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AN ACT

RELATING TO MOTOR VEHICLES; AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE CODE; REQUIRING BACKGROUND INVESTIGATIONS FOR CERTAIN MOTOR VEHICLE DIVISION EMPLOYEES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005; PROVIDING PENALTIES; REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 7-14-6 NMSA 1978 (being Laws 1988, Chapter 73, Section 16, as amended) is amended to read:

"7-14-6. EXEMPTIONS FROM TAX.--

A. A person who acquires a vehicle out of state thirty or more days before establishing a domicile in this state is exempt from the tax if the vehicle was acquired for personal use.

B. A person applying for a certificate of title for a vehicle registered in another state is exempt from the tax if the person has previously registered and titled the vehicle in New Mexico and has owned the vehicle continuously since that time.

C. A vehicle with a certificate of title owned by this state or any political subdivision is exempt from the tax.

D. A person is exempt from the tax if the person has a disability at the time the person purchases a vehicle

1 and can prove to the motor vehicle division of the department
2 or its agent that modifications have been made to the vehicle
3 that are:

4 (1) due to that person's disability; and

5 (2) necessary to enable that person to drive
6 that vehicle or be transported in that vehicle.

7 E. A person is exempt from the tax if the person
8 is a bona fide resident of New Mexico who served in the armed
9 forces of the United States and who suffered, while serving
10 in the armed forces or from a service-connected cause, the
11 loss or complete and total loss of use of:

12 (1) one or both legs at or above the ankle;

13 or

14 (2) one or both arms at or above the wrist.

15 F. A person who acquires a vehicle for subsequent
16 lease shall be exempt from the tax if:

17 (1) the person does not use the vehicle in
18 any manner other than holding it for lease or sale or leasing
19 or selling it in the ordinary course of business;

20 (2) the lease is for a term of more than six
21 months;

22 (3) the receipts from the subsequent lease
23 are subject to the gross receipts tax; and

24 (4) the vehicle does not have a gross
25 vehicle weight of over twenty-six thousand pounds.

1 G. From July 1, 2004 through June 30, 2009,
2 vehicles that are gasoline-electric hybrid vehicles with a
3 United States environmental protection agency fuel economy
4 rating of at least twenty-seven and one-half miles per gallon
5 are eligible for a one-time exemption from the tax at the
6 time of the issuance of the original certificate of title for
7 the vehicle."

8 Section 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
9 Chapter 120, Section 2, as amended) is amended to read:

10 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
11 Code:

12 A. "abandoned vehicle" means a vehicle or motor
13 vehicle that has been determined by a New Mexico law
14 enforcement agency:

15 (1) to have been left unattended on either
16 public or private property for at least thirty days;

17 (2) not to have been reported stolen;

18 (3) not to have been claimed by any person
19 asserting ownership; and

20 (4) not to have been shown by normal
21 record-checking procedures to be owned by any person;

22 B. "access aisle" means a space designed to allow
23 a person with a significant mobility limitation to safely
24 exit and enter a motor vehicle that is immediately adjacent
25 to a designated parking space for persons with significant

1 mobility limitation and that may be common to two such
2 parking spaces of at least sixty inches in width or, if the
3 parking space is designed for van accessibility, ninety-six
4 inches in width, and clearly marked with blue striping;

5 C. "actual empty weight" means the weight of a
6 vehicle without a load;

7 D. "additional place of business", for dealers and
8 auto recyclers, means locations in addition to an established
9 place of business as defined in Section 66-1-4.5 NMSA 1978
10 and meeting all the requirements of an established place of
11 business, except Paragraph (5) of Subsection C of Section
12 66-1-4.5 NMSA 1978, but "additional place of business" does
13 not mean a location used solely for storage and that is not
14 used for wrecking, dismantling, sale or resale of vehicles;

15 E. "alcoholic beverages" means any and all
16 distilled or rectified spirits, potable alcohol, brandy,
17 whiskey, rum, gin, aromatic bitters or any similar alcoholic
18 beverage, including all blended or fermented beverages,
19 dilutions or mixtures of one or more of the foregoing
20 containing more than one-half percent alcohol but excluding
21 medicinal bitters;

22 F. "authorized emergency vehicle" means any fire
23 department vehicle, police vehicle, ambulance and any
24 emergency vehicles of municipal departments or public
25 utilities that are designated or authorized as emergency

1 vehicles by the director of the New Mexico state police
2 division of the department of public safety or local
3 authorities; and

4 G. "auto recycler" means a person engaged in this
5 state in an established business that includes acquiring
6 vehicles that are required to be registered under the Motor
7 Vehicle Code for the purpose of dismantling, wrecking,
8 shredding, compacting, crushing or otherwise destroying
9 vehicles for reclaimable parts or scrap material to sell."

10 Section 3. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
11 Chapter 120, Section 5, as amended) is amended to read:

12 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
13 Code:

14 A. "day" means calendar day, unless otherwise
15 provided in the Motor Vehicle Code;

16 B. "dealer", except as specifically excluded,
17 means any person who sells or solicits or advertises the sale
18 of new or used motor vehicles, manufactured homes or trailers
19 subject to registration in this state; "dealer" does not
20 include:

21 (1) receivers, trustees, administrators,
22 executors, guardians or other persons appointed by or acting
23 under judgment, decree or order of any court;

24 (2) public officers while performing their
25 duties as such officers;

1 (3) persons making casual sales of their own
2 vehicles;

3 (4) finance companies, banks and other
4 lending institutions making sales of repossessed vehicles; or

5 (5) licensed brokers under the Manufactured
6 Housing Act who, for a fee, commission or other valuable
7 consideration, engage in brokerage activities related to the
8 sale, exchange or lease purchase of pre-owned manufactured
9 homes on a site installed for a consumer;

10 C. "declared gross weight" means the maximum gross
11 vehicle weight or gross combination vehicle weight at which a
12 vehicle or combination will be operated during the
13 registration period, as declared by the registrant for
14 registration and fee purposes; the vehicle or combination
15 shall have only one declared gross weight for all operating
16 considerations;

17 D. "department" means the taxation and revenue
18 department, the secretary of taxation and revenue or any
19 employee of the department exercising authority lawfully
20 delegated to that employee by the secretary;

21 E. "designated accessible parking space for
22 persons with significant mobility limitation" means any
23 space, including an access aisle, that is marked and reserved
24 for the parking of a passenger vehicle that carries
25 registration plates or a parking placard with the

1 international symbol of access issued in accordance with
2 Section 66-3-16 NMSA 1978 and that is designated by a
3 conspicuously posted sign bearing the international symbol of
4 access and, if the parking space is paved, by a clearly
5 visible depiction of this symbol painted in blue on the
6 pavement of the space;

7 F. "director" means the secretary;

8 G. "disqualification" means a prohibition against
9 driving a commercial motor vehicle;

10 H. "distinguishing number" means the number
11 assigned by the department to a vehicle whose identifying
12 number has been destroyed or obliterated or the number
13 assigned by the department to a vehicle that has never had an
14 identifying number;

15 I. "distributor" means a person who distributes or
16 sells new or used motor vehicles to dealers and who is not a
17 manufacturer;

18 J. "division", without further specification,
19 "division of motor vehicles" or "motor vehicle division"
20 means the department;

21 K. "driver" means every person who drives or is in
22 actual physical control of a motor vehicle, including a
23 motorcycle, upon a highway, who is exercising control over or
24 steering a vehicle being towed by a motor vehicle or who
25 operates or is in actual physical control of an off-highway

1 motor vehicle;

2 L. "driver's license" means a license or a class
3 of license issued by a state or other jurisdiction to an
4 individual that authorizes the individual to drive a motor
5 vehicle; and

6 M. "driveaway-towaway operation" means an
7 operation in which any motor vehicle, new or used, is the
8 item being transported when one set or more of wheels of any
9 such motor vehicle is on the roadway during the course of
10 transportation, whether or not the motor vehicle furnishes
11 the motive power."

12 Section 4. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
13 Chapter 120, Section 6, as amended) is amended to read:

14 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

16 A. "electric personal assistive mobility device"
17 means a self-balancing device having two nontandem wheels
18 designed to transport a single person by means of an electric
19 propulsion system with an average power of one horsepower and
20 with a maximum speed on a paved level surface of less than
21 twenty miles per hour when powered solely by its propulsion
22 system and while being ridden by an operator who weighs one
23 hundred seventy pounds;

24 B. "essential parts" means all integral and body
25 parts of a vehicle of a type required to be registered by the

1 provisions of the Motor Vehicle Code, the removal, alteration
2 or substitution of which would tend to conceal the identity
3 of the vehicle or substantially alter its appearance, model,
4 type or mode of operation;

5 C. "established place of business", for a dealer
6 or auto recycler, means a place:

7 (1) devoted exclusively to the business for
8 which the dealer or auto recycler is licensed and related
9 business;

10 (2) identified by a prominently displayed
11 sign giving the dealer's or auto recycler's trade name used
12 by the business;

13 (3) of sufficient size or space to permit
14 the display of one or more vehicles or to permit the parking
15 or storing of vehicles to be dismantled or wrecked for
16 recycling;

17 (4) on which there is located an enclosed
18 building on a permanent foundation, which building meets the
19 building requirements of the community and is large enough to
20 accommodate the office or offices of the dealer or auto
21 recycler and large enough to provide a safe place to keep the
22 books and records of the dealer or auto recycler;

23 (5) where the principal portion of the
24 business of the dealer or auto recycler is conducted and
25 where the books and records of the business are kept and

1 maintained; and

2 (6) where vehicle sales are of new vehicles
3 only, such as a department store or a franchisee of a
4 department store, as long as the department store or
5 franchisee keeps the books and records of its vehicle
6 business in a general office location at its place of
7 business; as used in this paragraph, "department store" means
8 a business that offers a variety of merchandise other than
9 vehicles, and sales of the merchandise other than vehicles
10 constitute at least eighty percent of the gross sales of the
11 business; and

12 D. "explosives" means any chemical compound or
13 mechanical mixture that is commonly used or intended for the
14 purpose of producing an explosion and that contains any
15 oxidizing and combustive units or other ingredients in such
16 proportions, quantities or packing that an ignition by fire,
17 friction, concussion, percussion or detonator of any part of
18 the compound or mixture may cause such a sudden generation of
19 highly heated gases that the resultant gaseous pressures are
20 capable of producing destructive effects on contiguous
21 objects or of destroying life or limb."

22 Section 5. Section 66-1-4.7 NMSA 1978 (being Laws 1990,
23 Chapter 120, Section 8) is amended to read:

24 "66-1-4.7. DEFINITIONS.--As used in the Motor Vehicle
25 Code:

1 A. "gross combination vehicle weight" means the
2 total of the gross vehicle weights of all units of a
3 combination;

4 B. "gross combination weight rating" means the
5 value specified by the manufacturer as the loaded weight of a
6 combination; however, in the absence of a value specified by
7 the manufacturer, the gross combination weight rating shall
8 be determined by adding the gross vehicle weight rating of
9 the power unit and the total weight of the towed unit or
10 units and the load on those units;

11 C. "gross factory shipping weight" means the
12 weight indicated on the manufacturer's certificate of origin;

13 D. "gross vehicle weight" means the weight of a
14 loaded vehicle; and

15 E. "gross vehicle weight rating" means the value
16 specified by the manufacturer as the loaded weight of a
17 single vehicle."

18 Section 6. Section 66-1-4.11 NMSA 1978 (being Laws
19 1990, Chapter 120, Section 12, as amended) is amended to
20 read:

21 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

23 A. "mail" means any item properly addressed with
24 postage prepaid delivered by the United States postal service
25 or any other public or private enterprise primarily engaged

1 in the transport and delivery of letters, packages and other
2 parcels;

3 B. "manufactured home" means a movable or portable
4 housing structure that exceeds either a width of eight feet
5 or a length of forty feet, constructed to be towed on its own
6 chassis and designed to be installed with or without a
7 permanent foundation for human occupancy;

8 C. "manufacturer" means every person engaged in
9 the business of constructing or assembling vehicles of a type
10 required to be registered under the Motor Vehicle Code;

11 D. "manufacturer's certificate of origin" means a
12 certification, on a form supplied by or approved by the
13 department, signed by the manufacturer that the new vehicle
14 or boat described in the certificate has been transferred to
15 the New Mexico dealer or distributor named in the certificate
16 or to a dealer duly licensed or recognized as such in another
17 state, territory or possession of the United States and that
18 such transfer is the first transfer of the vehicle or boat in
19 ordinary trade and commerce;

20 E. "moped" means a two-wheeled or three-wheeled
21 vehicle with an automatic transmission and a motor having a
22 piston displacement of less than fifty cubic centimeters,
23 that is capable of propelling the vehicle at a maximum speed
24 of not more than thirty miles an hour on level ground, at sea
25 level;

1 F. "motorcycle" means every motor vehicle having a
2 seat or saddle for the use of the rider and designed to
3 travel on not more than three wheels in contact with the
4 ground, excluding a tractor;

5 G. "motor home" means a camping body built on a
6 self-propelled motor vehicle chassis so designed that seating
7 for driver and passengers is within the body itself;

8 H. "motor vehicle" means every vehicle that is
9 self-propelled and every vehicle that is propelled by
10 electric power obtained from batteries or from overhead
11 trolley wires, but not operated upon rails; but for the
12 purposes of the Mandatory Financial Responsibility Act,
13 "motor vehicle" does not include "special mobile equipment";
14 and

15 I. "motor vehicle insurance policy" means a policy
16 of vehicle insurance that covers self-propelled vehicles of a
17 kind required to be registered pursuant to New Mexico law for
18 use on the public streets and highways. A "motor vehicle
19 insurance policy":

20 (1) shall include:

21 (a) motor vehicle bodily injury and
22 property damage liability coverages in compliance with the
23 Mandatory Financial Responsibility Act; and

24 (b) uninsured motorist coverage,
25 subject to the provisions of Section 66-5-301 NMSA 1978

1 permitting the insured to reject such coverage; and

2 (2) may include:

3 (a) physical damage coverage;

4 (b) medical payments coverage; and

5 (c) other coverages that the insured

6 and the insurer agree to include within the policy."

7 Section 7. Section 66-1-4.12 NMSA 1978 (being Laws
8 1990, Chapter 120, Section 13, as amended) is amended to
9 read:

10 "66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle
11 Code:

12 A. "neighborhood electric car" means a
13 four-wheeled electric motor vehicle that has a maximum speed
14 of more than twenty miles per hour but less than twenty-five
15 miles per hour and complies with the federal requirements
16 specified in 49 CFR 571.500;

17 B. "nonrepairable vehicle" means a vehicle of a
18 type otherwise subject to registration that:

19 (1) has no resale value except as a source
20 of parts or scrap metal or that the owner irreversibly
21 designates as a source of parts or scrap metal or for
22 destruction;

23 (2) has been substantially stripped as a
24 result of theft or is missing all of the bolts on sheet metal
25 body panels, all of the doors and hatches, substantially all

1 of the interior components and substantially all of the grill
2 and light assemblies and has little or no resale value other
3 than its worth as a source of a vehicle identification number
4 that could be used illegally; or

5 (3) is a substantially burned vehicle that
6 has burned to the extent that there are no more usable or
7 repairable body or interior components, tires and wheels or
8 drive train components or that the owner irreversibly
9 designates for destruction or as having little or no resale
10 value other than its worth as a source of scrap metal or as a
11 source of a vehicle identification number that could be used
12 illegally;

13 C. "nonrepairable vehicle certificate" means a
14 vehicle ownership document conspicuously labeled
15 "NONREPAIRABLE" issued to the owner of the nonrepairable
16 vehicle;

17 D. "nonresident" means every person who is not a
18 resident of this state;

19 E. "nonresident commercial driver's license" means
20 a commercial driver's license issued by another state to a
21 person domiciled in that state or by a foreign country to a
22 person domiciled in that country; and

23 F. "nonresident's operating privilege" means the
24 privilege conferred upon a nonresident by the laws of this
25 state pertaining to the operation by the nonresident of a

1 motor vehicle, or the use of a motor vehicle owned by the
2 nonresident, in this state."

