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HOUSE BILL 377

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO MOTOR VEHICLES; COMPLYING WITH A REGISTRATION  
RECIPROCITY AGREEMENT PROVIDING FOR PAYMENT OF APPORTIONABLE  
FEES ON THE BASIS OF TOTAL DISTANCE OPERATED.

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

**SECTION 1.** Section 66-1-4.9 NMSA 1978 (being Laws 1990,  
Chapter 120, Section 10, as amended) is amended to read:

"66-1-4.9. DEFINITIONS.--As used in the Motor Vehicle  
Code:

A. "implement of husbandry" means every vehicle  
that is designed for agricultural purposes and exclusively used  
by the owner in the conduct of agricultural operations;

B. "international registration plan" means the  
registration reciprocity agreement among the contiguous states  
of the United States, the District of Columbia and provinces of

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1 Canada providing for payment of apportionable fees on the basis  
2 of total distance operated in all jurisdictions. The  
3 international registration plan is a method of registering  
4 fleets of vehicles that travel in two or more member  
5 jurisdictions and complies with the federal Intermodal Surface  
6 Transportation and Efficiency Act of 1991;

7 ~~[B.]~~ C. "intersection" means:

8 (1) the area embraced within the prolongation  
9 or connection of the lateral curb lines or, if none, then the  
10 lateral boundary lines of the roadways of two highways that  
11 join one another at, or approximately at, right angles, or the  
12 area within which vehicles traveling upon different highways  
13 joining at any other angle may come in conflict; and

14 (2) where a highway includes two roadways  
15 thirty feet or more apart, every crossing of each roadway of  
16 that divided highway by an intersecting highway shall be  
17 regarded as a separate intersection; in the event that the  
18 intersecting highway also includes two roadways thirty feet or  
19 more apart, every crossing of two roadways of those highways  
20 shall be regarded as a separate intersection;

21 ~~[G.]~~ D. "inventory", when referring to a vehicle  
22 dealer, means a vehicle held for sale or lease in the ordinary  
23 course of business, the cost of which is used in calculating  
24 the dealer's cost of goods sold for federal income tax  
25 purposes; and

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1                   [~~D-~~] E. "jurisdiction", without modification, means  
2 "state".

3                   **SECTION 2.** Section 66-3-1.1 NMSA 1978 (being Laws 1978,  
4 Chapter 18, Section 1, as amended) is amended to read:

5                   "66-3-1.1. MOTOR CARRIERS REQUIRED TO REGISTER WITH THE  
6 DEPARTMENT.--

7                   A. All motor carriers desiring and eligible for  
8 annual registration provisions relating to [~~proportional~~  
9 ~~registration or full reciprocity~~] the international  
10 registration plan shall register their vehicles with the  
11 department. The department shall register all motor carriers  
12 who satisfy all New Mexico requirements relating to motor  
13 carriers, but may refuse to register any vehicle subject to the  
14 federal heavy vehicle use tax imposed by Section 4481 of the  
15 United States Internal Revenue Code of 1986 without proof of  
16 payment of such tax in the form prescribed by the secretary of  
17 the treasury of the United States. Registration of motor  
18 carrier vehicles with the department shall remain in force  
19 during the calendar registration year as specified in Section  
20 [~~65-1-13 or~~] 66-3-2.1 NMSA 1978 unless suspended or canceled by  
21 the department for noncompliance with any New Mexico motor  
22 vehicle or motor carrier requirements.

23                   B. In addition to the provisions of Subsection A of  
24 this section, motor carriers operating vehicles subject to the  
25 weight distance tax pursuant to the Weight Distance Tax Act or  
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1 vehicles subject to special fuel user permit requirements  
2 pursuant to the Special Fuels Supplier Tax Act shall apply for  
3 a tax identification permit."

4 SECTION 3. Section 66-3-1.2 NMSA 1978 (being Laws 1972,  
5 Chapter 7, Section 50, as amended) is amended to read:

6 "66-3-1.2. REGISTRATION--DECLARED GROSS WEIGHT.--Except  
7 as otherwise provided by law, the division shall register each  
8 truck, truck tractor, road tractor and bus required to be  
9 registered under the [~~proportional registration~~] international  
10 registration plan or reciprocal agreements with other  
11 jurisdictions for a declared gross weight not to exceed the  
12 legal limitation established by this state."

13 SECTION 4. Section 66-3-2.1 NMSA 1978 (being Laws 1978,  
14 Chapter 17, Section 1, as amended) is amended to read:

15 "66-3-2.1. [~~PROPORTIONAL REGISTRATION OF FLEETS~~] FULL  
16 RECIPROCITY REGISTRATION--APPLICATION--FEE--FORMULA--PAYMENT.--

17 A. Any owner, except an owner of a one-way rental  
18 fleet, [~~engaged in operating one or more fleets~~] may, in lieu  
19 of registration of vehicles under the provisions of Sections  
20 66-6-3 and 66-6-4 NMSA 1978, register [~~each fleet~~] for  
21 operation in this state by filing an application with the  
22 division [~~which~~] that shall contain the following information  
23 and such other information pertinent to vehicle registration as  
24 the division may require:

25 (1) total [~~fleet~~] miles, which is the total

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1 number of miles operated in all jurisdictions during the  
2 [~~preceding year~~] required reporting period by the motor  
3 vehicles in the fleet during that year;

4 [~~(2) in-state miles, which is the total number~~  
5 ~~of miles operated in this state during the preceding year by~~  
6 ~~the motor vehicles in the fleet during that year~~] and

7 [~~(3)~~] (2) a description and identification of  
8 each motor vehicle of the fleet [~~which~~] that is to be operated  
9 in this state during the registration year for which  
10 [~~proportional fleet~~] international registration plan  
11 registration is requested.

