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HOUSE BILL 8

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING A SELLER OF SALVAGE
VEHICLES TO BE LICENSED; REQUIRING A SELLER OF SALVAGE VEHICLES
TO MAINTAIN RECORDS OF SALVAGE VEHICLE SALES; REQUIRING A
PURCHASER OF SALVAGE VEHICLES TO BE LICENSED.

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

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

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

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

B. "dealer", except as specifically excluded, means
any person who sells or solicits or advertises the sale of new
or used motor vehicles, manufactured homes or trailers subject

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1 to registration in this state or who is a seller of salvage
2 vehicles; "dealer" does not include:

3 (1) receivers, trustees, administrators,
4 executors, guardians or other persons appointed by or acting
5 under judgment, decree or order of any court;

6 (2) public officers while performing their
7 duties as such officers;

8 (3) persons making casual sales of their own
9 vehicles;

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

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

17 C. "declared gross weight" means the maximum gross
18 vehicle weight or gross combination vehicle weight at which a
19 vehicle or combination will be operated during the registration
20 period, as declared by the registrant for registration and fee
21 purposes; the vehicle or combination shall have only one
22 declared gross weight for all operating considerations;

23 D. "department" means the taxation and revenue
24 department, the secretary of taxation and revenue or any
25 employee of the department exercising authority lawfully

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1 delegated to that employee by the secretary;

2 E. "designated accessible parking space for persons
3 with significant mobility limitation" means any space,
4 including an access aisle, that is marked and reserved for the
5 parking of a passenger vehicle that carries registration plates
6 or a parking placard with the international symbol of access
7 issued in accordance with Section 66-3-16 NMSA 1978 and that is
8 designated by a conspicuously posted sign bearing the
9 international symbol of access and, if the parking space is
10 paved, by a clearly visible depiction of this symbol painted in
11 blue on the pavement of the space;

12 F. "director" means the secretary;

13 G. "disqualification" means a prohibition against
14 driving a commercial motor vehicle;

15 H. "distinguishing number" means the number
16 assigned by the department to a vehicle whose identifying
17 number has been destroyed or obliterated or the number assigned
18 by the department to a vehicle that has never had an
19 identifying number;

20 I. "distributor" means a person who distributes or
21 sells new or used motor vehicles to dealers and who is not a
22 manufacturer;

23 J. "division", without further specification,
24 "division of motor vehicles" or "motor vehicle division" means
25 the department;

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1 K. "driver" means every person who drives or is in
2 actual physical control of a motor vehicle, including a
3 motorcycle, upon a highway, who is exercising control over or
4 steering a vehicle being towed by a motor vehicle or who
5 operates or is in actual physical control of an off-highway
6 motor vehicle;

7 L. "driver's license" means a license or a class of
8 license issued by a state or other jurisdiction to an
9 individual that authorizes the individual to drive a motor
10 vehicle; and

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

16 SECTION 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
17 Chapter 120, Section 17, as amended) is amended to read:

18 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
19 Code:

20 A. "safety glazing materials" means glazing
21 materials constructed, treated or combined with other materials
22 to reduce substantially, in comparison with ordinary sheet
23 glass or plate glass, the likelihood of injury to persons by
24 objects from exterior sources or by these safety glazing
25 materials when they are cracked and broken;

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1 B. "safety zone" means the area or space that is
2 officially set apart within a highway for the exclusive use of
3 pedestrians and that is protected or is so marked or indicated
4 by adequate signs as to be plainly visible at all times while
5 set apart as a safety zone;

6 C. "salvage vehicle" means a vehicle:

7 (1) other than a nonrepairable vehicle, of a
8 type subject to registration that has been wrecked, destroyed
9 or damaged excluding, pursuant to rules issued by the
10 department, hail damage, to the extent that the owner, leasing
11 company, financial institution or the insurance company that
12 insured or is responsible for repair of the vehicle considers
13 it uneconomical to repair the vehicle and that is subsequently
14 not repaired by or for the person who owned the vehicle at the
15 time of the event resulting in damage; or

16 (2) that was determined to be uneconomical to
17 repair and for which a total loss payment is made by an
18 insurer, whether or not the vehicle is subsequently repaired,
19 if, prior to or upon making payment to the claimant, the
20 insurer obtained the agreement of the claimant to the amount of
21 the total loss settlement and informed the claimant that,
22 pursuant to rules of the department, the title must be branded
23 and submitted to the department for issuance of a salvage
24 certificate of title for the vehicle;

25 D. "school bus" means a commercial motor vehicle

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1 used to transport preprimary, primary or secondary school
2 students from home to school, from school to home or to and
3 from school-sponsored events, but not including a vehicle:

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

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

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

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

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

20 G. "seller of salvage vehicles" means a person
21 engaged in the business of selling, transferring, auctioning or
22 disposing of salvage vehicles on behalf of owners, insurance
23 companies, authorized adjusters, leasing companies, self-
24 insured persons or financial institutions;