3 Section 8. Section 66-1-4.15 NMSA 1978 (being Laws
4 1990, Chapter 120, Section 16, as amended) is amended to
5 read:

6 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
7 Code:

8 A. "railroad" means a carrier of persons or
9 property upon cars operated upon stationary rails;

10 B. "railroad sign or signal" means any sign,
11 signal or device erected by authority of a public body or
12 official or by a railroad and intended to give notice of the
13 presence of railroad tracks or the approach of a railroad
14 train;

15 C. "railroad train" means a steam engine, electric
16 or other motor, with or without cars coupled thereto,
17 operated upon rails;

18 D. "reconstructed vehicle" means any vehicle
19 assembled or constructed largely by means of essential parts,
20 new or used, derived from other vehicles or which, if
21 originally otherwise assembled or constructed, has been
22 materially altered by the removal of essential parts, new or
23 used;

24 E. "recreational travel trailer" means a camping
25 body designed to be drawn by another vehicle;

1 F. "recreational vehicle" means a vehicle with a
2 camping body that has its own motive power, is affixed to or
3 is drawn by another vehicle and includes motor homes, travel
4 trailers and truck campers;

5 G. "registration" means registration certificates
6 and registration plates issued under the laws of New Mexico
7 pertaining to the registration of vehicles;

8 H. "registration number" means the number assigned
9 upon registration by the division to the owner of a vehicle
10 or motor vehicle required to be registered by the Motor
11 Vehicle Code;

12 I. "registration plate" means the plate, marker,
13 sticker or tag assigned by the division for the
14 identification of the registered vehicle;

15 J. "residence district" means the territory
16 contiguous to and including a highway not comprising a
17 business district when the property on the highway for a
18 distance of three hundred feet or more is in the main
19 improved with residences or residences and buildings in use
20 for business;

21 K. "revocation" means that the driver's license
22 and privilege to drive a motor vehicle on the public highways
23 are terminated and shall not be renewed or restored, except
24 that an application for a new license may be presented to and
25 acted upon by the division after the expiration of at least

1 one year after date of revocation;

2 L. "right of way" means the privilege of the
3 immediate use of the roadway;

4 M. "road tractor" means every motor vehicle
5 designed and used primarily for drawing other vehicles and
6 constructed not to carry a significant load on the road
7 tractor, either independently or as any part of the weight of
8 a vehicle or load drawn; and

9 N. "roadway" means that portion of a street or
10 highway improved, designed or ordinarily used for vehicular
11 travel, exclusive of the berm or shoulder; when a highway
12 includes two or more separate roadways, the term "roadway"
13 refers to each roadway separately but not to all of the
14 roadways collectively."

15 Section 9. Section 66-1-4.17 NMSA 1978 (being Laws
16 1990, Chapter 120, Section 18, as amended by Laws 2003,
17 Chapter 141, Section 1 and by Laws 2003, Chapter 164, Section
18 3) is amended to read:

19 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "tank vehicle" means a motor vehicle that is
22 designed to transport any liquid or gaseous material within a
23 tank that is either permanently or temporarily attached to
24 the vehicle or the chassis and that has either a gross
25 vehicle weight rating of twenty-six thousand one or more

1 pounds or is used in the transportation of hazardous
2 materials requiring placarding of the vehicle under
3 applicable law;

4 B. "taxicab" means a motor vehicle used for hire
5 in the transportation of persons, having a normal seating
6 capacity of not more than seven persons;

7 C. "temporary off-site location" means a location
8 other than a dealer's established or additional place of
9 business that is used exclusively for the display of vehicles
10 or vessels for sale or resale and for related business;

11 D. "through highway" means every highway or
12 portion of a highway at the entrance to which vehicular
13 traffic from intersecting highways is required by law to stop
14 before entering or crossing it when stop signs are erected as
15 provided in the Motor Vehicle Code;

16 E. "title service company" means a person, other
17 than the department, an agent of the department, a licensed
18 dealer or the motor transportation division of the department
19 of public safety, who for consideration issues temporary
20 registration plates or prepares and submits to the department
21 on behalf of others applications for registration of or title
22 to motor vehicles;

23 F. "traffic" means pedestrians, ridden or herded
24 animals, vehicles and other conveyances either singly or
25 together using any highway for purposes of travel;

1 G. "traffic-control signal" means any device,
2 whether manually, electrically or mechanically operated, by
3 which traffic is alternately directed to stop and to proceed;

4 H. "traffic safety bureau" means the traffic
5 safety bureau of the department of transportation;

6 I. "trailer" means any vehicle without motive
7 power, designed for carrying persons or property and for
8 being drawn by a motor vehicle, and so constructed that no
9 significant part of its weight rests upon the towing vehicle;

10 J. "transaction" means all operations necessary at
11 one time with respect to one identification card, one driver,
12 one vessel or one vehicle;

13 K. "transportation inspector" means an employee of
14 the motor transportation division of the department of public
15 safety who has been certified by the director of the division
16 to enter upon and perform inspections of motor carriers'
17 vehicles in operation;

18 L. "transporter of manufactured homes" means a
19 commercial motor vehicle operation engaged in the business of
20 transporting manufactured homes from the manufacturer's
21 location to the first dealer's location. A "transporter of
22 manufactured homes" may or may not be associated with or
23 affiliated with a particular manufacturer or dealer;

24 M. "travel trailer" means a trailer with a camping
25 body and includes recreational travel trailers and camping

1 trailers;

2 N. "trial court" means the magistrate, municipal
3 or district court that tries the case concerning an alleged
4 violation of a provision of the Motor Vehicle Code;

5 O. "tribal court" means a court created by a tribe
6 or a court of Indian offense created by the United States
7 secretary of the interior;

8 P. "tribe" means an Indian nation, tribe or pueblo
9 located wholly or partially in New Mexico;

10 Q. "truck" means every motor vehicle designed,
11 used or maintained primarily for the transportation of
12 property;

13 R. "truck camper" means a camping body designed to
14 be loaded onto, or affixed to, the bed or chassis of a truck.
15 A camping body, when combined with a truck or truck cab and
16 chassis, even though not attached permanently, becomes a part
17 of the motor vehicle, and together they are a recreational
18 unit to be known as a "truck camper"; there are three general
19 types of truck campers:

20 (1) "slide-in camper" means a camping body
21 designed to be loaded onto and unloaded from the bed of a
22 pickup truck;

23 (2) "chassis-mount camper" means a camping
24 body designed to be affixed to a truck cab and chassis; and

25 (3) "pickup cover" or "camper shell" means a

1 camping body designed to provide an all-weather protective
2 enclosure over the bed of a pickup truck and to be affixed to
3 the pickup truck; and

4 S. "truck tractor" means every motor vehicle
5 designed and used primarily for drawing other vehicles and
6 constructed to carry a part of the weight of the vehicle and
7 load drawn."

8 Section 10. Section 66-2-3 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 7, as amended) is amended to read:

10 "66-2-3. POWERS AND DUTIES OF DEPARTMENT.--

11 A. The department is vested with the power and is
12 charged with the duty of observing, administering and
13 enforcing the Motor Vehicle Code in cooperation with state
14 and local agencies as provided by law and the provisions of
15 law now existing or hereinafter enacted.

16 B. The secretary may seek an injunction in any
17 district court to require compliance with or prohibit
18 violation of the Motor Vehicle Code.

19 C. A person authorized to carry out the duties
20 imposed on the department by law is authorized to copy a
21 record or document, including a birth certificate, necessary
22 to establish that an applicant has met the requirements for
23 issuance of a document issued by the department."

24 Section 11. Section 66-2-15 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 19, as amended) is amended to read:

1 "66-2-15. AGENTS OR DEPARTMENT EMPLOYEES TO REMIT MONEY
2 RECEIVED--BONDS FOR AGENTS OR DEPARTMENT EMPLOYEES.--Agents
3 or department employees shall remit all money received by
4 them in the carrying out of the duty imposed upon them by the
5 Motor Vehicle Code, including administrative fees. The
6 agents' reports are subject to audit and acceptance by the
7 department. Before undertaking a duty on behalf of the
8 director, the agents shall execute a surety bond, in an
9 amount required by the director and in the form required of
10 public officials by law. The department shall designate
11 those employees required to be covered by a bond."

12 Section 12. Section 66-2-16 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 20, as amended) is amended to read:

14 "66-2-16. ADMINISTRATIVE FEES--COLLECTION--REMITTANCE--
15 PAYMENT--OPTIONAL FEES--APPROPRIATION.--

16 A. The department and its agents shall collect an
17 administrative fee to defray the department's costs of
18 operation and of rendering service to the public. The fee
19 shall be two dollars (\$2.00) for each transaction performed
20 by an agent or the department and shall be collected in
21 addition to all other fees and taxes imposed.

22 B. All sums collected by an agent or the
23 department as administrative fees shall be remitted as
24 provided in Section 66-2-15 NMSA 1978.

25 C. Administrative fees remitted by department

1 employees shall be deposited by the state treasurer into the
2 motor vehicle suspense fund and distributed in accordance
3 with Section 66-6-23 NMSA 1978.

4 D. Notwithstanding the provisions of Subsections A
5 through C of this section, a class A county with a population
6 exceeding three hundred thousand or municipality with a
7 population exceeding three hundred thousand within a class A
8 county designated as an agent pursuant to Section 66-2-14.1
9 NMSA 1978 shall not be paid the fee provided in Subparagraph
10 (b) of Paragraph (1) of Subsection A of Section 66-6-23 NMSA
11 1978.

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

21 F. The secretary shall review, at the end of each
22 fiscal year, the aggregate total of motor vehicle
23 transactions performed by each municipality, county or fee
24 agent operating a motor vehicle field office, and identify
25 each office exceeding ten thousand aggregate transactions per

1 year."

2 Section 13. Section 66-3-1 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 21, as amended) is amended to read:

4 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
5 EXCEPTIONS.--

6 A. Every motor vehicle, manufactured home,
7 trailer, semitrailer and pole trailer when driven or moved
8 upon a highway and every off-highway motor vehicle is subject
9 to the registration and certificate of title provisions of
10 the Motor Vehicle Code except:

11 (1) any such vehicle driven or moved upon a
12 highway in conformance with the provisions of the Motor
13 Vehicle Code relating to manufacturers, dealers, lien-holders
14 or nonresidents;

15 (2) any such vehicle that is driven or moved
16 upon a highway only for the purpose of crossing the highway
17 from one property to another;

18 (3) an implement of husbandry that is only
19 incidentally operated or moved upon a highway;

20 (4) special mobile equipment;

21 (5) a vehicle that is propelled exclusively
22 by electric power obtained from overhead trolley wires though
23 not operated upon rails;

24 (6) a freight trailer if it is:

25 (a) properly registered in another

1 state;

2 (b) identified by a proper base
3 registration plate that is properly displayed; and

4 (c) identified by other registration
5 documents that are in the possession of the operator and
6 exhibited at the request of a police officer;

7 (7) a freight trailer or utility trailer
8 owned and used by:

9 (a) a nonresident solely for the
10 transportation of farm products purchased by the nonresident
11 from growers or producers of the farm products and
12 transported in the trailer out of the state;

13 (b) a farmer or a rancher who
14 transports to market only the produce, animals or fowl
15 produced by that farmer or rancher or who transports back to
16 the farm or ranch supplies for use thereon; or

17 (c) a person who transports animals to
18 and from fairs, rodeos or other places, except racetracks,
19 where the animals are exhibited or otherwise take part in
20 performances, in trailers drawn by a motor vehicle or truck
21 of less than ten thousand pounds gross vehicle weight rating
22 bearing a proper registration plate, but in no case shall the
23 owner of an unregistered trailer described in this paragraph
24 perform such uses for hire;

25 (8) a moped;

1 (9) an electric personal assistive mobility
2 device;

3 (10) a vehicle moved on a highway by a
4 towing service as defined in Section 59A-50-2 NMSA 1978; and

5 (11) an off-highway motor vehicle exempted
6 pursuant to Section 66-3-1005 NMSA 1978.

7 B. A certificate of title need not be obtained for
8 any vehicle of a type subject to registration owned by the
9 government of the United States."

10 Section 14. Section 66-3-2 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 22, as amended) is amended to read:

12 "66-3-2. REGISTRATION--TRAILERS, SEMITRAILERS, POLE
13 TRAILERS AND FREIGHT TRAILERS.--

14 A. The motor transportation division of the
15 department of public safety and the motor vehicle division of
16 the taxation and revenue department, according to their
17 appropriate jurisdictions, shall grant permanent registration
18 to freight trailers subject to registration and may grant
19 permanent registration to utility trailers not used in
20 commerce whose gross vehicle weight is less than six thousand
21 one pounds upon application and payment of the fee required
22 by Section 66-6-3 NMSA 1978. The registration shall expire,
23 however, upon the transfer of title or interest in the
24 vehicle, at which time the vehicle shall be reregistered.

25 B. In registering trailers, semitrailers and pole

1 trailers, the motor transportation division and the motor
2 vehicle division may require such information and documents
3 and may make such tests and investigations as they deem
4 necessary and practicable to determine or to verify the empty
5 weights and gross vehicle weights and to ensure that the
6 vehicles may be safely and legally operated upon the highways
7 of this state."

8 Section 15. Section 66-3-2.10 NMSA 1978 (being Laws
9 1972, Chapter 7, Section 42) is amended to read:

10 "66-3-2.10. PROPORTIONAL REGISTRATION NOT EXCLUSIVE.--
11 Nothing contained in the Motor Transportation Act relating to
12 the proportional registration of fleet vehicles shall be
13 construed as requiring any vehicle to be proportionally
14 registered if it is otherwise registered in this state for
15 the operation in which it is engaged, including, but not by
16 way of limitation, registration, temporary registration
17 permit or trip permit."

