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HOUSE BILL 46

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Nathan P. Cote

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR REPAIRED SALVAGE VEHICLES TO RECEIVE A TITLE THAT IS NOT SALVAGE-BRANDED; REQUIRING THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO ISSUE RULES ESTABLISHING CRITERIA FOR A SALVAGE VEHICLE TO BE CONSIDERED ROADWORTHY AND SAFE TO OPERATE.

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

Section 1. Section 66-3-10.1 NMSA 1978 (being Laws 2005, Chapter 324, Section 8) is amended to read:

"66-3-10.1. SALVAGE VEHICLES--NONREPAIRABLE VEHICLES--
CERTIFICATE OF TITLE--TRANSFER OF OWNERSHIP.--

A. Subject to the provisions of Subsection B of this section, it is unlawful for a person to sell or otherwise convey ownership of a salvage or nonrepairable vehicle unless

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1 the certificate of title or ownership is branded or a
2 comparable title, certificate or ownership document has been
3 issued by another state or jurisdiction.

4 B. The division shall issue a rule that establishes
5 criteria for the division or its designee to make a
6 determination that a salvage vehicle has been repaired to a
7 roadworthy condition necessary for safe operation on highways.
8 Pursuant to that rule, the owner of a salvage vehicle that
9 meets those criteria may apply for, and the division shall
10 issue, a certificate of title to that vehicle that is not
11 branded. Subsequent transfers of ownership of that vehicle
12 shall be by title that is not branded unless the vehicle again
13 becomes a salvage vehicle.

14 [~~B.~~] C. An owner of a nonrepairable vehicle shall
15 sell or otherwise convey that vehicle only to a licensed
16 wrecker of vehicles or a person licensed by a jurisdiction
17 outside of this state to process vehicles by dismantling,
18 wrecking, shredding, crushing or selling motor vehicle parts or
19 scrap material or otherwise disposing of motor vehicles.

20 [~~C.~~] D. A nonrepairable vehicle shall not be
21 repaired, reconstructed or restored for operation on the roads
22 or highways of this state.

23 [~~D.~~] E. This section does not apply to:

24 (1) a person whose motor vehicle has been
25 stolen or taken without that person's consent unless, if the

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underscored material = new
[~~bracketed material~~] = delete

1 motor vehicle is recovered, it is a salvage or nonrepairable
2 vehicle; or

3 (2) a person conveying ownership of a motor
4 vehicle to an insurance company as a result of a total loss
5 insurance settlement. For the purpose of this paragraph,
6 "total loss insurance settlement" means the transfer of
7 ownership of a motor vehicle by a person to an insurance
8 company as a result of a settlement in which the motor vehicle
9 is determined to be salvage or nonrepairable."