25 [~~G.~~] H. "semitrailer" means a vehicle without

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1 motive power, other than a pole trailer, designed for carrying
2 persons or property and for being drawn by a motor vehicle and
3 so constructed that some significant part of its weight and
4 that of its load rests upon or is carried by another vehicle;

5 ~~[H.]~~ I. "sidewalk" means a portion of street
6 between the curb lines, or the lateral lines of a roadway, and
7 the adjacent property lines, intended for the use of
8 pedestrians;

9 ~~[I.]~~ J. "slow-moving vehicle" means a vehicle that
10 is ordinarily moved, operated or driven at a speed less than
11 twenty-five miles per hour;

12 ~~[J.]~~ K. "solid tire" means every tire of rubber or
13 other resilient material that does not depend upon compressed
14 air for the support of the load;

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

21 ~~[L.]~~ M. "specially constructed vehicle" means a
22 vehicle of a type required to be registered under the Motor
23 Vehicle Code not originally constructed under a distinctive
24 name, make, model or type by a generally recognized
25 manufacturer of vehicles and not materially altered from its

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1 original construction;

2 ~~[M-]~~ N. "state" means a state, territory or
3 possession of the United States, the District of Columbia or
4 any state of the Republic of Mexico or the Federal District of
5 Mexico or a province of the Dominion of Canada;

6 ~~[N-]~~ O. "state highway" means a public highway that
7 has been designated as a state highway by the legislature, the
8 state transportation commission or the secretary of
9 transportation;

10 ~~[O-]~~ P. "stop", when required, means complete
11 cessation from movement;

12 ~~[P-]~~ Q. "stop, stopping or standing", when
13 prohibited, means any stopping or standing of a vehicle,
14 whether occupied or not, except when necessary to avoid
15 conflict with other traffic or in compliance with the
16 directions of a police officer or traffic-control sign or
17 signal;

18 ~~[Q-]~~ R. "street" or "highway" means a way or place
19 generally open to the use of the public as a matter of right
20 for the purpose of vehicular travel, even though it may be
21 temporarily closed or restricted for the purpose of
22 construction, maintenance, repair or reconstruction;

23 ~~[R-]~~ S. "subsequent offender" means a person who
24 was previously a first offender and who again, under state law,
25 federal law or a municipal ordinance or a tribal law, has been

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1 adjudicated guilty of the charge of driving a motor vehicle
2 while under the influence of intoxicating liquor or any drug
3 that rendered the person incapable of safely driving a motor
4 vehicle, regardless of whether the person's sentence was
5 suspended or deferred; and

6 ~~[S-]~~ T. "suspension" means that a person's driver's
7 license and privilege to drive a motor vehicle on the public
8 highways are temporarily withdrawn."

9 SECTION 3. A new section of the Motor Vehicle Code is
10 enacted to read:

11 "[NEW MATERIAL] SELLER OF SALVAGE VEHICLE LICENSE--SELLER
12 OF SALVAGE VEHICLE REQUIREMENTS.--

13 A. A person, unless licensed to do so by the
14 department, shall not carry on or conduct the active trade or
15 business as a seller of salvage vehicles. Any person engaged
16 in the business of selling, transferring, auctioning or
17 disposing of salvage vehicles on behalf of owners, insurance
18 companies, authorized adjusters, leasing companies, self-
19 insured persons or financial institutions shall be presumed to
20 be conducting the business of a seller of salvage vehicles.

21 B. A seller of salvage vehicles shall not sell more
22 than three salvage vehicles in a calendar year to a purchaser
23 who is not licensed as:

24 (1) a dealer, wholesaler or distributor
25 licensed pursuant to Section 66-4-1 NMSA 1978; or

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1 (2) an auto recycler pursuant to Section
2 66-4-1.1 NMSA 1978.

3 C. Upon the sale of a salvage vehicle and before
4 allowing a purchaser to take possession, a seller of salvage
5 vehicles shall register the sale of the salvage vehicle with
6 the department through the department's electronic registration
7 system or:

8 (1) perfect or register the title of the
9 salvage vehicle with the department, in the purchaser's name;

10 (2) at the time of sale, provide the purchaser
11 with an affidavit that states that the vehicle is a salvage
12 vehicle;

13 (3) within forty-eight hours after the sale is
14 completed, provide the department with a:

15 (a) brief description of the salvage
16 vehicle;

17 (b) copy of the purchaser's perfected
18 title; and

19 (c) copy of the affidavit provided to
20 the purchaser stating that the vehicle is a salvage vehicle;
21 and

22 (4) maintain the record of sale of the salvage
23 vehicle for three years for periodic review by the department
24 and authorized law enforcement personnel."

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2013.

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