18 Section 16. Section 66-3-4 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 24, as amended) is amended to read:

20 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE
21 OF TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

22 A. Every owner of a vehicle of a type required to
23 be registered in this state shall make application to the
24 division for the registration and issuance of a certificate
25 of title for the vehicle. Applications shall be upon the

1 appropriate forms furnished by the division and shall bear
2 the signature of the owner written with pen and ink. All
3 applications presented to the division shall contain:

4 (1) for a vehicle other than a recreational
5 vehicle, the name, bona fide New Mexico residence address and
6 mail address of the owner or, if the owner is a firm,
7 association or corporation, the name, bona fide New Mexico
8 business address and mail address of the firm, association or
9 corporation and for a recreational vehicle, the name, bona
10 fide residence address and mail address of the owner and
11 proof of delivery in New Mexico;

12 (2) a description of the vehicle including,
13 insofar as the hereinafter specified data may exist with
14 respect to a given vehicle, the make, model, type of body,
15 number of cylinders, type of fuel used, serial number of the
16 vehicle, odometer reading, engine or other identification
17 number provided by the manufacturer of the vehicle, whether
18 new or used and, if a vehicle not previously registered, date
19 of sale by the manufacturer or dealer to the person intending
20 to operate the vehicle. In the event a vehicle is designed,
21 constructed, converted or rebuilt for the transportation of
22 property, the application shall include a statement of its
23 rated capacity as established by the manufacturer of the
24 chassis or the complete vehicle;

25 (3) a statement of the applicant's title and

1 of all liens or encumbrances upon the vehicle and the names
2 and addresses of all persons having any interest therein and
3 the nature of every such interest and the name and address of
4 the person to whom the certificate of title shall be
5 delivered by the division;

6 (4) if the vehicle required to be registered
7 is a house trailer, as defined in the Motor Vehicle Code, a
8 certificate from the treasurer or assessor of the county in
9 which the house trailer is located showing that either:

10 (a) all property taxes due or to become
11 due on the house trailer for the current tax year or any past
12 tax years have been paid; or

13 (b) no liability for property taxes on
14 the house trailer exists for the current year or any past tax
15 years; and

16 (5) further information as may reasonably be
17 required by the division to enable it to determine whether
18 the vehicle is lawfully entitled to registration and the
19 owner entitled to a certificate of title.

20 B. Any owner of a vehicle subject to registration
21 that has never been registered in this state and that has
22 been registered in another state, except manufactured homes,
23 shall have such vehicle examined and inspected for its
24 identification number or engine number by the division or an
25 officer or designated agent thereof incident to securing

1 registration, reregistration or a certificate of title from
2 the division.

3 C. When such application refers to a vehicle not
4 previously registered and the vehicle is purchased from a
5 dealer licensed in this state or a dealer licensed or
6 recognized as such in any other state, territory or
7 possession of the United States, the application shall be
8 accompanied by a manufacturer's certificate of origin duly
9 assigned by the dealer to the purchaser. In the event that a
10 vehicle not previously registered is sold by the manufacturer
11 to a dealer in a state not requiring a manufacturer's
12 certificate of origin and in the event that the vehicle is
13 subsequently purchased by a dealer or any person in this
14 state, the application for title shall be accompanied by the
15 evidence of title accepted by the state in which the vehicle
16 was sold by the manufacturer to a dealer in that state
17 together with evidence of subsequent transfers.

18 D. Prior to the sale or disposal of a
19 nonrepairable vehicle, the owner, owner's agent or salvage
20 pool shall obtain a properly endorsed nonrepairable vehicle
21 certificate from the department and deliver it to the
22 purchaser within twenty days after payment in full for the
23 nonrepairable vehicle and shall also comply with Section
24 66-3-10.1 NMSA 1978. The department shall accept the
25 endorsed nonrepairable vehicle certificate in lieu of the

1 certificate of ownership or other evidence of ownership when
2 accompanied by an application and other documents and fees as
3 may be required by the department. A vehicle for which a
4 nonrepairable vehicle certificate has been issued shall not
5 be titled or registered for use on the highways of this
6 state.

7 E. If an insurance company makes a total loss
8 settlement on a nonrepairable vehicle and takes possession of
9 that vehicle, either itself or through an agent or salvage
10 pool, the insurance company or an authorized agent of the
11 insurance company shall:

12 (1) stamp the face of the title or
13 manufacturer's certificate of origin with the word
14 "NONREPAIRABLE", in letters no less than one-half inch high,
15 at an angle of approximately forty-five degrees to the text
16 of the title or manufacturer's certificate of origin; and

17 (2) within twenty days after receipt of
18 title by the insurer, free and clear of all liens, submit a
19 copy of the branded title or manufacturer's certificate of
20 title to the department together with documents explaining
21 the reason for branding, and shall forward a properly
22 endorsed certificate of title or manufacturer's certificate
23 of origin or other evidence of ownership acceptable to the
24 department together with the proper fee to the department.

25 The department, upon receipt of the title or manufacturer's

1 certificate of origin or other evidence of ownership, shall
2 issue a nonrepairable vehicle certificate for the vehicle.

3 F. If an owner of a nonrepairable vehicle elects
4 to retain possession of the vehicle, the insurance company
5 shall notify the department of the retention on a form
6 prescribed by the department. The insurance company shall
7 also notify the insured or owner of the insured's or owner's
8 responsibility to comply with this section. The owner shall,
9 within twenty days from the date of settlement of the loss,
10 forward a properly endorsed certificate of title or
11 manufacturer's certificate of origin or other evidence of
12 ownership acceptable to the department together with the
13 proper fee to the department. The department, upon receipt
14 of the title or manufacturer's certificate of origin or other
15 evidence of ownership, shall issue a nonrepairable vehicle
16 certificate for the vehicle.

17 G. If a nonrepairable vehicle is not the subject
18 of an insurance settlement, the owner shall, within twenty
19 days from the date of the loss, forward a properly endorsed
20 certificate of title or manufacturer's certificate of origin
21 or other evidence of ownership acceptable to the department
22 together with the proper fee to the department. The
23 department, upon receipt of the title or manufacturer's
24 certificate of origin or other evidence of ownership, shall
25 issue a nonrepairable vehicle certificate for the vehicle.

1 H. The department shall not issue a new
2 registration card and certificate of ownership pursuant to
3 Subsection A, B or C of this section on a vehicle that has
4 been issued a nonrepairable vehicle certificate pursuant to
5 Subsections E, F and G of this section."

6 Section 17. Section 66-3-6 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 26, as amended) is amended to read:

8 "66-3-6. TEMPORARY REGISTRATION PERMITS, DEMONSTRATION
9 PERMITS AND TRANSPORT PERMITS.--

10 A. The department may issue a temporary
11 registration permit to individuals to operate a vehicle
12 pending action by the department upon an application for
13 registration and certificate of title or renewal of
14 registration when the application is accompanied by the
15 proper fees and taxes. The temporary registration permit
16 shall be valid for a period not to exceed thirty business
17 days from the day it is validated by the department.
18 Temporary registration permits shall not be extended nor
19 another issued except for good cause shown.

20 B. The department may issue a demonstration permit
21 to individuals and financing institutions to operate a
22 vehicle for the purpose of demonstrating the vehicle for
23 resale. The demonstration permit shall be valid for a period
24 not to exceed five business days from the day it is validated
25 by the department. Demonstration permits shall not be

1 extended nor another issued except for good cause shown.

2 C. The department may issue a transport permit to
3 a manufacturer of vehicles or transporter of manufactured
4 homes for the purpose of demonstrating or transporting the
5 vehicle to a dealer's location. The transport permit shall
6 be valid for a period not to exceed ten business days, shall
7 state the number of days for which the transport permit is
8 valid and shall be validated by the signature of the
9 manufacturer or transporter. Transport permits shall not be
10 extended nor another issued except for good cause shown.

11 D. The department shall issue transport permits to
12 dealers licensed pursuant to Section 66-4-1 NMSA 1978.
13 Transport permits shall be used only on vehicles held in the
14 inventory of the dealer to whom the transport permits are
15 issued. The transport permits shall be used only for
16 importing vehicles into this state or for transporting
17 vehicles between dealers intrastate. Use of transport
18 permits pursuant to this section shall be deemed compliance
19 with the requirements of Section 66-3-4 NMSA 1978. The
20 transport permits shall be valid for not more than five
21 business days from the date of validation. Transport permits
22 shall:

23 (1) name the dealer to whom the transport
24 permits are issued;

25 (2) name the authorized driver of the

1 vehicle;

2 (3) show the point of origin and termination
3 of the trip covered by the transport permit; and

4 (4) be signed and dated by the dealer who
5 executed the transport permit.

6 E. The department shall issue temporary
7 registration permits to dealers licensed pursuant to Section
8 66-4-1 NMSA 1978. Temporary registration permits shall be
9 used only on vehicles sold at retail by the dealer to whom
10 the temporary registration permits are issued and shall not
11 be extended nor another issued for the same vehicle except
12 for good cause shown. Use of the temporary registration
13 permits pursuant to this section shall be deemed compliance
14 with the provisions of Section 66-3-4 NMSA 1978. The
15 temporary registration permits shall be valid for not more
16 than thirty days from the date of validation. Temporary
17 registration permits shall:

18 (1) name the dealer to whom the temporary
19 registration permits are issued;

20 (2) name the person to whom the vehicle has
21 been sold; and

22 (3) be signed and dated by the dealer who
23 executed the temporary registration permit.

24 F. The department shall issue demonstration
25 permits to dealers licensed pursuant to Section 66-4-1 NMSA

1 1978. Demonstration permits shall be used only on vehicles
2 included in the inventory of the dealer to whom the
3 demonstration permits are issued. The demonstration permits
4 shall be used to allow the operation of vehicles for the
5 limited purposes of testing, demonstrating or preparing a
6 vehicle for sale or lease. Demonstration permits may not be
7 used on work or service vehicles, as that term is defined in
8 Section 66-3-401 NMSA 1978, that are owned, used or held in
9 inventory by a dealer. Use of the demonstration permits
10 pursuant to this section shall be deemed compliance with the
11 provisions of Section 66-3-4 NMSA 1978. A demonstration
12 permit, after being affixed to a specific vehicle, shall be
13 valid for as long as the vehicle is held in the dealer's
14 inventory. A dealer who uses demonstration permits is
15 required to maintain a list showing the date on which the
16 dealer assigned the permit to a vehicle and the name and a
17 description of the vehicle, including its make, model, model
18 year and vehicle identification number. A dealer shall
19 maintain the list for three years from the end of the year in
20 which the dealer issued the permit and must make it available
21 to the department or its agents and to law enforcement
22 officers during reasonable business hours. When a vehicle is
23 sold, the dealer shall keep demonstration permits with other
24 records of the sale. A demonstration permit shall:

25 (1) name the dealer to whom the

1 demonstration permit is issued; and

2 (2) display a unique identification number
3 assigned by the department.

4 G. The department may authorize in writing dealers
5 licensed pursuant to Section 66-4-1 NMSA 1978 to print and
6 use at their own cost demonstration permits in conformance
7 with the provisions of Subsection F of this section, subject
8 to reasonable requirements established by the department.

9 H. The department may authorize agents of the
10 division, in writing, to print and issue demonstration
11 permits to be used by dealers in conformance with the
12 provisions of Subsection F of this section, subject to
13 reasonable requirements established by the department.

14 Agents who issue demonstration permits shall maintain a list
15 showing the date on which the permit was issued and the name
16 of the dealer to whom it was issued. Agents shall maintain
17 the list for three years from the end of the year in which
18 they issued the permit and shall make it available to the
19 department or its agents, and to law enforcement officers,
20 during reasonable business hours. A demonstration permit
21 shall:

22 (1) name the dealer to whom the permit is
23 issued; and

24 (2) display a unique identification number
25 assigned by the department.

1 I. The department shall prescribe the size, shape
2 and content of all temporary registration permits,
3 demonstration permits and transport permits authorized by
4 this section. A temporary registration permit, demonstration
5 permit or transport permit is not valid until affixed to the
6 vehicle for which it is validated in a manner prescribed by
7 the department.

8 J. For the misuse of a temporary registration
9 permit, demonstration permit or transport permit authorized
10 by this section by an individual, financing institution,
11 manufacturer of vehicles, transporter of manufactured homes,
12 dealer or auto recycler, the secretary may revoke or suspend
13 the use of that type of permit after a hearing as provided in
14 Section 66-2-17 NMSA 1978.

15 K. The department shall collect the administrative
16 fee imposed in Section 66-2-16 NMSA 1978 in addition to the
17 actual cost of the temporary registration permit,
18 demonstration permit or transport permit for each permit
19 issued by the department pursuant to this section to
20 individuals, financial institutions, manufacturers,
21 transporters or auto recyclers.

22 L. The department may issue temporary registration
23 permits, demonstration permits and transport permits to
24 dealers in units of not less than one hundred at a fee
25 established by the department to cover the actual cost of the

1 permits. An administrative fee shall not be charged by the
2 department when permits are issued by the department pursuant
3 to the provisions of this subsection.

4 M. The fees authorized by Subsections K and L of
5 this section to cover the actual cost of the permits are
6 appropriated to the department to defray the costs of
7 administering the permits program. The department shall
8 remit the administrative fee revenues of this section to the
9 motor vehicle suspense fund to be distributed in accordance
10 with Section 66-6-23 NMSA 1978."

11 Section 18. Section 66-3-16 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 36, as amended) is amended to read:

13 "66-3-16. DISTINCTIVE REGISTRATION PLATES--PERSONS WITH
14 SIGNIFICANT MOBILITY LIMITATION--PARKING PLACARD.--

15 A. The division shall issue distinctive
16 registration plates for use on motor vehicles and motorcycles
17 owned by a person with a significant mobility limitation who
18 requests a distinctive registration plate and who proves
19 satisfactorily to the division that the person meets the
20 standard provided in Subsection I of this section. No fee in
21 addition to the regular registration fee, if any, applicable
22 to the motor vehicle or motorcycle shall be collected for
23 issuance of distinctive registration plates pursuant to this
24 section.

25 B. No person shall falsely claim to have a

1 significant mobility limitation so as to be eligible to be
2 issued a distinctive registration plate or a parking placard
3 pursuant to this section when the person does not in fact
4 have a significant mobility limitation. Upon notice and
5 opportunity to be heard, the division may revoke and demand
6 return of any placard when:

7 (1) it was issued in error or with false
8 information;

9 (2) the person receiving the placard is no
10 longer eligible; or

11 (3) the placard is being used by ineligible
12 persons.

13 C. Upon written application to the division
14 accompanied by a medical statement by a licensed physician
15 attesting to the permanent significant mobility limitation, a
16 resident of the state who has a significant mobility
17 limitation, as provided in this section, may apply for and be
18 issued no more than two parking placards for display upon a
19 motor vehicle registered to the person or motor vehicle owned
20 by another person who is transporting the person with a
21 significant mobility limitation. The physician shall provide
22 the division all information and records necessary to issue a
23 permanent parking placard. Once approved for use of a
24 permanent parking placard, a person with a significant
25 mobility limitation shall not be required to furnish further

1 medical information.

2 D. A parking placard issued pursuant to this
3 section shall expire on the same date the person's license or
4 identification card issued pursuant to Section 66-5-401 NMSA
5 1978 expires.

6 E. The division shall issue two-sided hanger-style
7 parking placards with the following characteristics:

8 (1) a picture of the international symbol of
9 access;

10 (2) a hologram to make duplication
11 difficult;

12 (3) an imprinted expiration date; and

13 (4) a full-face photograph of the holder on
14 the inside of the placard covered by a flap.

15 F. The division shall consult with the governor's
16 commission on disability for continued issuance and format of
17 the placard.

18 G. The division may issue an identification card
19 containing a full-face photograph of the holder of the
20 registration plate or parking placard and the number of the
21 registration plate or parking placard issued to that person.

22 H. Upon written application to the division
23 accompanied by a medical statement from a licensed physician
24 attesting to a temporary significant mobility limitation, a
25 person may be issued a temporary placard for no more than one

1 year. The physician shall provide the division all
2 information and records necessary to issue a temporary
3 placard.

