 66-7-318 NMSA 1978;

25 (8) directly or indirectly causing death or

1 great bodily injury to a human being in the unlawful operation
 2 of a motor vehicle in violation of Section 66-8-101 NMSA 1978;

3 (9) driving a commercial motor vehicle without
 4 possession of a commercial driver's license in violation of
 5 Section 66-5-59 NMSA 1978;

6 (10) driving a commercial motor vehicle without
 7 the proper class of commercial driver's license and
 8 endorsements pursuant to Section 66-5-65 NMSA 1978 and the
 9 Motor Carrier Safety Act for the specific vehicle group
 10 operated or for the passengers or type of cargo transported; or

11 (11) driving a commercial motor vehicle without
 12 obtaining a commercial driver's license in violation of Section
 13 66-5-59 NMSA 1978."

14 Section 16. Section 66-5-64 NMSA 1978 (being Laws 1989,
 15 Chapter 14, Section 13, as amended) is amended to read:

16 "66-5-64. COMMERCIAL DRIVER'S LICENSE--CONTENT.--The
 17 commercial driver's license shall be marked "commercial
 18 driver's license" or "CDL". It shall include, but not be
 19 limited to, the following information:

20 A. the ~~[name and residential address of the person]~~
 21 person's name and current New Mexico physical or mailing
 22 address;

23 B. the person's ~~[color picture]~~ full face or front-
 24 view color photograph;

25 C. a physical description of the person, including

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1 sex, height, weight and eye color;

2 D. the person's date of birth;

3 E. the person's signature;

4 F. the class or type of commercial motor vehicle [~~or~~
5 ~~vehicles~~] that the person is authorized to drive, together with
6 any endorsements or restrictions;

7 G. the name of this state; and

8 H. the dates between which the license is valid."

9 Section 17. Section 66-5-68 NMSA 1978 (being Laws 1989,
10 Chapter 14, Section 17, as amended by Laws 2003, Chapter 51,
11 Section 5 and by Laws 2003, Chapter 90, Section 2) is amended
12 to read:

13 "66-5-68. DISQUALIFICATION.--

14 A. The department shall disqualify a person from
15 driving a commercial motor vehicle for at least thirty days if
16 the federal motor carrier safety administration reports to the
17 division that the person poses an imminent hazard.

18 [~~A.~~] B. The department shall disqualify a person from
19 driving a commercial motor vehicle for a period of not less
20 than one year if the person:

21 (1) refuses to submit to a chemical test when
22 requested pursuant to the provisions of the Implied Consent
23 Act; or

24 (2) is convicted of a violation of:

25 (a) driving a commercial motor vehicle while

1 under the influence of intoxicating liquor or drugs in
 2 violation of Section 66-8-102 NMSA 1978, an ordinance of a
 3 municipality of this state or the law of another state;

4 (b) leaving the scene of an accident
 5 involving a commercial motor vehicle driven by the person in
 6 violation of Section 66-7-201 NMSA 1978 or an ordinance of a
 7 municipality of this state or the law of another state; [~~or~~]

8 (c) using a commercial motor vehicle in the
 9 commission of [~~any~~] a felony;

10 (d) driving a commercial motor vehicle after
 11 the driver's commercial driver's license is revoked, suspended,
 12 disqualified or canceled for violations while operating a
 13 commercial motor vehicle; or

14 (e) causing a fatality in the unlawful
 15 operation of a motor vehicle pursuant to Section 66-8-101 NMSA
 16 1978.

17 [~~B.~~] C. The department shall disqualify a person from
 18 driving a commercial motor vehicle for a period of not less
 19 than three years if any of the violations specified in
 20 Subsection [A] B of this section occur while transporting a
 21 hazardous material required to be placarded.

22 [~~C.~~] D. The department shall disqualify a person from
 23 driving a commercial motor vehicle for life if convicted of two
 24 or more violations of any of the offenses specified in
 25 Subsection [A] B of this section, or any combination of those

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1 offenses, arising from two or more separate incidents, but the
2 secretary may issue regulations establishing guidelines,
3 including conditions, under which a disqualification for life
4 under this subsection may be reduced to a period of not less
5 than ten years. This subsection applies only to those offenses
6 committed after July 1, 1989.

7 ~~[D.]~~ E. The department shall disqualify a person
8 from driving a commercial motor vehicle for life if the person
9 uses a commercial motor vehicle in the commission of any felony
10 involving the manufacture, distribution or dispensing of a
11 controlled substance or the possession with intent to
12 manufacture, distribute or dispense a controlled substance.

13 ~~[E.]~~ F. The department shall disqualify a person from
14 driving a commercial motor vehicle for a period of not less
15 than sixty days if convicted of two serious traffic violations
16 or one hundred twenty days if convicted of three serious
17 traffic violations, if the violations were committed while
18 driving a commercial motor vehicle, arising from separate
19 incidents occurring within a three-year period.

