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HOUSE BILL 486

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

INTRODUCED BY

George J. Hanosh

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE FEES; INCREASING ADMINISTRATIVE SERVICE FEES; INCREASING DISTRIBUTIONS FROM THE MOTOR VEHICLE SUSPENSE FUND; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2003; MAKING AN APPROPRIATION.

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

Section 1. Section 66-2-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 20, as amended) is amended to read:

"66-2-16. ADMINISTRATIVE SERVICE FEES-- COLLECTION-- REMITTANCE-- PAYMENT-- OPTIONAL SERVICE FEES-- APPROPRIATION. --

A. The secretary is authorized to establish by ~~[rule or]~~ regulation a schedule of administrative service fees to be collected by the agents or department to defray the costs of operation of the agents' or department's offices and of rendering service to the public. Fees shall be ~~[fifty cents~~

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1 ~~(\$.50)~~ one dollar (\$1.00) for each item ~~[or transaction]~~ or
2 service performed by the agent or department for the secretary
3 and shall be collected in addition to all other fees and taxes
4 imposed.

5 B. All sums collected by an agent or the department
6 as administrative service fees shall be remitted as provided in
7 Section 66-2-15 NMSA 1978.

8 C. Administrative service fees remitted by
9 department employees shall be deposited by the state treasurer
10 into the motor vehicle suspense fund and distributed in
11 accordance with Section 66-6-23 NMSA 1978.

12 D. Notwithstanding the provisions of Subsections A
13 through C of this section, no class A county with a population
14 exceeding three hundred thousand or municipality with a
15 population exceeding three hundred thousand within a class A
16 county designated as an agent pursuant to Section 66-2-14.1
17 NMSA 1978 shall be paid an administrative service fee.

18 E. The secretary is authorized to establish by
19 regulation fees to cover the expense of providing additional
20 services for the convenience of the motoring public. Any
21 service established for which a fee is adopted pursuant to this
22 subsection shall be optional, with the fee not being charged to
23 any person not taking advantage of the service. Amounts
24 collected pursuant to this subsection are appropriated to the
25 department for the purpose of defraying the expense of

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1 providing the service.

2 F. The secretary shall review, at the end of each
3 fiscal year, the aggregate total of motor vehicle transactions
4 performed by each municipality, county or fee agent operating a
5 motor vehicle field office, and identify each office exceeding
6 ten thousand aggregate transactions per year."

7 Section 2. Section 66-6-23 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 358, as amended by Laws 2003, Chapter 175,
9 Section 3 and by Laws 2003, Chapter 197, Section 3 and by Laws
10 2003, Chapter 198, Section 3 and by Laws 2003, Chapter 201,
11 Section 3 and also by Laws 2003, Chapter 270, Section 6) is
12 amended to read:

13 "66-6-23. DISPOSITION OF FEES. --

14 A. After the necessary disbursements for refunds
15 and other purposes have been made, the money remaining in the
16 motor vehicle suspense fund, except for remittances received
17 within the previous two months that are unidentified as to
18 source or disposition, shall be distributed as follows:

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

21 (a) an amount equal to [~~six dollars~~
22 ~~(\$6.00)] eight dollars (\$8.00) per driver's license and [~~three~~
23 ~~dollars (\$3.00)] five dollars (\$5.00) per identification card
24 or motor vehicle or motorboat registration or title transaction
25 performed; and~~~~

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

13 (2) to each municipality or county, other than
14 a class A county with a population exceeding three hundred
15 thousand or a municipality with a population exceeding three
16 hundred thousand that has been designated as an agent pursuant
17 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
18 office, an amount equal to [~~fifty cents (\$.50)~~] one dollar
19 (\$1.00) for each administrative service fee remitted by that
20 county or municipality to the department pursuant to the
21 provisions of Subsection A of Section 66-2-16 NMSA 1978;

22 (3) to the state road fund:

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

25 (b) an amount equal to the fee collected

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1 pursuant to Section 66-3-417 NMSA 1978;

2 (c) the remainder of each driver's
3 license fee collected by the department employees from an
4 applicant to whom a license is granted after deducting from the
5 driver's license fee the amount of the distribution authorized
6 in Paragraph (1) of this subsection with respect to that
7 collected driver's license fee; and

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

10 (4) to the local governments road fund, the
11 amount of the fees collected pursuant to Subsection B of
12 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
13 collected pursuant to Subsection A of Section 66-5-408 NMSA
14 1978;

15 (5) to the department:

16 (a) any amounts reimbursed to the
17 department pursuant to Subsection C of Section 66-2-14.1 NMSA
18 1978;

19 (b) an amount equal to two dollars
20 (\$2.00) of each motorcycle registration fee collected pursuant
21 to Section 66-6-1 NMSA 1978;

22 (c) an amount equal to the fees provided
23 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E
24 of Section 66-2-16 NMSA 1978, Subsections J and K of Section
25 66-3-6 NMSA 1978 other than the administrative fee, Subsection

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1 C of Section 66-5-44 NMSA 1978 and Subsection B of Section
2 66-5-408 NMSA 1978;

3 (d) the amounts due to the department
4 pursuant to Paragraph (1) of Subsection E of Section 66-3-419
5 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978, [~~and~~]
6 Subsection E of Section 66-3-423 NMSA 1978, Subsection D of
7 Section 66-3-424.10 NMSA 1978 and Subsection D of Section
8 66-3-424.12 NMSA 1978; and

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

14 (6) to each New Mexico institution of higher
15 education, an amount equal to that part of the fees distributed
16 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
17 NMSA 1978 proportionate to the number of special registration
18 plates issued in the name of the institution to all such
19 special registration plates issued in the name of all
20 institutions;

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

24 (8) to the children's trust fund, the amount
25 to be distributed pursuant to Paragraph (2) of Subsection D of

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1 Section 66-3-420 NMSA 1978;

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

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

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

13 (12) to the tire recycling fund:

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

17 (b) fifty cents (\$.50) of each of the
18 tire recycling fees collected pursuant to the provisions of
19 Sections 66-6-2 and 66-6-4 NMSA 1978; and

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

23 (13) to the highway infrastructure fund:

24 (a) fifty cents (\$.50) of the tire
25 recycling fee collected pursuant to the provisions of

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1 Section 66-6-1 NMSA 1978;

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

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

8 (14) to each county, an amount equal to fifty
9 percent of the fees collected pursuant to Section 66-6-19 NMSA
10 1978 multiplied by a fraction, the numerator of which is the
11 total mileage of public roads maintained by the county and the
12 denominator of which is the total mileage of public roads
13 maintained by all counties in the state; [~~and~~]

14 (15) to the litter control and beautification
15 fund, an amount equal to the fees collected pursuant to Section
16 66-6-6.2 NMSA 1978; and

17 (16) to the local government division of the
18 department of finance and administration, an amount equal to
19 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
20 distribution to each county to support animal control spaying
21 and neutering programs, in an amount proportionate to the
22 number of residents of that county who have purchased pet care
23 special registration plates pursuant to Section 66-3-424.3 NMSA
24 1978.

25 B. The balance, exclusive of unidentified

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remittances, shall be distributed in accordance with
Section 66-6-23.1 NMSA 1978.

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