4 I. Registration plates or parking placards issued
5 to a person with a significant mobility limitation by another
6 state or foreign jurisdiction shall be honored until the
7 motor vehicle or motorcycle is registered or the parking
8 placard holder establishes residency in this state.

9 J. A person with a significant mobility limitation
10 means a person who:

11 (1) cannot walk one hundred feet without
12 stopping to rest;

13 (2) cannot walk without the use of a brace,
14 cane or crutch or without assistance from another person, a
15 prosthetic device, a wheelchair or other assistive device;

16 (3) is restricted by lung disease to such an
17 extent that the person's forced respiratory volume, when
18 exhaling for one second, when measured by spirometry, is less
19 than one liter or the arterial oxygen tension is less than
20 sixty millimeters on room air at rest;

21 (4) uses portable oxygen;

22 (5) has a severe cardiac condition; or

23 (6) is so severely limited in the ability to
24 walk due to an arthritic, neurologic or orthopedic condition
25 that the person cannot ascend or descend more than ten stair

1 steps."

2 Section 19. Section 66-3-16.1 NMSA 1978 (being Laws
3 1995, Chapter 129, Section 2, as amended) is amended to read:

4 "66-3-16.1. PROHIBITED ACTS--PENALTIES.--

5 A. Any person who provides false information in
6 order to acquire, or who assists an unqualified person to
7 acquire, a special registration plate or parking placard as
8 provided in Section 66-3-16 NMSA 1978 is guilty of a
9 misdemeanor and shall be sentenced pursuant to the provisions
10 of Section 31-19-1 NMSA 1978.

11 B. Any person, other than the person to whom a
12 special registration plate or a parking placard was issued,
13 who in the absence of the holder of the plate or placard,
14 parks in a designated accessible parking space for persons
15 with significant mobility limitation while displaying the
16 plate or placard, is guilty of a misdemeanor and upon
17 conviction shall be sentenced pursuant to the provisions of
18 Section 31-19-1 NMSA 1978.

19 C. A special registration plate or parking placard
20 displayed on a vehicle parked in a designated accessible
21 parking space for persons with significant mobility
22 limitation in the absence of the holder of that plate or
23 placard is subject to immediate seizure by a law enforcement
24 official and if seized shall be delivered to the division
25 within seventy-two hours. Failure to surrender the parking

1 placard on demand of a law enforcement officer is a petty
2 misdemeanor and punishable by a fine not to exceed one
3 hundred dollars (\$100)."

4 Section 20. Section 66-3-18 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 38, as amended) is amended to read:

6 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY
7 REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

8 A. The registration plate shall be attached to the
9 rear of the vehicle for which it is issued; however, the
10 registration plate shall be attached to the front of a road
11 tractor or truck tractor. The plate shall be securely
12 fastened at all times in a fixed horizontal position at a
13 height of not less than twelve inches from the ground,
14 measuring from the bottom of the plate. It shall be in a
15 place and position so as to be clearly visible, and it shall
16 be maintained free from foreign material and in a condition
17 to be clearly legible.

18 B. A demonstration or temporary registration
19 permit shall be firmly affixed to the inside left rear window
20 of the vehicle to which it is issued, unless such display
21 presents a safety hazard or the demonstration or temporary
22 registration permit is not visible or readable from that
23 position, in which case, the demonstration or temporary
24 registration permit shall be displayed in such a manner that
25 it is clearly visible from the rear or left side of the

1 vehicle.

2 C. No vehicle while being operated on the highways
3 of this state shall have displayed either on the front or the
4 rear of the vehicle any registration plate, including
5 validating sticker, other than one issued or validated for
6 the current registration period by the department or any
7 other licensing authority having jurisdiction over the
8 vehicle. No expired registration plate or validating sticker
9 shall be displayed on the vehicle other than an expired
10 special registration plate, which may be exhibited on the
11 front of the vehicle.

12 D. Nothing contained in this section shall be
13 construed as prohibiting the use of a promotional or
14 advertising plate on the front of the vehicle."

15 Section 21. Section 66-3-20.1 NMSA 1978 (being Laws
16 1988, Chapter 94, Section 1, as amended) is amended to read:

17 "66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS
18 FOR CERTAIN MOTOR VEHICLES--CREDIT FOR UNEXPIRED PORTION OF
19 FEE.--

20 A. All vehicles, motorcycles or trucks with a
21 declared gross weight of twenty-six thousand pounds or less
22 may be registered for a period of two years; provided the
23 two-year registration period shall begin on the first day of
24 any month and expire on the last day of any month.

25 B. The fee for a two-year registration shall be

1 twice the fee for a one-year registration.

2 C. If the owner of a vehicle that is registered
3 for two years sells, transfers or assigns title to or interest
4 in the vehicle within the first year of registration and
5 applies to have the registration number assigned to another
6 vehicle pursuant to Section 66-3-101 NMSA 1978, upon
7 assignment, the person may apply for a refund of one-half of
8 the two-year registration fee."

9 Section 22. Section 66-3-21 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 41) is amended to read:

11 "66-3-21. VEHICLE EXCEEDING DECLARED GROSS WEIGHT.--

12 A. Except as otherwise provided by law, a vehicle
13 or combination shall not be operated upon the public highways
14 of this state when the gross vehicle weight or gross
15 combination vehicle weight exceeds the declared gross weight.
16 Any person violating the provisions of this section shall be:

17 (1) assessed a penalty for the lapsed
18 portion of the registration period in an amount equal to the
19 difference between the fee for the declared gross weight and
20 the fee for the gross vehicle weight or gross combination
21 vehicle weight at which the vehicle or combination was
22 weighed; and

23 (2) required to register the vehicle or
24 combination at the higher declared gross weight in accordance
25 with the weight at the time of the violation for the remainder

1 of the registration period and to pay that fee.

2 B. Such registration shall not be construed to
3 authorize the movement of loads in violation of the state's
4 size and weight laws."

5 Section 23. Section 66-3-24 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 44, as amended) is amended to read:

7 "66-3-24. LOST OR DAMAGED CERTIFICATES, REGISTRATION
8 EVIDENCE OR PLATES.--

9 A. In the event any registration evidence or
10 registration plate is lost, mutilated or becomes illegible,
11 the owner or legal representative or successor in interest of
12 the owner of the vehicle for which the registration evidence
13 or registration plate was issued as shown by the records of
14 the division shall immediately make application for and may
15 obtain a duplicate or a new registration under a new
16 registration number as determined to be the most advisable by
17 the division upon the applicant furnishing information
18 satisfactory to the division.

19 B. In the event any certificate of title is lost,
20 mutilated or becomes illegible, the owner or legal
21 representative or successor in interest of the owner of the
22 boat required to be titled under the provisions of the Boat
23 Act or the vehicle for which the certificate of title was
24 issued as shown by the records of the division shall
25 immediately make application for and may obtain a duplicate

1 upon the applicant furnishing information satisfactory to the
2 division. In the event a lien or encumbrance is filed of
3 record with the division, the division shall require the
4 application for the duplicate certificate of title to be
5 signed by the holder of the lien or encumbrance. Upon
6 issuance of any duplicate certificate of title, the previous
7 certificate last issued is void.

8 C. In the absence of the regularly required
9 supporting evidence of ownership upon application for
10 certificate of title, registration or transfer of a boat
11 required to be titled under the provisions of the Boat Act or
12 a vehicle, the division may accept an undertaking or surety
13 bond, in an amount double the value of the boat or vehicle,
14 which shall be conditioned to protect the department and all
15 officers and employees of the department and any subsequent
16 purchaser of the boat or vehicle, any person holding or
17 acquiring a lien or security interest on the boat or vehicle
18 or the successor in interest of the purchaser or person
19 against any loss or damage on account of any defect in or
20 undisclosed claim upon the right, title and interest of the
21 applicant or other person in and to the boat or vehicle. The
22 bond shall run to the true owner or the lienholder. The bond
23 shall expire three years after the date it became effective."

24 Section 24. Section 66-3-101 NMSA 1978 (being Laws
25 1978, Chapter 35, Section 48, as amended) is amended to read:

1 "66-3-101. TRANSFER BY OWNER--RECORDATION OF MILEAGE OF
2 VEHICLE--USE OF THE PLATE AND REGISTRATION NUMBER ON ANOTHER
3 VEHICLE.--

4 A. When the owner of a registered vehicle sells,
5 transfers or assigns the owner's title to or interest in, and
6 delivers the possession of, the vehicle to another, the
7 registration of the vehicle shall expire. The previous owner
8 shall notify the division of the sale or transfer giving the
9 date thereof, the name and address of the new owner and such
10 description of the vehicle as may be required in the
11 appropriate form provided for such purpose by the division.
12 In the case of any transfer, including but not limited to a
13 transfer resulting from a sale, lease, gift or auction of any
14 vehicle, the person making the transfer shall sign and shall
15 record on the document evidencing the transfer of the vehicle
16 the actual mileage of the vehicle as indicated by the
17 vehicle's odometer at the time of the transfer.

18 B. When the owner of a registered vehicle sells,
19 transfers or assigns title to or interest in the vehicle, the
20 owner shall remove the registration plates from the vehicle,
21 except as provided in Subsection C of this section, and either
22 forward the registration plates to the division or its
23 authorized agent to be destroyed or apply to have the plate
24 and the registration number assigned to another vehicle of the
25 same class. The division may assign the plate and

1 registration number to the newly acquired vehicle of the same
2 class only upon payment of the registration fee, if
3 applicable, and only if the application is made in the name of
4 the original registered owner, unless the owner's name has
5 been changed by marriage, divorce or court order.

6 C. When the owner of a vehicle bearing a current
7 registration plate of a foreign state, territory or country
8 transfers or assigns the owner's title or interest in the
9 vehicle, the foreign registration plate shall be delivered,
10 together with the title to the vehicle and evidence of
11 registration, to the division or its authorized agent at the
12 time application is made for a New Mexico registration plate,
13 except when the assignment or transfer of the title is to a
14 bona fide resident of the foreign state, territory or country
15 in which the vehicle is registered.

16 D. The registration plate shall not be displayed
17 on the newly acquired vehicle until the registration of the
18 vehicle has been completed and a new registration certificate
19 issued. However, the temporary registration permit issued for
20 the vehicle by the dealer pursuant to the provisions of
21 Section 66-3-6 NMSA 1978 shall be displayed in accordance with
22 Subsection B of Section 66-3-18 NMSA 1978."

23 Section 25. Section 66-3-107 NMSA 1978 (being Laws
24 1978, Chapter 35, Section 54, as amended) is amended to read:

25 "66-3-107. DUTIES OF SELLER OR TRANSFEROR--ADDITIONAL

1 DUTIES OF DEALERS--APPLICATION FOR REGISTRATION--PENALTY--
2 MILEAGE OF VEHICLE.--

3 A. Any seller or transferor, including a dealer,
4 of a vehicle required to be registered pursuant to the Motor
5 Vehicle Code shall furnish to the purchaser upon delivery the
6 necessary title properly assigned and shall inform the
7 purchaser that application for registration must be filed with
8 the department within thirty days of the date of sale. When a
9 dealer licensed pursuant to Section 66-4-1 NMSA 1978 allows a
10 vehicle to be purchased over a period of time pursuant to an
11 expressed or implied contract and elects to retain a security
12 interest in the vehicle, the dealer shall collect the
13 necessary registration fees from the purchaser upon delivery
14 of the vehicle and shall, within thirty days, pay all
15 registration fees due on the vehicle to the department and
16 shall give to the new purchaser the new registration
17 certificate in the purchaser's name.

18 B. Every dealer, upon transferring by sale, lease
19 or otherwise any vehicle, whether new or used, of a type
20 subject to registration pursuant to the Motor Vehicle Code
21 shall give written notice of the transfer to the department
22 upon an appropriate form provided by the department.

23 C. Except as otherwise provided in this section,
24 the dealer shall indicate on the form the actual mileage of
25 the vehicle as indicated by the vehicle's odometer at the time

1 of the transfer.

2 D. A sale shall be deemed completed and
3 consummated when the purchaser of that vehicle has paid the
4 purchase price or, in lieu thereof, has signed a purchase
5 contract or security agreement and taken physical possession
6 or delivery of that vehicle.

7 E. Failure to apply for assignment of registration
8 and issuance of a new certificate of title within thirty days
9 from the date of sale, transfer or assignment of a vehicle
10 subjects the owner of the newly acquired vehicle to a penalty
11 of twenty dollars (\$20.00), which shall be collected by the
12 department and shall be in addition to other fees and
13 penalties provided by law."

14 Section 26. Section 66-3-118 NMSA 1978 (being Laws
15 1978, Chapter 35, Section 65) is amended to read:

16 "66-3-118. MANUFACTURER'S CERTIFICATE OF ORIGIN--
17 TRANSFER OF VEHICLE NOT PREVIOUSLY REGISTERED.--

18 A. Whenever a manufacturer or the agent or
19 distributor of a manufacturer transfers a vehicle, not
20 previously registered, to a dealer in this state, the
21 manufacturer, agent or distributor at the time of transfer of
22 the vehicle shall deliver to the dealer a manufacturer's
23 certificate of origin. The certificate shall be signed by the
24 manufacturer and shall specify that the vehicle described has
25 been transferred to the dealer named and that the transfer is

1 the first transfer of the vehicle in ordinary trade and
2 commerce.

3 B. The certificate shall contain a description of
4 the vehicle, number of cylinders, type of body, engine number,
5 serial number or other standard identification number provided
6 by the manufacturer of the vehicle and space for proper
7 reassignment to a New Mexico dealer or to a dealer duly
8 licensed or recognized as such in another state, territory or
9 possession of the United States.

10 C. Any dealer when transferring a vehicle, not
11 previously registered, to another dealer shall, at the time of
12 transfer, give the transferee the proper manufacturer's
13 certificate of origin fully assigned to the transferee.

14 D. When a vehicle not previously registered is
15 transferred to a dealer who does not hold a franchise granted
16 by the manufacturer of the vehicle to sell that type or model
17 of vehicle, the transferee must obtain a registration of the
18 vehicle and certificate of title but shall not be required to
19 pay the excise tax imposed by Section 7-14-3 NMSA 1978."

20 Section 27. Section 66-3-302 NMSA 1978 (being Laws
21 1978, Chapter 35, Section 78, as amended) is amended to read:

22 "66-3-302. CARAVAN FEE.--

23 A. A person or an employee, agent or
24 representative of that person shall not use the highways of
25 New Mexico for the transportation of any vehicle, regardless

1 of whether the vehicle is registered in another state or
2 whether the vehicle is transported on its own wheels or on
3 another vehicle or by being drawn or towed behind another, if
4 the vehicle is transported by any person or the agents or
5 employees of that person engaged in the business of
6 transporting vehicles or if the vehicle is being transported
7 for the purpose of delivery to any purchaser of the vehicle on
8 a sale or contract of sale previously made, unless the vehicle
9 carries:

10 (1) a valid New Mexico registration plate;

11 (2) a valid dealer's plate issued by the
12 department;

13 (3) a special permit for the use of the
14 highways of this state for the transportation of the vehicle
15 in the manner in which the vehicle is being transported, which
16 has first been obtained and the fee paid as specified in this
17 section; or

18 (4) a valid temporary transportation permit
19 issued under Subsection B of Section 66-3-6 NMSA 1978.