20 ~~[F.]~~ G. The department shall disqualify a person from
21 driving a commercial motor vehicle for a period of not less
22 than one hundred eighty days nor more than two years if the
23 person is convicted of a first violation of an out-of-service
24 order while transporting hazardous materials required to be
25 placarded pursuant to the federal Hazardous Materials

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1 Transportation Act or while operating a motor vehicle designed
 2 to transport more than fifteen passengers, including the
 3 driver. The department shall disqualify a person from driving
 4 a commercial motor vehicle for a period of not less than three
 5 years nor more than five years if, during any ten-year period,
 6 the person is convicted of any subsequent violations of out-of-
 7 service orders, in separate incidents, while transporting
 8 hazardous materials required to be placarded pursuant to that
 9 act or while operating a motor vehicle designed to transport
 10 more than fifteen passengers, including the driver.

11 H. The department shall disqualify a person from
 12 driving a commercial motor vehicle for sixty days if:

13 (1) the person has been convicted of two serious
 14 traffic violations in separate incidents within a three-year
 15 period; and

16 (2) the second conviction results in revocation,
 17 cancellation or suspension of the person's commercial driver's
 18 license or noncommercial motor vehicle driving privileges for
 19 sixty days.

20 I. The department shall disqualify a person from
 21 driving a commercial motor vehicle for one hundred twenty days
 22 if:

23 (1) the person has been convicted of more than
 24 two serious traffic violations within a three-year period; and

25 (2) the third or a subsequent conviction results

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1 in the revocation, cancellation or suspension of the person's
2 commercial driver's license or noncommercial motor vehicle
3 driving privileges.

4 ~~[G.]~~ J. When a person is disqualified from driving a
5 commercial motor vehicle, any commercial driver's license held
6 by that person is invalidated without separate proceeding of
7 any kind and the driver is not eligible to apply for a
8 commercial driver's license until the period of time for which
9 the driver was disqualified has elapsed.

10 ~~[H.]~~ K. The department shall disqualify a person from
11 driving a commercial motor vehicle for not less than:

12 (1) sixty days if the person is convicted of a
13 first violation of a railroad-highway grade crossing violation;

14 (2) one hundred twenty days if, during any
15 three-year period, the person is convicted of a second
16 railroad-highway grade crossing violation in a separate
17 incident; and

18 (3) one year if, during any three-year period,
19 the person is convicted of a third or subsequent railroad-
20 highway grade crossing violation in a separate incident.

21 ~~[H.]~~ L. After disqualifying, suspending, revoking or
22 canceling a commercial driver's license, the department shall,
23 within ten days, update its records to reflect that action.
24 After disqualifying, suspending, revoking or canceling a
25 nonresident commercial driver's privileges, the department

1 shall, within ten days, notify the licensing authority of the
 2 state that issued the commercial driver's license.

3 ~~[I. For purposes of this section, the term~~
 4 ~~"convicted" includes a license revocation pursuant to the~~
 5 ~~Implied Consent Act or the implied consent act of another~~
 6 ~~state.]~~

7 M. The department shall post and enforce any
 8 disqualification sent by the federal motor carrier safety
 9 administration to the division that indicates that a commercial
 10 motor vehicle driver poses an imminent hazard."

11 Section 18. Section 66-5-69 NMSA 1978 (being Laws 1989,
 12 Chapter 14, Section 18) is amended to read:

13 "66-5-69. NOTIFICATION OF TRAFFIC CONVICTIONS.--Within
 14 ten days after receiving a report of the conviction of ~~[any]~~ a
 15 holder of a nonresident commercial driver's license for ~~[any]~~ a
 16 violation of state law or local ordinance relating to motor
 17 vehicle traffic control other than a parking ~~[violations]~~
 18 violation, committed in a commercial motor vehicle or a
 19 noncommercial motor vehicle, the division, after receipt of
 20 conviction information required pursuant to Section 66-5-28
 21 NMSA 1978, shall ~~[notify the driver's licensing authority in~~
 22 ~~the licensing state of the conviction in this state]~~ forward
 23 the conviction information to the licensing authority that
 24 issued the commercial driver's license. A resident's
 25 conviction information shall be posted on the resident's motor

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1 vehicle record with the same speed used to post a nonresident's
2 conviction information on the nonresident's motor vehicle
3 record."

4 Section 19. Section 66-5-401 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 328, as amended) is amended to read:

6 "66-5-401. IDENTIFICATION CARDS.--[Any]

7 A. A person who does not have a valid New Mexico
8 driver's license may be issued an identification card by the
9 department certified by the applicant as to true name, correct
10 age and other identifying data as the department may require.
11 Every application for an identification card shall be signed by
12 the applicant or the applicant's parent or guardian. The
13 secretary may, for good cause, revoke or deny the issuance of
14 an identification card.

