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SENATE BILL 331

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY
James G. Taylor

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE MOTOR VEHICLE CODE TO
LIMIT THE NUMBER OF AUTO RECYCLER LICENSES; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005.

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

Section 1. Section 66-4-2 NMSA 1978 (being Laws 1978,
Chapter 35, Section 215, as amended by Laws 2005, Chapter 15,
Section 1 and by Laws 2005, Chapter 324, Section 14) is amended
to read:

"66-4-2. DEPARTMENT TO ISSUE LICENSE.--

A. Except for recreational vehicles, the
department, upon receiving application accompanied by the
required fee and when satisfied that the applicant is of good
character and complies with the laws of this state with
reference to the registration of vehicles and certificates of

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1 title and the provisions of the Motor Vehicle Code, shall issue
2 to the applicant a license that entitles the licensee to
3 conduct the business of a dealer, auto recycler or title
4 service company. The department shall issue no more than one
5 auto recycler license per eight thousand five hundred
6 population in counties with a total population of one hundred
7 twenty thousand or less and shall issue no more than one auto
8 recycler license per thirteen thousand five hundred population
9 in counties with a total population of more than one hundred
10 twenty thousand. The license may be renewed upon application
11 and payment of the fee required by law.

12 B. A dealer or auto recycler licensee, before
13 moving any one or more of the licensee's places of business or
14 opening any additional place of business, shall apply to the
15 department for and obtain a supplemental license, for which no
16 fee shall be charged. No supplemental license shall be issued
17 to a dealer, other than a dealer in motorcycles, for an
18 additional place of business unless:

19 (1) the place of business is an established
20 place of business; or

21 (2) the majority of dealers, other than
22 dealers in motorcycles, in the county in which the proposed
23 additional place of business would be located have been offered
24 the opportunity, in documentation acceptable to the department,
25 to offer vehicles for sale at the proposed additional place of

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1 business by the applicant; provided that the offer shall be for
2 sale of vehicles at all times at which the applicant proposes
3 to sell vehicles and shall not be conditioned upon the payment
4 of any fee by any dealer to whom it is addressed greater than a
5 fair share of the actual expenses incurred.

6 C. A person to whom the department has issued a
7 license to conduct the business of a dealer in motorcycles is
8 also deemed a wrecker of motorcycles without additional
9 license.

10 D. The department is authorized to establish a
11 staggered system for licensing of dealers, wholesalers,
12 distributors and auto recyclers and of title service companies,
13 provided that any license issued shall expire on the last day
14 of a month. Licenses [~~issued~~] shall be issued for a period of
15 twelve months.

16 E. On or after July 1, 2005, the holder of a
17 wrecker of vehicles license desiring to renew the license shall
18 apply for an auto recycler license, pursuant to the provisions
19 of the Motor Vehicle Code, at the time the holder would have
20 otherwise applied to renew the wrecker of vehicles license."