20 B. Special permits for the use of the highways of
21 this state for the transportation of such vehicles shall be
22 issued by the department of public safety upon application on
23 the form prescribed by the department of public safety and
24 upon payment of a fee of ten dollars (\$10.00) for each vehicle
25 transported by use of its own power and a fee of seven dollars

1 (\$7.00) for each vehicle carried in or on another vehicle or
2 towed or drawn by another vehicle and not transported in whole
3 or in part by the use of its own power. A fee imposed
4 pursuant to this section may be referred to as a "caravan
5 fee". Every permit shall show upon its face the registration
6 number assigned to each vehicle, the name and address of the
7 owner, the manner of transportation authorized and a
8 description of the vehicle registered, including the engine
9 number. The permit shall be carried at all times by the
10 person in charge of the vehicle. A suitable tag or placard
11 for each vehicle may be issued by the department of public
12 safety and, if issued, shall be at all times displayed on each
13 vehicle being transported. The permit, tag or placard shall
14 not be used upon or in connection with the transportation of
15 any vehicle other than the one for which the permit, tag or
16 placard is issued.

17 C. A caravan fee shall not apply to the
18 transportation of vehicles carried on another vehicle for the
19 operation of which a weight distance tax is paid, nor shall
20 the vehicle transported be required to carry a registration
21 plate or temporary transportation permits. The motor
22 transportation and the New Mexico state police divisions of
23 the department of public safety are authorized to impound any
24 vehicle transported in violation of the Motor Transportation
25 Act until a proper permit has been secured and any fine levied

1 has been paid."

2 Section 28. Section 66-3-401 NMSA 1978 (being Laws
3 1978, Chapter 35, Section 80, as amended) is amended to read:

4 "66-3-401. OPERATION OF VEHICLES UNDER DEALER PLATES.--

5 A. Any vehicle that is required to be registered
6 pursuant to the Motor Vehicle Code and that is included in the
7 inventory of a dealer may be operated or moved upon the
8 highways for any purpose, provided that the vehicle display in
9 the manner prescribed in Section 66-3-18 NMSA 1978 a unique
10 plate issued to the dealer as provided in Section 66-3-402
11 NMSA 1978. This subsection shall not be construed as limiting
12 the use of temporary registration permits issued to dealers
13 pursuant to Section 66-3-6 NMSA 1978. Each dealer plate shall
14 be issued for a specific vehicle in a dealer's inventory. If
15 a dealer wishes to use the plate on a different vehicle, the
16 dealer must reregister that plate to the different vehicle.

17 B. The provisions of this section do not apply to
18 work or service vehicles used by a dealer. For the purposes
19 of this subsection, "work or service vehicle" includes any
20 vehicle used substantially as a:

- 21 (1) parts or delivery vehicle;
- 22 (2) vehicle used to tow another vehicle;
- 23 (3) courtesy shuttle; or
- 24 (4) vehicle loaned to customers for their

25 convenience.

1 C. Each vehicle included in a dealer's inventory
2 required to be registered pursuant to the provisions of
3 Subsection A of this section must conform to the registration
4 provisions of the Motor Vehicle Code, but is not required to
5 be titled pursuant to the provisions of that code. When a
6 vehicle is no longer included in a dealer's inventory, and is
7 not sold or leased to an unrelated entity, the dealer must
8 title the vehicle and pay the motor vehicle excise tax that
9 would have been due when the vehicle was first registered by
10 the dealer.

11 D. In lieu of the use of dealer plates pursuant to
12 this section, a dealer may register and title a vehicle
13 included in a dealer's inventory in the name of the dealer
14 upon payment of the registration fee applicable to that
15 vehicle, but without payment of the motor vehicle excise tax,
16 provided the vehicle is subsequently sold or leased in the
17 ordinary course of business in a transaction subject to the
18 motor vehicle excise tax or the leased vehicle gross receipts
19 tax."

20 Section 29. Section 66-3-401.1 NMSA 1978 (being Laws
21 1998, Chapter 48, Section 9, as amended) is amended to read:

22 "66-3-401.1. USE OF VEHICLES WITH DEALER PLATES BY
23 COACHES AND ATHLETIC DIRECTORS.--

24 A. Pursuant to Section 66-3-401 NMSA 1978, a
25 dealer may register a vehicle in the name of the dealer for

1 the purpose of providing the use of a vehicle from the
2 inventory of the dealer to a full-time coach or athletic
3 director at any state-supported four-year institution of
4 higher education in New Mexico.

5 B. A vehicle that a dealer elects to register
6 pursuant to Subsection A of this section is not required to be
7 titled pursuant to the provisions of the Motor Vehicle Code,
8 but the vehicle must be included in the driver's inventory for
9 Internal Revenue Code of 1986 purposes and transferred to the
10 full-time coach or athletic director under conditions that
11 require the dealer to report the value of the use of the
12 vehicle as income to the full-time coach or athletic director.

13 C. The number of vehicles registered and used
14 pursuant to the provisions of this section shall be excluded
15 when determining compliance with the maximum number of dealer
16 plates allowed pursuant to Subsection B of Section 66-3-402
17 NMSA 1978."

18 Section 30. Section 66-3-402 NMSA 1978 (being Laws
19 1978, Chapter 35, Section 81, as amended) is amended to read:

20 "66-3-402. APPLICATION FOR DEALER PLATES.--

21 A. A dealer may apply to the department on the
22 appropriate form for one or more dealer plates. The applicant
23 shall submit proof of being a bona fide dealer as may
24 reasonably be required by the department.

25 B. The maximum number of dealer plates for which a
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1 dealer of new or used motor vehicles or motorcycles may apply
2 pursuant to this section shall be:

3 (1) for a dealer who sold in the previous
4 calendar year five or more but fewer than fifty vehicles, one
5 plate;

6 (2) for a dealer who sold in the previous
7 calendar year more than fifty but fewer than one hundred
8 vehicles, three plates;

9 (3) for a dealer who sold in the previous
10 calendar year more than one hundred but fewer than five
11 hundred vehicles, five plates; and

12 (4) for a dealer who sold in the previous
13 calendar year five hundred or more vehicles, ten plates.

14 C. A dealer shall be entitled to five plates in
15 the first calendar year in which it begins business. A dealer
16 who is licensed pursuant to the provisions of Section 66-4-1
17 NMSA 1978 on or after August 1 of any calendar year shall also
18 be entitled to five plates in the calendar year following the
19 year in which it is first licensed to do business.

20 D. The department upon granting application shall
21 issue to the applicant a certificate containing the
22 applicant's name and address and the numbers of the dealer
23 plates assigned to the applicant."

24 Section 31. Section 66-3-403 NMSA 1978 (being Laws
25 1978, Chapter 35, Section 82, as amended) is amended to read:

1 "66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer
2 plate issued pursuant to Section 66-3-402 NMSA 1978 expires at
3 midnight on December 31 of each year. Upon payment of the
4 proper fee, the person to whom the dealer plate was issued may
5 apply to the department for a new plate or validating sticker
6 for the ensuing year. Renewal of all dealer plates shall be
7 on or before December 31. It is a misdemeanor pursuant to the
8 Motor Vehicle Code to operate a vehicle with a dealer plate
9 that has expired."

10 Section 32. Section 66-3-404 NMSA 1978 (being Laws
11 1978, Chapter 35, Section 83, as amended) is amended to read:

12 "66-3-404. DEALER PLATES NOT TRANSFERABLE.--

13 A. Dealer plates are not transferable between
14 dealers.

15 B. Whenever a dealer ceases operation for any
16 reason, the dealer shall surrender to the division any dealer
17 plates issued to the dealer."

18 Section 33. Section 66-3-408 NMSA 1978 (being Laws
19 1978, Chapter 35, Section 87) is amended to read:

20 "66-3-408. SPECIAL REGISTRATION PLATES FOR RECREATIONAL
21 VEHICLES.--All recreational vehicles registered in New Mexico
22 shall carry a special registration plate, including any armed
23 forces veteran plate, disabled veteran plate, purple heart
24 plate, medal of honor plate, ex-prisoner of war plate, Pearl
25 Harbor survivor plate or patriot plate. The color and design

1 of the plates shall be at the discretion of the director."

2 Section 34. Section 66-3-840 NMSA 1978 (being Laws
3 1978, Chapter 35, Section 146) is amended to read:

4 "66-3-840. BRAKES.--

5 A. Brake equipment is required as follows:

6 (1) every motor vehicle other than a
7 motorcycle when operated upon a highway shall be equipped with
8 brakes adequate to control the movement of and to stop and
9 hold the vehicle, including two separate means of applying the
10 brakes, each of which is effective to apply the brakes to at
11 least two wheels. If these two separate means of applying the
12 brakes are connected in any way, they shall be so constructed
13 that failure of any one part of the operating mechanism does
14 not leave the motor vehicle without brakes on at least two
15 wheels;

16 (2) every motorcycle when operated upon a
17 highway shall be equipped with at least two brakes that may be
18 operated by hand or foot;

19 (3) every bus, truck, truck tractor, road
20 tractor, trailer and semitrailer and pole trailer shall be
21 equipped with brakes on all wheels in contact with road
22 surfaces except:

23 (a) trailers, semitrailers and pole
24 trailers of a gross vehicle weight of less than three thousand
25 pounds;

1 (b) any vehicle being towed in a
2 driveway-towaway operation; provided, the combination of
3 vehicles is capable of complying with the performance
4 requirements of Subsection B of this section;

5 (c) trucks, truck tractors and road
6 tractors having three or more axles need not have brakes on
7 the front wheels except when the vehicles are equipped with at
8 least two steerable axles, the wheels of one axle need not be
9 equipped with brakes;

10 (d) house-moving dollies subject to
11 regulations adopted by the secretary of transportation under
12 the Motor Transportation Act; and

13 (e) motor vehicles of the types named
14 in Paragraphs (1) through (3) of this subsection manufactured
15 prior to July 1, 1963;

16 (4) every house trailer of a gross vehicle
17 weight in excess of three thousand pounds registered in this
18 state shall be equipped with brakes on at least two wheels in
19 contact with road surfaces. Every house trailer of a gross
20 vehicle weight of three thousand pounds or more when operated
21 upon a highway or roadway shall be equipped with brakes
22 adequate to control the movement of and to stop and to hold
23 the vehicle and so designed as to be applied by the driver of
24 the towing motor vehicle;

25 (5) every bus, truck, road tractor or truck

1 tractor shall be equipped with parking brakes capable of
2 locking the rear driving wheels and adequate under any
3 condition of loading to hold, to the limit of traction of the
4 braked wheels, the vehicle or combination of vehicles to which
5 the motor vehicle may be attached. The operating controls of
6 the parking brakes shall be independent of the operating
7 controls of the service brakes;

8 (6) in any combination of motor-drawn
9 vehicles, means shall be provided for applying the rearmost
10 trailer brakes of any trailer equipped with brakes in
11 approximate synchronism with the brakes on the towing vehicle
12 and developing the required braking effort on the rearmost
13 wheels at the fastest rate, or means shall be provided for
14 applying braking effort first on the rearmost trailer equipped
15 with brakes, or both of the above means capable of being used
16 alternatively may be employed; and

17 (7) the brake shoes operating within or upon
18 the drums on the vehicle wheels of any motor vehicle may be
19 used for both service and hand operation.

20 B. Every motor vehicle or combination of
21 motor-drawn vehicles shall be capable at all times, and under
22 all conditions of loading, of being stopped on a dry, smooth,
23 level road, free from loose material, upon application of the
24 service brake within the distance specified in this subsection
25 or shall be capable of being decelerated at a sustained rate

1 corresponding to these distances:

2	Feet to stop from	Deceleration
3	20 miles per	in feet per
4	hour	second

5 Vehicles or combinations
6 of vehicles having brakes
7 on all wheels 30 14

8 Vehicles or combinations
9 of vehicles not having
10 brakes on all wheels 40 10.7.

11 C. All brakes shall be maintained in good working
12 order and shall be so adjusted as to operate as equally as
13 practicable with respect to the wheels on opposite sides of
14 the vehicle."

15 Section 35. Section 66-3-847 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 153, as amended) is amended to read:

17 "66-3-847. RESTRICTIONS AS TO TIRE EQUIPMENT.--

18 A. When use is permitted, every solid rubber tire
19 on a vehicle shall have rubber on its entire traction surface
20 at least one-inch thick above the edge of the flange of the
21 entire periphery.

22 B. A person shall not operate or move on a highway
23 a motor vehicle, trailer or semitrailer having any tire
24 surface in contact with the roadway that is wholly or partly
25 of metal or other hard nonresilient material, except a snow

1 tire with metal studs designed to increase traction on ice or
2 snow.

3 C. No tire on a vehicle moved on a highway shall
4 have on its periphery a block, flange, cleat or spike or any
5 other protuberance of any material other than rubber that
6 projects beyond the tread of the traction surface of the tire.
7 However, it shall be permissible to use farm machinery with
8 tires having protuberances that will not injure the highway
9 and tire chains of reasonable proportions or snow tires with
10 metal studs designed to increase traction on ice or snow upon
11 any vehicle when required for safety because of snow, ice or
12 other conditions tending to cause a vehicle to skid.

13 D. The state transportation commission and local
14 authorities, in their respective jurisdictions, may, in their
15 discretion, issue special permits authorizing the operation
16 upon a highway of traction engines or tractors having movable
17 tracks with transverse corrugations upon the periphery of the
18 movable tracks or farm tractors or other farm machinery that
19 would otherwise be prohibited under the Motor Vehicle Code.

20 E. A vehicle equipped with solid rubber or cushion
21 tires shall not be permitted upon any highway of this state
22 without special permission from the state transportation
23 commission or the local authority having jurisdiction over the
24 highway affected, and in no event may any such vehicle be
25 operated at a speed in excess of that specified by law."

1 Section 36. Section 66-3-1004 NMSA 1978 (being Laws
2 1978, Chapter 35, Section 200, as amended) is amended to read:

3 "66-3-1004. REGISTRATION CERTIFICATE AND NONRESIDENT
4 PERMIT FEES--RENEWAL.--

5 A. The fees for registering an off-highway motor
6 vehicle are:

7 (1) seventeen dollars (\$17.00) for each
8 off-highway motor vehicle; and

9 (2) an amount determined by rule of the
10 tourism department not to exceed thirty dollars (\$30.00) for
11 an off-highway user fee for each off-highway motor vehicle.

12 B. Upon a change of ownership, the new owner shall
13 make application and pay registration fees of:

14 (1) seventeen dollars (\$17.00) in the same
15 manner as provided by rules of the division for original
16 registration; and

17 (2) an amount determined by rule of the
18 tourism department not to exceed thirty dollars (\$30.00) for
19 an off-highway user fee for each off-highway motor vehicle.

20 C. The fees for a nonresident permit of an
21 off-highway motor vehicle are either:

22 (1) seventeen dollars (\$17.00) for each
23 off-highway motor vehicle that is not registered in another
24 state; and

25 (2) an amount determined by rule of the

1 tourism department not to exceed thirty dollars (\$30.00) for
2 an off-highway user fee for each off-highway motor vehicle
3 that is not currently in compliance with a similar off-highway
4 user fee law or rule in another state; or

5 (3) seventeen dollars (\$17.00) for a
6 ninety-day permit to include both the off-highway motor
7 vehicle not otherwise registered and the off-highway user fee.

8 D. Except as provided in Paragraph (3) of
9 Subsection C of this section, each registration certificate
10 and nonresident permit shall be:

11 (1) good for two years after the month in
12 which the off-highway motor vehicle is registered or the
13 permit is issued; and

14 (2) renewed every two years.