15 B. Within the forms prescribed by the department for
16 identification card applications, a space shall be provided to
17 show whether the applicant is a donor as provided in the
18 Uniform Anatomical Gift Act. A person applying for an
19 identification card may indicate that person's status on the
20 space provided on the application. The donor status indicated
21 by the applicant shall be displayed on the identification card.
22 The form and identification card shall be signed by the donor
23 in the presence of a witness who shall also sign the form in
24 the donor's presence."

25 Section 20. Section 66-5-405 NMSA 1978 (being Laws 1978,

1 Chapter 35, Section 332, as amended) is amended to read:

2 "66-5-405. CONTENTS OF CARD.--The identification card
 3 shall adequately describe the registrant and bear his picture
 4 [~~which~~] that shall show a full face or front view for all
 5 registrants and indicate donor status. All identification
 6 cards of persons under the age of twenty-one years shall have a
 7 printed legend indicating that the person is under twenty-one.
 8 The identification card shall bear the following statement:

9 "STATE OF NEW MEXICO IDENTIFICATION

10 CARD NO. _____

11 This card is provided solely for the purpose of establishing
 12 that the bearer described on the card was not the holder of a
 13 New Mexico driver's license as of the date of issuance of this
 14 card. This identification card is not a license. ISSUED FOR
 15 IDENTIFICATION PURPOSES ONLY".

16 Section 21. Section 66-6-23 NMSA 1978 (being Laws 1978,
 17 Chapter 35, Section 358, as amended by Laws 2003, Chapter 175,
 18 Section 3 and by Laws 2003, Chapter 197, Section 3 and by Laws
 19 2003, Chapter 198, Section 3 and by Laws 2003, Chapter 201,
 20 Section 3 and also by Laws 2003, Chapter 270, Section 6) is
 21 amended to read:

22 "66-6-23. DISPOSITION OF FEES.--

23 A. After the necessary disbursements for refunds and
 24 other purposes have been made, the money remaining in the motor
 25 vehicle suspense fund, except for remittances received within

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1 the previous two months that are unidentified as to source or
2 disposition, shall be distributed as follows:

3 (1) to each municipality, county or fee agent
4 operating a motor vehicle field office:

5 (a) an amount equal to six dollars (\$6.00)
6 per driver's license and three dollars (\$3.00) per
7 identification card or motor vehicle or motorboat registration
8 or title transaction performed; and

9 (b) for each such agent determined by the
10 secretary pursuant to Section 66-2-16 NMSA 1978 to have
11 performed ten thousand or more transactions in the preceding
12 fiscal year, other than a class A county with a population
13 exceeding three hundred thousand or a municipality with a
14 population exceeding three hundred thousand that has been
15 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
16 an amount equal to one dollar (\$1.00) in addition to the amount
17 distributed pursuant to Subparagraph (a) of this paragraph for
18 each driver's license, identification card, motor vehicle
19 registration, motorboat registration or title transaction
20 performed;

21 (2) to each municipality or county, other than a
22 class A county with a population exceeding three hundred
23 thousand or a municipality with a population exceeding three
24 hundred thousand that has been designated as an agent pursuant
25 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field

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1 office, an amount equal to fifty cents (\$.50) for each
 2 administrative service fee remitted by that county or
 3 municipality to the department pursuant to the provisions of
 4 Subsection A of Section 66-2-16 NMSA 1978;

5 (3) to the state road fund:

6 (a) an amount equal to the fees collected
 7 pursuant to Section 66-7-413.4 NMSA 1978;

8 (b) an amount equal to the fee collected
 9 pursuant to Section 66-3-417 NMSA 1978;

10 (c) the remainder of each driver's license
 11 fee collected by the department employees from an applicant to
 12 whom a license is granted after deducting from the driver's
 13 license fee the amount of the distribution authorized in
 14 Paragraph (1) of this subsection with respect to that collected
 15 driver's license fee; and

16 (d) an amount equal to fifty percent of the
 17 fees collected pursuant to Section 66-6-19 NMSA 1978;

18 (4) to the local governments road fund, the
 19 amount of the fees collected pursuant to Subsection B of
 20 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
 21 collected pursuant to Subsection A of Section 66-5-408 NMSA
 22 1978;

23 (5) to the department:

24 (a) any amounts reimbursed to the department
 25 pursuant to Subsection C of Section 66-2-14.1 NMSA 1978;

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1 (b) an amount equal to two dollars (\$2.00)
2 of each motorcycle registration fee collected pursuant to
3 Section 66-6-1 NMSA 1978;

4 (c) an amount equal to the fees provided for
5 in Subsection D of Section 66-2-7 NMSA 1978, Subsection E of
6 Section 66-2-16 NMSA 1978, Subsections J and K of Section
7 66-3-6 NMSA 1978 other than the administrative fee, Subsection
8 C of Section 66-5-44 NMSA 1978 and Subsection B of Section
9 66-5-408 NMSA 1978;