15 E. The off-highway user fee for each off-highway
16 motor vehicle shall be paid upon obtaining and renewing each
17 registration certificate or nonresident permit.

18 F. Duplicate registration certificates and
19 nonresident permits shall be issued upon payment of a
20 seven-dollar-fifty-cent (\$7.50) fee.

21 G. A fee of one dollar (\$1.00) on registration
22 certificates and nonresident permits shall be collected for
23 the litter control and beautification fund.

24 H. The tourism department, in conjunction with the
25 division and the department of game and fish, may establish

1 and maintain sites to collect fees and issue permits for
2 residents and nonresidents."

3 Section 37. Section 66-3-1004.1 NMSA 1978 (being Laws
4 2005, Chapter 325, Section 4) is amended to read:

5 "66-3-1004.1. FEES--DISPOSITION.--

6 A. Except as provided in Subsection B of this
7 section, fees collected pursuant to Section 66-3-1004 NMSA
8 1978 shall be distributed as follows:

9 (1) of each seventeen dollars (\$17.00)
10 collected pursuant to Paragraph (1) of Subsection A, Paragraph
11 (1) of Subsection B or Paragraph (1) of Subsection C of
12 Section 66-3-1004 NMSA 1978, five dollars (\$5.00) is
13 appropriated to the division to defray the cost of making and
14 issuing registration certificates, validating stickers and
15 nonresident permits for off-highway motor vehicles. The
16 remaining twelve dollars (\$12.00) shall be deposited in the
17 motor vehicle suspense fund for distribution pursuant to
18 Section 66-6-23 NMSA 1978;

19 (2) fees collected pursuant to Paragraph (2)
20 of Subsection A, Paragraph (2) of Subsection B or Paragraph
21 (2) of Subsection C of Section 66-3-1004 NMSA 1978 to the
22 fund;

23 (3) fees collected pursuant to Subsection F
24 of Section 66-3-1004 NMSA 1978 are appropriated to the
25 division to defray the cost of making and issuing duplicate

1 registration certificates and nonresident permits for
2 off-highway motor vehicles;

3 (4) of each seventeen dollars (\$17.00)
4 collected pursuant to Paragraph (3) of Subsection C of Section
5 66-3-1004 NMSA 1978, five dollars (\$5.00) is appropriated to
6 the division to defray the costs of making and issuing
7 nonresident permits. The remaining twelve dollars (\$12.00)
8 shall be deposited in the fund; and

9 (5) fees collected pursuant to Subsection G
10 of Section 66-3-1004 NMSA 1978 to the tourism department for
11 the litter control and beautification fund.

12 B. If fees are collected by the department of game
13 and fish pursuant to Paragraph (1) of Subsection A, Paragraph
14 (1) of Subsection B or Paragraphs (1) and (3) of Subsection C
15 of Section 66-3-1004 NMSA 1978, seven dollars (\$7.00) shall be
16 deposited in the game protection fund, five dollars (\$5.00)
17 shall be deposited in the motor vehicle suspense fund for
18 distribution pursuant to Section 66-6-23 NMSA 1978 and the
19 remaining five dollars (\$5.00) is appropriated to the division
20 to defray the cost of making and issuing registration
21 certificates, validating stickers and nonresident permits for
22 off-highway motor vehicles."

23 Section 38. Section 66-3-1102 NMSA 1978 (being Laws
24 2002, Chapter 38, Section 1) is amended to read:

25 "66-3-1102. ELECTRIC PERSONAL ASSISTIVE MOBILITY

1 DEVICES--STANDARDS--OPERATOR REQUIREMENTS--APPLICABILITY--
2 PENALTIES.--

3 A. An electric personal assistive mobility device
4 shall be equipped with:

5 (1) front, rear and side reflectors;

6 (2) a braking system that enables the
7 operator to bring the device to a controlled stop; and

8 (3) if operated at any time from one-half
9 hour after sunset to one-half hour before sunrise, a lamp that
10 emits a white light that sufficiently illuminates the area in
11 front of the device.

12 B. The secretary shall by rule prescribe motor
13 vehicle safety standards applicable to electric personal
14 assistive mobility devices.

15 C. An operator of an electric personal assistive
16 mobility device traveling on a sidewalk, roadway or bicycle
17 path shall have the rights and duties of a pedestrian and
18 shall exercise due care to avoid colliding with pedestrians.
19 An operator shall yield the right of way to pedestrians.

20 D. Except as provided in this section, no other
21 provisions of the Motor Vehicle Code shall apply to electric
22 personal assistive mobility devices.

23 E. An operator who violates a provision of this
24 section shall receive a warning for the first offense. For a
25 second offense, the operator shall be punished by a fine of

1 ten dollars (\$10.00). For a third or subsequent offense, in
2 addition to the fine, the electric personal assistive mobility
3 device shall be impounded for up to thirty days.

4 F. This section does not apply to personal
5 assistive mobility devices used by persons with disabilities."

6 Section 39. Section 66-3-1103 NMSA 1978 (being Laws
7 2004, Chapter 7, Section 1 and Laws 2004, Chapter 96, Section
8 1) is amended to read:

9 "66-3-1103. NEIGHBORHOOD ELECTRIC CARS.--

10 A. A neighborhood electric car shall be equipped
11 with head lamps, stop lamps, front and rear turn signal lamps,
12 tail lamps, reflex reflectors, a parking brake, at least one
13 interior and one exterior rear view mirror, a windshield,
14 windshield wipers, a speedometer, an odometer, braking for
15 each wheel, seat belts and a vehicle identification number.

16 B. Except as provided in Subsection C or D of this
17 section, a neighborhood electric car, properly registered
18 pursuant to the provisions of the Motor Vehicle Code, in
19 compliance with the Mandatory Financial Responsibility Act and
20 driven by an individual with a valid driver's license, may be
21 operated on any street, roadway or highway under the
22 jurisdiction of either the state or a local authority if the
23 posted maximum speed limit is thirty-five miles per hour or
24 less; provided, a neighborhood electric car may cross at an
25 intersection or permitted crossing point at any street,

1 roadway or highway that has a posted maximum speed limit
2 higher than thirty-five miles per hour.

3 C. A local authority may prohibit the operation of
4 neighborhood electric cars on any road under its jurisdiction
5 if the governing body of the local authority determines that
6 the prohibition is necessary in the interest of safety.

7 D. The department of transportation may prohibit
8 the operation of neighborhood electric cars on any road under
9 its jurisdiction if it determines that the prohibition is
10 necessary in the interest of safety.

11 E. Neighborhood electric cars are exempt from the
12 following provisions:

13 (1) the emblems or flashing lights
14 requirement for slow-moving vehicles in Section 66-3-887 NMSA
15 1978;

16 (2) any requirement for vehicle emission
17 inspections adopted by a local authority pursuant to
18 Subsection C of Section 74-2-4 NMSA 1978; and

19 (3) the minimum motor displacement
20 requirement of Paragraph (2) of Subsection A of Section
21 66-7-405 NMSA 1978."

22 Section 40. Section 66-4-2 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 215, as amended by Laws 2005, Chapter 15,
24 Section 1 and by Laws 2005, Chapter 324, Section 14) is
25 amended to read:

1 "66-4-2. DEPARTMENT TO ISSUE LICENSE.--

2 A. Except for recreational vehicles, the
3 department, upon receiving application accompanied by the
4 required fee and when satisfied that the applicant is of good
5 character and complies with the laws of this state with
6 reference to the registration of vehicles and certificates of
7 title and the provisions of the Motor Vehicle Code, shall
8 issue to the applicant a license that entitles the licensee to
9 conduct the business of a dealer, auto recycler or title
10 service company. The license may be renewed upon application
11 and payment of the fee required by law. A licensee shall not
12 lease, loan, transfer or sell its license to another person,
13 and no person shall use the license of another person for any
14 purpose.

15 B. A dealer or auto recycler licensee, before
16 moving any of the licensee's places of business or opening any
17 additional place of business, shall apply to the department
18 for and obtain a supplemental license for which no fee shall
19 be charged. No supplemental license shall be issued to a
20 dealer, other than a dealer in motorcycles only, for an
21 additional place of business unless the business already has
22 an established place of business.

23 C. A person to whom the department has issued a
24 license to conduct the business of a dealer in motorcycles
25 only is also deemed a recycler of motorcycles without

1 additional license."

2 Section 41. A new section of the Motor Vehicle Code,
3 Section 66-4-2.2 NMSA 1978, is enacted to read:

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

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

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

22 (2) obtains either an original rider to the
23 dealer's existing corporate surety bond or an original
24 corporate surety bond in compliance with the provisions of
25 Section 66-4-7 NMSA 1978 to cover the proposed temporary

1 off-site location and dates of sale.

2 B. All temporary off-site locations shall be
3 identified by prominently displayed signs identifying the
4 names of the New Mexico licensed dealers selling vehicles or
5 vessels at the temporary off-site location and shall be of
6 sufficient size or space to permit the safe display of the
7 vehicles or vessels offered for sale."

8 Section 42. Section 66-4-3 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 216, as amended) is amended to read:

10 "66-4-3. REFUSAL TO ISSUE LICENSE--CANCELLATION OR
11 SUSPENSION OF LICENSE OR USE OF TEMPORARY PERMITS--HEARING--
12 APPEAL.--

13 A. The department may refuse to issue a license
14 for just cause and may cancel or suspend a license or use of a
15 temporary registration permit, demonstration permit or
16 transport permit for violation of the Motor Vehicle Code. The
17 department shall take the action authorized in this section
18 only after hearing. Notice of hearing shall be given the
19 party concerned as provided in Section 66-2-11 NMSA 1978. The
20 notice shall state the proposed action of the department and
21 the reason for the proposed action.

22 B. The department shall prepare rules for the
23 conduct of the hearing. At the hearing, the technical rules
24 of evidence do not apply, and a party has the right to be
25 represented by counsel, to call witnesses in the party's own

1 behalf and to cross-examine the witnesses of other parties.

2 C. The secretary or the secretary's designated
3 agent shall conduct the hearing for the department and shall
4 cause a record of hearing to be made.

5 D. Within ten days after completion of the
6 hearing, the secretary shall cause to be served upon all
7 parties, in the manner provided in Section 66-2-11 NMSA 1978,
8 the secretary's findings and decision. The decision shall be:

9 (1) granting a license or refusing to grant
10 a license;

11 (2) continuing a license, canceling a
12 license or suspending a license for a time stated; or

13 (3) continuing use of dealer plates and
14 temporary registration permits, demonstration permits or
15 transport permits, canceling dealer plates and temporary
16 registration permits, demonstration permits or transport
17 permits or suspending use of temporary registration permits,
18 demonstration permits or transport permits for a time stated.

19 E. A party aggrieved by the secretary's decision
20 may file an appeal in the district court pursuant to the
21 provisions of Section 39-3-1.1 NMSA 1978."

22 Section 43. Section 66-4-5 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 218, as amended) is amended to read:

24 "66-4-5. RECORDS OF PURCHASES, OF SALES AND OF VEHICLES
25 DISMANTLED.--

1 A. A dealer licensee shall maintain a record in a
2 form prescribed by the department of every vehicle of a type
3 subject to registration pursuant to the provisions of the
4 Motor Vehicle Code that is bought, sold or exchanged by the
5 licensee or received by the licensee for sale or exchange.

6 B. An auto recycler licensee shall maintain a
7 record in a form prescribed by the department of:

8 (1) every vehicle of a type subject to
9 registration pursuant to the provisions of the Motor Vehicle
10 Code that is bought, exchanged or received and dismantled or
11 otherwise destroyed by the licensee; and

12 (2) every motor vehicle body, chassis or
13 engine that is sold or otherwise disposed of by the licensee.

14 C. Every record required to be maintained pursuant
15 to Subsection A or B of this section shall state the name and
16 address of the person from whom the vehicle was purchased or
17 acquired and the date of the purchase; the name and address of
18 the person to whom the vehicle or the motor vehicle body,
19 chassis or engine was sold or otherwise disposed of and the
20 date of the sale or disposition; and a sufficient description
21 of every vehicle or motor vehicle body, chassis or engine by
22 name and identifying numbers sufficient to identify the
23 vehicle or motor vehicle body, chassis or engine.

24 D. A title service company licensee shall maintain
25 a record of:

1 (1) every temporary registration permit
2 issued;

3 (2) every title and registration application
4 accepted for processing; and

5 (3) any other information prescribed by the
6 department.

7 E. Every record required to be maintained pursuant
8 to the provisions of this section shall be retained for a
9 period of three years from the end of the year in which the
10 record was created and shall be open to inspection by any
11 peace officer or officer of the department during reasonable
12 business hours. If the licensee fails to maintain the records
13 required or to permit their inspection during reasonable
14 business hours, the license becomes invalid."

15 Section 44. Section 66-5-2 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 224, as amended) is amended to read:

17 "66-5-2. DRIVERS MUST BE LICENSED.--

18 A. Except those expressly exempted from the Motor
19 Vehicle Code, no person shall drive any motor vehicle,
20 neighborhood electric car or moped upon a highway in this
21 state unless the person:

22 (1) holds a valid license issued under the
23 provisions of the Motor Vehicle Code; and

24 (2) has surrendered to the division any
25 other license previously issued to the person by this state or

1 by another state or country or has filed an affidavit with the
2 division that the person does not possess such other license;
3 however, the applicant need not surrender a motorcycle license
4 duly obtained under Paragraph (3) of Subsection A of Section
5 66-5-5 NMSA 1978.

6 B. Any person licensed under the provisions of the
7 Motor Vehicle Code or expressly exempted from licensure may
8 exercise the privilege granted upon all streets and highways
9 in this state and shall not be required to obtain any other
10 license to exercise the privilege by any county, municipality
11 or any other local body having authority to adopt local police
12 regulations."

13 Section 45. Section 66-5-19 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 241, as amended) is amended to read:

15 "66-5-19. RESTRICTED LICENSES.--

16 A. The division, upon issuing a driver's license
17 or a provisional license, has authority, whenever good cause
18 appears, to impose restrictions, including the shortening of
19 the licensure period suitable to the licensee's driving
20 ability with respect to the type of or special mechanical
21 control devices required on a motor vehicle that the licensee
22 may operate or such other restrictions applicable to the
23 licensee as the division determines to be appropriate to
24 ensure the safe operation of a motor vehicle by the licensee.

25 B. At age seventy-five and thereafter, the

1 applicant shall renew the applicant's license on a yearly
2 basis at no cost to the applicant.

3 C. The division may either issue a special
4 restricted license or may set forth such restrictions upon the
5 usual license form.

6 D. The division may issue a restricted license or
7 a restricted provisional license for driving during daylight
8 hours only to some visually impaired persons who fail the
9 usual eyesight test. The health standards advisory board
10 created pursuant to the provisions of Section 66-5-6 NMSA 1978
11 shall evaluate the extent of the visual impairment and its
12 effect on the driving ability of the applicant and, based on
13 its recommendations, the director may issue a restricted
14 license under the following conditions:

15 (1) the applicant has no record of moving
16 violations;

17 (2) the necessity of the license is shown to
18 the satisfaction of the director; and

19 (3) the applicant satisfies the provisions
20 of Section 66-5-206 NMSA 1978 relating to proof of financial
21 responsibility.

22 E. The division may, upon receiving satisfactory
23 evidence of any violation of the restrictions of the license,
24 suspend the license, but the licensee is entitled to a hearing
25 as upon a suspension under Sections 66-5-1 through 66-5-47

1 NMSA 1978.

2 F. It is a misdemeanor for any person to operate a
3 motor vehicle in any manner in violation of the restrictions
4 imposed in a restricted license issued to the person."

5 Section 46. Section 66-5-29 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 251, as amended by Laws 2005, Chapter 241,
7 Section 2 and by Laws 2005, Chapter 269, Section 2) is amended
8 to read:

9 "66-5-29. MANDATORY REVOCATION OF LICENSE BY
10 DIVISION.--

11 A. The division shall immediately revoke the
12 driving privilege or driver's license of a driver upon
13 receiving a record of the driver's adjudication as a
14 delinquent for or conviction of any of the following offenses,
15 whether the offense is under any state law or local ordinance,
16 when the conviction or adjudication has become final:

17 (1) manslaughter or negligent homicide
18 resulting from the operation of a motor vehicle;

19 (2) any offense rendering a person a "first
20 offender" as defined in the Motor Vehicle Code;

21 (3) any offense rendering a person a
22 "subsequent offender" as defined in the Motor Vehicle Code;

23 (4) any felony in the commission of which a
24 motor vehicle is used;

25 (5) failure to stop and render aid as

1 required under the laws of this state in the event of a motor
2 vehicle accident resulting in the death or personal injury of
3 another;

4 (6) perjury or the making of a false
5 affidavit or statement under oath to the division under the
6 Motor Vehicle Code or under any other law relating to the
7 ownership or operation of motor vehicles; or

8 (7) conviction or forfeiture of bail not
9 vacated upon three charges of reckless driving committed
10 within a period of twelve months.

11 B. Except as provided in the Ignition Interlock
12 Licensing Act and in Subsection C, D, E or F of this section,
13 a person whose driving privilege or driver's license has been
14 revoked under this section shall not be entitled to apply for
15 or receive a new license until one year from the date that the
16 conviction is final and all rights to an appeal have been
17 exhausted.

18 C. A person who upon adjudication as a delinquent
19 for driving while under the influence of intoxicating liquor
20 or drugs or a conviction pursuant to Section 66-8-102 NMSA
21 1978 is subject to revocation of the driving privilege or
22 driver's license under this section for an offense pursuant to
23 which the person was also subject to revocation of the driving
24 privilege or driver's license pursuant to Section 66-8-111
25 NMSA 1978 shall have the person's driving privilege or

1 driver's license revoked for that offense for a combined
2 period of time equal to:

3 (1) one year for a first offender; or

4 (2) for a subsequent offender:

5 (a) two years for a second conviction;

6 (b) three years for a third conviction;

7 or

8 (c) the remainder of the offender's

9 life for a fourth or subsequent conviction, subject to a
10 five-year review, as provided in Sections 66-5-5 and 66-8-102
11 NMSA 1978.

12 D. The division shall apply the license revocation
13 provisions of Subsection C of this section and the provisions
14 of Subsection D of Section 66-5-5 NMSA 1978 to a person who
15 was three or more times convicted of driving a motor vehicle
16 under the influence of intoxicating liquor or drugs and who
17 has a driver's license revocation pursuant to the law in
18 effect prior to June 17, 2005, upon the request of the person
19 and if the person has had an ignition interlock license for
20 three years or more and has proof from the ignition interlock
21 vendor of no violations of the ignition interlock device in
22 the previous six months.

23 E. Upon receipt of an order from a court pursuant
24 to Section 32A-2-19 NMSA 1978 or Subsection G of Section
25 32A-2-22 NMSA 1978, the division shall revoke the driver's

1 license or driving privileges for a period of time in
2 accordance with these provisions.

3 F. Upon receipt from a district court of a record
4 of conviction for the offense of shooting at or from a motor
5 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978
6 or of a conviction for a conspiracy or an attempt to commit
7 that offense, the division shall revoke the driver's license
8 or driving privileges of the convicted person. A person whose
9 driver's license or driving privilege has been revoked
10 pursuant to the provisions of this subsection shall not be
11 entitled to apply for or receive any new driver's license or
12 driving privilege until one year from the date that the
13 conviction is final and all rights to an appeal have been
14 exhausted."

15 Section 47. Section 66-5-35 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 257, as amended by Laws 2005, Chapter 241,
17 Section 4 and by Laws 2005, Chapter 269, Section 4) is amended
18 to read:

19 "66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR
20 REVOCATION.--

21 A. Upon suspension or revocation of a person's
22 driving privilege or driver's license following conviction or
23 adjudication as a delinquent under any law, ordinance or rule
24 relating to motor vehicles, the person may apply to the
25 department for a driver's license, provisional license or

1 instruction permit to drive, limited to use allowing the
2 person to engage in gainful employment, to attend school or to
3 attend a court-ordered treatment program, except that the
4 person shall not be eligible to apply:

5 (1) for a limited commercial driver's
6 license or an ignition interlock license in lieu of a revoked
7 or suspended commercial driver's license;

8 (2) for a limited license when the person's
9 driver's license was revoked pursuant to the provisions of the
10 Implied Consent Act, except as provided in the Ignition
11 Interlock Licensing Act;

12 (3) for a limited license when the person's
13 driver's license was revoked pursuant to the provisions of
14 Section 66-8-102 NMSA 1978, except as provided in the Ignition
15 Interlock Licensing Act;

16 (4) for a limited license when the person's
17 driver's license is denied pursuant to the provisions of
18 Subsection D of Section 66-5-5 NMSA 1978, except as provided
19 in the Ignition Interlock Licensing Act; or

20 (5) for a limited license when the person's
21 driver's license was revoked pursuant to a conviction for
22 committing homicide by vehicle or great bodily injury by
23 vehicle, as provided in Section 66-8-101 NMSA 1978.

24 B. Upon receipt of a fully completed application
25 that complies with statutes and rules for a limited license or

1 an ignition interlock license and payment of the fee specified
2 in this subsection, the department shall issue a limited
3 license, ignition interlock license or permit to the applicant
4 showing the limitations specified in the approved application.
5 For each limited license, ignition interlock license or permit
6 to drive, the applicant shall pay to the department a fee of
7 forty-five dollars (\$45.00), which shall be transferred to the
8 department of transportation. All money collected under this
9 subsection shall be used for DWI prevention and education
10 programs for elementary and secondary school students. The
11 department of transportation shall coordinate with the
12 department of health to ensure that there is no program
13 duplication. The limited license or permit to drive may be
14 suspended as provided in Section 66-5-30 NMSA 1978."

15 Section 48. Section 66-5-502 NMSA 1978 (being Laws
16 2003, Chapter 239, Section 2, as amended) is amended to read:

17 "66-5-502. DEFINITIONS.--As used in the Ignition
18 Interlock Licensing Act:

19 A. "denied" means the division has refused to
20 issue an instruction permit, driver's license or provisional
21 license pursuant to the provisions of Subsection D of Section
22 66-5-5 NMSA 1978;

23 B. "ignition interlock device" means a device,
24 approved by the traffic safety bureau, that prevents the
25 operation of a motor vehicle by an intoxicated or impaired

1 person;

2 C. "ignition interlock license" means a driver's
3 license issued to a person by the division that allows that
4 person to operate a motor vehicle with an ignition interlock
5 device after that person's driving privilege or driver's
6 license has been revoked or denied. The division shall
7 clearly mark an ignition interlock license to distinguish it
8 from other driver's licenses; and

9 D. "revoked" means the division, pursuant to the
10 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has
11 terminated a person's driving privilege or driver's license
12 for driving while under the influence of intoxicating liquor
13 or drugs."

14 Section 49. Section 66-5-503 NMSA 1978 (being Laws
15 2003, Chapter 239, Section 3) is amended to read:

16 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
17 EXCLUSIONS.--

18 A. A person whose driving privilege or driver's
19 license has been revoked or denied may apply for an ignition
20 interlock license from the division.

21 B. An applicant for an ignition interlock license
22 shall:

23 (1) provide proof of installation of the
24 ignition interlock device by a traffic safety bureau-approved
25 ignition interlock installer on any vehicle the applicant

1 drives; and

2 (2) sign an affidavit acknowledging that:

3 (a) operation by the applicant of any
4 vehicle that is not equipped with an ignition interlock device
5 is subject to penalties for driving with a revoked license;
6 and

7 (b) the applicant shall maintain the
8 ignition interlock device and keep up-to-date records in the
9 motor vehicle showing required service and calibrations and be
10 able to provide the records upon request.

11 C. A person who has been convicted of homicide by
12 vehicle or great bodily injury by vehicle while under the
13 influence of intoxicating liquor or drugs, as provided in
14 Section 66-8-101 NMSA 1978, shall not be issued an ignition
15 interlock license."

16 Section 50. Section 66-6-3 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 338, as amended) is amended to read:

18 "66-6-3. TRAILERS--REGISTRATION FEES.--

19 A. For freight trailers, the division shall
20 collect thirteen dollars (\$13.00) for permanent registration
21 or re-registration after sale or transfer.

22 B. For utility trailers, the division shall
23 collect:

24 (1) for the annual registration of each
25 utility trailer not permanently registered, seven dollars

1 (\$7.00) plus one dollar (\$1.00) for each one hundred pounds or
2 major fraction thereof of actual empty weight over five
3 hundred pounds;

4 (2) for the permanent registration of
5 utility trailers not used in commerce that have a gross
6 vehicle weight of less than six thousand one pounds, thirty-
7 three dollars (\$33.00) plus seven dollars (\$7.00) for each one
8 hundred pounds or major fraction thereof of actual empty
9 weight over five hundred pounds; and

10 (3) for the re-registration of permanently
11 registered utility trailers after sale or transfer, seven
12 dollars (\$7.00).

13 C. For travel trailers, the division shall
14 collect:

15 (1) for the annual registration of each
16 travel trailer that is not permanently registered, seven
17 dollars (\$7.00) plus fifty cents (\$.50) for each one hundred
18 pounds or major fraction thereof of gross factory shipping
19 weight over five hundred pounds or, if gross factory shipping
20 weight is not available, of actual empty weight over five
21 hundred pounds;

22 (2) for the permanent registration of travel
23 trailers, thirty-three dollars (\$33.00) plus three dollars
24 fifty cents (\$3.50) for each one hundred pounds or major
25 fraction thereof of gross factory shipping weight over five

1 hundred pounds or, if the gross factory shipping weight is not
2 available, of actual empty weight over five hundred pounds;
3 and

4 (3) for the re-registration of permanently
5 registered travel trailers after sale or transfer, seven
6 dollars (\$7.00).

7 D. At the option of the owner of a fleet of fifty
8 or more utility trailers wishing to register them in New
9 Mexico, the division shall issue a registration and
10 registration plate for each trailer in the fleet, the
11 registration and registration plate to expire on the last day
12 of the final month of a five-year period. Registrations and
13 registration plates shall be issued for five years only if the
14 owner of the trailers meets the following requirements:

15 (1) application is made on forms prescribed
16 by the division and payment of the proper fee is made;

17 (2) upon the option of the director,
18 presentation is made at the time of registration of a surety
19 bond, certificate of deposit or of other financial security;
20 and

21 (3) payment is made by the fleet owner of
22 all registration fees due each year prior to the expiration
23 date. If such fees are not paid, all registrations and
24 registration plates in the fleet shall be canceled."

25 Section 51. Section 66-6-4 NMSA 1978 (being Laws 1978,

1 Chapter 35, Section 339, as amended) is amended to read:

2 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS,
3 ROAD TRACTORS AND BUSES.--

4 A. Within their respective jurisdictions, the
5 motor vehicle division and the motor transportation division
6 of the department of public safety shall charge registration
7 fees for trucks, truck tractors, road tractors and buses,
8 except as otherwise provided by law, according to the schedule
9 of Subsection B of this section.

10	B. Declared Gross Weight	Fee
11	001 to 4,000	\$40
12	4,001 to 6,000	55
13	6,001 to 8,000	69
14	8,001 to 10,000	84
15	10,001 to 12,000	99
16	12,001 to 14,000	113
17	14,001 to 16,000	128
18	16,001 to 18,000	143
19	18,001 to 20,000	157
20	20,001 to 22,000	172
21	22,001 to 24,000	187
22	24,001 to 26,000	201
23	26,001 to 48,000	118
24	48,001 and over	172.

25 C. All trucks whose declared gross weight or whose SCORC/SB 905
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1 gross vehicle weight is less than twenty-six thousand pounds,
2 after five years of registration, calculated from the date
3 when the vehicle was first registered in this or another
4 state, shall be charged registration fees at eighty percent of
5 the rate set out in Subsection B of this section.

6 D. All trucks with a gross vehicle weight of more
7 than twenty-six thousand pounds and all truck tractors and
8 road tractors used to tow freight trailers shall be registered
9 on the basis of gross combination vehicle weight.

10 E. All trucks with a gross vehicle weight of
11 twenty-six thousand pounds or less shall be registered on the
12 basis of gross vehicle weight. A trailer, semitrailer or pole
13 trailer towed by a truck of such gross vehicle weight shall be
14 classified as a utility trailer for registration purposes
15 unless otherwise provided by law.

16 F. All farm vehicles having a declared gross
17 weight of more than six thousand pounds shall be charged
18 registration fees of two-thirds of the rate of the respective
19 fees provided in this section and shall be issued distinctive
20 registration plates. "Farm vehicle" means a vehicle owned by
21 a person whose principal occupation is farming or ranching and
22 which vehicle is used principally in the transportation of
23 farm and ranch products to market and farm and ranch supplies
24 and livestock from the place of purchase to farms and ranches
25 in this state; provided that the vehicle is not used for hire.

1 G. In addition to other registration fees imposed
2 by this section, beginning July 1, 1994, an annual tire
3 recycling fee of one dollar fifty cents (\$1.50) is imposed at
4 the time of registration on each vehicle subject to a
5 registration fee pursuant to this section, except for vehicles
6 with a declared gross weight of greater than twenty-six
7 thousand pounds upon which registration fees are imposed by
8 Subsection B of this section.

9 H. Three percent of registration fees of trucks
10 having from twenty-six thousand one pounds to forty-eight
11 thousand pounds declared gross vehicle weight is to be
12 transferred to the recycling and illegal dumping fund pursuant
13 to the provisions of Section 66-6-23 NMSA 1978.

14 I. Three and seventy-five hundredths percent of
15 registration fees of trucks in excess of forty-eight thousand
16 pounds declared gross vehicle weight is to be transferred to
17 the recycling and illegal dumping fund pursuant to the
18 provisions of Section 66-6-23 NMSA 1978."

19 Section 52. Section 66-6-11 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 346) is amended to read:

21 "66-6-11. COMPUTATION OF WEIGHT.--The weight for
22 determining registration fees for all vehicles shall be the
23 gross factory shipping weight, or if the gross factory
24 shipping weight is unavailable, the actual empty weight of the
25 vehicle, except as otherwise provided by law for trucks, truck

1 tractors, road tractors, buses, freight trailers, utility
2 trailers and travel trailers."

3 Section 53. Section 66-6-16 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 351) is amended to read:

5 "66-6-16. EXEMPTION FOR ARMED FORCES AMPUTEES AND THOSE
6 WHO HAVE LOST USE OF LIMBS.--A person who is a bona fide
7 resident of New Mexico, who served in the armed forces of the
8 United States, who was honorably discharged and who suffered
9 the loss or complete and total loss of use of one or both legs
10 at or above the ankle or one or both arms at or above the
11 wrist while so serving or from a service-connected cause shall
12 be exempt from payment of any motor vehicle registration fees
13 to the state on one vehicle a year owned by the person."