10 (d) the amounts due to the department for
11 the manufacture and issuance of a special registration plate
12 collected pursuant to [~~Paragraph (1) of Subsection E of Section~~
13 ~~66-3-419 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978,~~
14 ~~and Subsection E of Section 66-3-423 NMSA 1978 and]~~ the section
15 of law authorizing the issuance of the specialty plate; and

16 (e) an amount equal to the registration fees
17 collected pursuant to Section 66-6-6.1 NMSA 1978 for the
18 purposes of enforcing the provisions of the Mandatory Financial
19 Responsibility Act and for creating and maintaining a
20 multilanguage noncommercial driver's license testing program;

21 (6) to each New Mexico institution of higher
22 education, an amount equal to that part of the fees distributed
23 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
24 NMSA 1978 proportionate to the number of special registration
25 plates issued in the name of the institution to all such

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1 special registration plates issued in the name of all
 2 institutions;

3 (7) to the armed forces veterans license fund,
 4 the amount to be distributed pursuant to Paragraph (2) of
 5 Subsection E of Section 66-3-419 NMSA 1978;

6 (8) to the children's trust fund, the amount to
 7 be distributed pursuant to Paragraph (2) of Subsection D of
 8 Section 66-3-420 NMSA 1978;

9 (9) to the [~~state highway and transportation~~]
 10 department of transportation, an amount equal to the fees
 11 collected pursuant to Section 66-5-35 NMSA 1978;

12 (10) to the state equalization guarantee
 13 distribution made annually pursuant to the general
 14 appropriation act, an amount equal to one hundred percent of
 15 the driver safety fee collected pursuant to Subsection D of
 16 Section 66-5-44 NMSA 1978;

17 (11) to the motorcycle training fund, two
 18 dollars (\$2.00) of each motorcycle registration fee collected
 19 pursuant to Section 66-6-1 NMSA 1978;

20 (12) to the tire recycling fund:

21 (a) fifty cents (\$.50) of the tire recycling
 22 fee collected pursuant to the provisions of Section 66-6-1 NMSA
 23 1978;

24 (b) fifty cents (\$.50) of each of the tire
 25 recycling fees collected pursuant to the provisions of Sections

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1 66-6-2 and 66-6-4 NMSA 1978; and

2 (c) twenty-five cents (\$.25) of each of the
3 tire recycling fees collected pursuant to Sections 66-6-5 and
4 66-6-8 NMSA 1978;

5 (13) to the highway infrastructure fund:

6 (a) fifty cents (\$.50) of the tire recycling
7 fee collected pursuant to the provisions of Section 66-6-1 NMSA
8 1978;

9 (b) one dollar (\$1.00) of each of the tire
10 recycling fees collected pursuant to the provisions of Sections
11 66-6-2 and 66-6-4 NMSA 1978; and

12 (c) twenty-five cents (\$.25) of each of the
13 tire recycling fees collected pursuant to Sections 66-6-5 and
14 66-6-8 NMSA 1978;

15 (14) to each county, an amount equal to fifty
16 percent of the fees collected pursuant to Section 66-6-19 NMSA
17 1978 multiplied by a fraction, the numerator of which is the
18 total mileage of public roads maintained by the county and the
19 denominator of which is the total mileage of public roads
20 maintained by all counties in the state; [~~and~~]

21 (15) to the litter control and beautification
22 fund, an amount equal to the fees collected pursuant to Section
23 66-6-6.2 NMSA 1978; and

24 (16) to the local government division of the
25 department of finance and administration, an amount equal to

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1 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
 2 distribution to each county to support animal control spaying
 3 and neutering programs in an amount proportionate to the number
 4 of residents of that county who have purchased pet care special
 5 registration plates pursuant to Section 66-3-424.3 NMSA 1978.

6 B. The balance, exclusive of unidentified
 7 remittances, shall be distributed in accordance with Section
 8 66-6-23.1 NMSA 1978.

9 C. If any of the paragraphs, subsections or sections
 10 referred to in Subsection A of this section are recompiled or
 11 otherwise redesignated without a corresponding change to
 12 Subsection A of this section, the reference in Subsection A of
 13 this section shall be construed to be the recompiled or
 14 redesignated paragraph, subsection or section."

15 Section 22. APPLICABILITY.--The distributions of fees
 16 pursuant to Section 21 of this act are applicable for fees
 17 collected on or after April 1, 2004.

18 Section 23. EFFECTIVE DATE.--The effective date of the
 19 provisions of Sections 1 and 2 of this act is July 1, 2004.

20 Section 24. EMERGENCY.--It is necessary for the public
 21 peace, health and safety that this act take effect immediately.

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