14 Section 54. Section 66-6-17 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 352, as amended) is amended to read:

16 "66-6-17. DEALER PLATE FEES.--

17 A. Except as provided otherwise in Subsection C of
18 this section, every dealer, except a dealer in motorcycles
19 only, shall pay each license year fifty dollars (\$50.00) for
20 each dealer plate issued pursuant to Section 66-3-402 NMSA
21 1978 to the dealer for that license year.

22 B. Except as provided otherwise in Subsection C of
23 this section, every dealer in motorcycles only shall pay each
24 license year ten dollars (\$10.00) for each dealer plate issued
25 pursuant to Section 66-3-402 NMSA 1978 to the dealer for that

1 license year.

2 C. In the event a dealer plate is lost, mutilated
3 or becomes illegible, a dealer, including a dealer in
4 motorcycles only, shall obtain a replacement plate pursuant to
5 the provisions of Section 66-3-24 NMSA 1978. The fee for a
6 replacement dealer plate shall be fifty dollars (\$50.00) for a
7 dealer or ten dollars (\$10.00) for a dealer in motorcycles
8 only."

9 Section 55. Section 66-6-19 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 354) is amended to read:

11 "66-6-19. VEHICLE TRANSACTION FEES.--

12 A. For any transaction concerning the initial
13 issuance, transfer or revocation of a title or registration,
14 including filing and recording documents, releasing liens and
15 certifying copies, the division shall charge three dollars
16 (\$3.00). As used in this subsection, "transaction" means all
17 operations necessary at one time with respect to one vehicle,
18 including the inspection required by Section 66-3-4 NMSA 1978.

19 B. No fee shall be charged by the division for the
20 correction of documents or the issuance of documents in cases
21 in which the division made errors in the original issuance of
22 the documents."

23 Section 56. Section 66-6-22.1 NMSA 1978 (being Laws
24 1990, Chapter 120, Section 34, as amended) is amended to read:

25 "66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--

1 RECEIPTS--DISBURSEMENTS.--

2 A. There is created in the state treasury a fund
3 to be known as the "motor vehicle suspense fund".

4 B. The fees collected under the provisions of
5 Sections 66-1-1 through 66-6-19 NMSA 1978 shall be paid to the
6 state treasurer for the credit of the motor vehicle suspense
7 fund not later than the close of the second business day after
8 their receipt, except as otherwise provided by the Off-Highway
9 Motor Vehicle Act.

10 C. Money deposited to the credit of or disbursed
11 from the motor vehicle suspense fund by the department shall
12 be accounted for as provided by law, rule or procedure of the
13 secretary of finance and administration.

14 D. The balance of the motor vehicle suspense fund
15 is appropriated for the purpose of making refunds,
16 distributions and other disbursements authorized or required
17 by law to be made from the motor vehicle suspense fund,
18 provided that no distribution shall be made to a municipality,
19 county or fee agent operating a motor vehicle field office
20 with respect to money collected and remitted to the department
21 by that municipality, county or fee agent until the report of
22 the municipality, county or fee agent is audited and accepted
23 by the department."

24 Section 57. A new section of the Motor Vehicle Code,
25 Section 66-6-22.2 NMSA 1978, is enacted to read:

1 "66-6-22.2. ADJUSTMENTS OF DISBURSEMENTS FROM THE MOTOR
2 VEHICLE SUSPENSE FUND.--

3 A. The provisions of this section apply to
4 disbursements from the motor vehicle suspense fund.

5 B. If the secretary determines that a prior
6 disbursement from the fund is erroneous, the secretary shall,
7 pursuant to law, rules or procedures of the department of
8 finance and administration, adjust future disbursements by the
9 amount necessary to correct the error.

10 C. The secretary may, in lieu of recovering the
11 entire erroneous amount from the next disbursement, recover an
12 excess disbursement of one thousand dollars (\$1,000) or more
13 in installments from current and future disbursements pursuant
14 to a written agreement whenever the amount of the disbursement
15 decrease exceeds ten percent of the average disbursement
16 amount for that recipient for the twelve months preceding the
17 month in which the secretary's determination is made; provided
18 that, for the purposes of this subsection, the "average
19 disbursement amount" shall be the arithmetic mean of the
20 disbursement amounts within the twelve months immediately
21 preceding the month in which the determination is made.

22 D. Except for the provisions of this section, if
23 the amount by which a disbursement would be adjusted pursuant
24 to Subsection B of this section is one thousand dollars
25 (\$1,000) or less, no adjustment shall be made.

1 E. In the event an adjustment authorized by this
2 section requires a disbursement for which there is no equal
3 offsetting receipt, the general fund disbursement shall be
4 reduced by the difference between the offsetting receipt and
5 the adjustment."

6 Section 58. Section 66-7-352.1 NMSA 1978 (being Laws
7 1983, Chapter 45, Section 1, as amended) is amended to read:

8 "66-7-352.1. SHORT TITLE.--Sections 66-7-352.1 through
9 66-7-352.6 NMSA 1978 may be cited as the "Accessible Parking
10 Standards and Enforcement Act"."

11 Section 59. Section 66-7-352.2 NMSA 1978 (being Laws
12 1983, Chapter 45, Section 2) is amended to read:

13 "66-7-352.2. LEGISLATIVE INTENT.--The policy and intent
14 of this legislature is declared to be as follows:

15 A. that this legislature finds there is a
16 significant safety hazard for persons with significant
17 mobility limitation crossing through parking lots and that
18 this hazard is greatly reduced when parking is provided
19 adjacent to a building entrance;

20 B. that commercial and governmental establishments
21 provide reserved parking for persons with significant mobility
22 limitation, thus ensuring full and equal opportunity for those
23 persons to maintain independence and self-respect; and

24 C. that ultimately society will benefit from the
25 increased interaction of persons with significant mobility

1 limitation with the mainstream that these parking spaces will
2 provide."

3 Section 60. Section 66-7-352.4 NMSA 1978 (being Laws
4 1983, Chapter 45, Section 4, as amended) is amended to read:

5 "66-7-352.4. PARKING LOTS--STANDARDS.--

6 A. Every parking lot coming under the provisions
7 of the Accessible Parking Standards and Enforcement Act shall
8 have designated accessible parking spaces for persons with
9 significant mobility limitation as provided in Subsection B of
10 this section. No building permit shall be issued by any local
11 government for the construction or substantial renovation of a
12 commercial building inviting public access unless the parking
13 lot has designated accessible parking spaces for persons with
14 significant mobility limitation as delineated in Subsection B
15 of this section.

16 B. The minimum numbers of designated accessible
17 parking spaces for persons with significant mobility
18 limitation are as follows:

19 TOTAL PARKING SPACES IN LOT	20 REQUIRED MINIMUM NUMBER OF
	21 PARKING SPACES FOR PERSONS
	22 WITH SIGNIFICANT MOBILITY
	23 LIMITATION
24 1 to 25	1
25 26 to 35	2
	3

1	51 to 100	4
2	101 to 300	8
3	301 to 500	12
4	501 to 800	16
5	801 to 1,000	20
6	more than 1,000	20, plus 1 for
7		each
8		100 over 1,000.

9 The designated accessible parking spaces for persons
10 with significant mobility limitation shall be located so as to
11 provide the most convenient access to entranceways or to the
12 nearest curb cut. Every parking lot shall have at least one
13 designated accessible parking space for persons with
14 significant mobility limitation designed to accommodate a
15 motor vehicle passenger van, and there shall be a minimum of
16 one such space for every eight designated accessible parking
17 spaces for persons with significant mobility limitation."

18 Section 61. Section 66-7-352.5 NMSA 1978 (being Laws
19 1983, Chapter 45, Section 5, as amended) is amended to read:

20 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

21 A. It is unlawful for any person to park a motor
22 vehicle not displaying a special registration plate or a
23 parking placard issued pursuant to Section 66-3-16 NMSA 1978
24 in a designated accessible parking space for persons with
25 significant mobility limitation.

1 B. It is unlawful for any person to park a motor
2 vehicle in such a manner so as to block access to any part of
3 a curb cut designed for access by persons with significant
4 mobility limitation.

5 C. A person convicted of violating Subsection A
6 or B of this section is subject to a fine of not less than two
7 hundred fifty dollars (\$250) or more than five hundred dollars
8 (\$500). Failure to properly display a parking placard or
9 special registration plate issued pursuant to Section 66-3-16
10 NMSA 1978 is not a defense against a charge of violation of
11 Subsection A or B of this section.

12 D. A vehicle parked in violation of Subsection A
13 or B of this section is subject to being towed at the expense
14 of the vehicle owner upon authorization by law enforcement
15 personnel or by the property owner or manager of a parking
16 lot."

17 Section 62. Section 66-7-505 NMSA 1978 (being Laws
18 1978, Chapter 35, Section 492, as amended) is amended to read:

19 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
20 TERMS.--

21 A. There is created a five-member advisory
22 committee to the bureau. The chief is, ex officio, the chair
23 and a voting member of the committee. The governor shall
24 appoint three members, to terms coterminous with the
25 governor's tenure, who shall have the following

1 qualifications:

2 (1) one member who is representative of the
3 law enforcement agencies of this state;

4 (2) one member who is representative of the
5 school bus transportation function of the public education
6 department; and

7 (3) one member who is representative of the
8 motor transportation division of the department of public
9 safety.

10 B. Appointees who are public officers or public
11 employees shall be compensated for attendance at meetings
12 according to the Per Diem and Mileage Act. Appointees who are
13 not public officers or employees shall be compensated for
14 attendance at meetings in commensurate amount."

15 Section 63. Section 66-7-513 NMSA 1978 (being Laws
16 2003, Chapter 148, Section 2) is amended to read:

17 "66-7-513. SAFE ROUTES TO SCHOOL PROGRAM.--

18 A. The "safe routes to school program" is created
19 within the department to increase and make safer a student's
20 ability to walk or ride a bicycle to school.

21 B. The program may be established to:

22 (1) provide assistance to the state,
23 counties and municipalities to identify school route hazards
24 and implement engineering improvements, including:

25 (a) installing sidewalks;

- 1 (b) painting crosswalks and other
2 street and sidewalk areas;
- 3 (c) installing traffic signals;
- 4 (d) making street improvements;
- 5 (e) providing lighting;
- 6 (f) providing bus shelters,
7 particularly in isolated or rural areas;
- 8 (g) cutting curbs for access for
9 persons with significant mobility limitation; and
- 10 (h) other safety improvements;
- 11 (2) develop criteria, in conjunction with
12 the department's bicycle, pedestrian and equestrian committee,
13 school districts and law enforcement agencies and with input
14 from parents, teachers and school administrators, to be used
15 in evaluating the applications of the program; and
- 16 (3) include information about the safe
17 routes to school program in public awareness campaigns about
18 traffic safety."

19 Section 64. Section 66-8-124 NMSA 1978 (being Laws
20 1961, Chapter 213, Section 3, as amended) is amended to read:

21 "66-8-124. ARRESTING OFFICER TO BE IN UNIFORM.--

22 A. No person shall be arrested for violating the
23 Motor Vehicle Code or other law relating to motor vehicles
24 punishable as a misdemeanor except by a commissioned, salaried
25 peace officer who, at the time of arrest, is wearing a uniform

1 clearly indicating the peace officer's official status.

2 B. Notwithstanding the provisions of Subsection A
3 of this section, a municipality may provide by ordinance that
4 uniformed private security guards may be commissioned by the
5 local police agency to issue parking citations for violations
6 of clearly and properly marked fire zones and access zones for
7 persons with significant mobility limitation. Prior to the
8 commissioning of any security guard, the employer of the
9 security guard shall agree in writing with the local police
10 agency to the commissioning of the employer's security guard.
11 The employer of any security guard commissioned under the
12 provisions of this section shall be liable for the actions of
13 that security guard in carrying out the security guard's
14 duties pursuant to that commission. Notwithstanding the
15 provisions of the Tort Claims Act, private security guards
16 commissioned under this section shall not be deemed public
17 employees under that act."

18 Section 65. A new section of the Motor Vehicle Code is
19 enacted to read:

20 "FRAUD IN OBTAINING DOCUMENTS ISSUED BY THE DIVISION--
21 PENALTY.--

22 A. It is a felony for a person to:

23 (1) knowingly issue an identification card,
24 driver's license, vehicle or vessel registration or vehicle or
25 vessel title to a person who is not lawfully entitled to

1 issuance of that document;

2 (2) knowingly accept and use fraudulent
3 documents as a basis for issuing an identification card,
4 driver's license, vehicle or vessel registration or vehicle or
5 vessel title;

6 (3) knowingly alter a record of an
7 identification card, driver's license, vehicle or vessel
8 registration or vehicle or vessel title without legal
9 justification; or

10 (4) solicit or accept, directly or
11 indirectly, anything of value with the intent to influence a
12 decision or action on an identification card, a driver's
13 license, a vehicle or vessel registration or a vehicle or
14 vessel title.

15 B. A person convicted of violating this section
16 is guilty of a fourth degree felony and shall be sentenced
17 pursuant to the provisions of Section 31-18-15 NMSA 1978."

18 Section 66. A new section of the Taxation and Revenue
19 Department Act is enacted to read:

20 "BACKGROUND INVESTIGATIONS--DUTIES--EMPLOYEES--CONDITION
21 OF EMPLOYMENT.--

22 A. An employee of the department who has access
23 to or who is assigned to perform work associated with driver's
24 licenses shall submit to a background investigation as
25 required by the secretary.

1 B. An applicant seeking employment with the
2 department who may have access to or who may be assigned to
3 perform work associated with driver's licenses shall submit to
4 a background investigation as required by the secretary.

5 C. The secretary shall ensure that fingerprints
6 as required for a national criminal history records search and
7 state background investigation are provided by:

8 (1) an employee of the department who has
9 access to or is assigned to perform work associated with
10 driver's licenses; or

11 (2) an applicant seeking employment with the
12 department who may have access to or who may be assigned to
13 perform work associated with driver's licenses.

14 D. The information obtained in a background
15 investigation shall be used only to determine if a person
16 required to submit to a background investigation pursuant to
17 this section has been convicted of a crime that has a direct
18 impact on the ability of that person to meet federal
19 requirements or to perform the specific duties assigned to
20 that person. The secretary may determine not to continue to
21 employ or not to initiate employment of a person whose
22 criminal background investigation contains information that
23 the person has been convicted of a crime that involved actions
24 that:

25 (1) directly reflect on the person's ability

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1 to perform the specific duties of that person's position or
2 proposed position; or

3 (2) would conflict with federal
4 requirements.

5 E. Information obtained pursuant to a background
6 investigation shall be confidential and shall only be used for
7 determining the fitness of a person to remain or become
8 employed with the department or to comply with federal
9 requirements regarding employees who have access to or who may
10 be assigned to perform work associated with driver's
11 licenses."

12 Section 67. REPEAL.--Sections 66-3-15.1 and
13 74-4F-1 through 74-4F-8 NMSA 1978 (being Laws 2001, Chapter
14 180, Section 1 and Laws 1996, Chapter 37, Sections 1 through
15 8, as amended) are repealed. _____