12 B. The application for each [~~fleet~~] carrier shall  
13 be supported, at the time and in the manner required by the  
14 division, by a fee payment computed as follows:

15 (1) divide the sum of in-state miles by total  
16 [~~fleet~~] international registration plan registered vehicle  
17 miles;

18 (2) determine the total amount necessary under  
19 Sections 66-6-3 and 66-6-4 NMSA 1978 to register each vehicle  
20 [~~in the fleet~~] for which international registration plan  
21 registration is requested, based on the regular annual fees or  
22 applicable fees for the unexpired portion of the registration  
23 year; and

24 (3) multiply the sum obtained under Paragraph  
25 (2) of this subsection by the fraction obtained under Paragraph  
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1 (1) of this subsection."

2 SECTION 5. Section 66-3-2.2 NMSA 1978 (being Laws 1972,  
3 Chapter 7, Section 34, as amended) is amended to read:

4 "66-3-2.2. REGISTRATION AND IDENTIFICATION OF  
5 ~~[PROPORTIONALLY REGISTERED]~~ VEHICLES REGISTERED UNDER THE  
6 INTERNATIONAL REGISTRATION PLAN--FEE--EFFECT OF REGISTRATION.--

7 A. The division shall register the vehicles so  
8 described and identified in an application and may issue a  
9 registration plate or a distinctive sticker or other suitable  
10 identification device for each vehicle described in the  
11 application upon payment of the appropriate fees for the  
12 application. The registration card shall bear upon its face  
13 information required by the division to identify it as a  
14 qualified ~~[proportionally]~~ registered vehicle under the  
15 international registration plan and other information required  
16 by law and regulation and shall be carried in the vehicle at  
17 all times.

18 B. ~~[Fleet]~~ Vehicles so registered and identified  
19 shall be deemed to be fully registered in this state for any  
20 type of movement or operation, provided that all other state  
21 requirements have been met."

22 SECTION 6. Section 66-3-2.3 NMSA 1978 (being Laws 1972,  
23 Chapter 7, Section 35, as amended) is amended to read:

24 "66-3-2.3. ~~[PROPORTIONAL]~~ FULL RECIPROCITY REGISTRATION--  
25 JURISDICTIONS.--The right to the privileges and benefits of

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1     ~~[proportional]~~ registration ~~[of fleet vehicles]~~ under the  
2     international registration plan extended by Sections ~~[65-1-13~~  
3     ~~through 65-1-23]~~ 66-3-2.1 through 66-3-2.10 NMSA 1978 or by any  
4     contract, agreement or declaration made accordingly shall be  
5     subject to the condition that each ~~[fleet]~~ vehicle  
6     ~~[proportionally]~~ registered in this state shall also be  
7     ~~[proportionally or otherwise]~~ properly registered in ~~[at least~~  
8     ~~one]~~ all other ~~[jurisdiction]~~ jurisdictions during the  
9     registration period ~~[for which it is proportionally registered~~  
10    ~~in New Mexico or that each fleet vehicle be proportionally~~  
11    ~~registered in New Mexico under the terms of a multistate~~  
12    ~~agreement on registration of vehicles to which this state is a~~  
13    ~~party]."~~

14           SECTION 7. Section 66-3-2.4 NMSA 1978 (being Laws 1972,  
15    Chapter 7, Section 36) is amended to read:

16           "66-3-2.4. REGISTRATION OF ADDITIONAL MOTOR VEHICLES.--  
17    Motor vehicles acquired by the owner after the commencement of  
18    the registration year ~~[and subsequently added to a~~  
19    ~~proportionally registered fleet]~~ shall be proportionally  
20    registered by applying the "New Mexico mileage percentage",  
21    which is the figure resulting from the division of in-state  
22    miles by total fleet miles used in the original application,  
23    for all of the fleet vehicles for the registration period to  
24    the regular registration fees due with respect to the added  
25    motor vehicles for the remainder of the registration year. The

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1 registration fee for additional motor vehicles shall be  
2 prorated on a quarterly basis."

3 SECTION 8. Section 66-3-2.5 NMSA 1978 (being Laws 1972,  
4 Chapter 7, Section 37, as amended) is amended to read:

5 "66-3-2.5. WITHDRAWAL OF FLEET MOTOR VEHICLES--  
6 NOTIFICATION--SURRENDER OF DOCUMENTS.--If any motor vehicle is  
7 withdrawn from a [~~proportionally~~] full reciprocity registered  
8 fleet during the period for which it is registered in this  
9 state, the owner of the fleet shall notify the division on  
10 forms it has prescribed. The division shall require the owner  
11 to surrender [~~proportional~~] registration cards and other  
12 identification devices [~~which~~] that have been issued with  
13 respect to [~~such~~] the motor vehicle."

14 SECTION 9. Section 66-3-2.6 NMSA 1978 (being Laws 1972,  
15 Chapter 7, Section 38, as amended) is amended to read:

16 "66-3-2.6. PRESERVATION OF [~~PROPORTIONAL REGISTRATION~~]  
17 INTERNATIONAL REGISTRATION PLAN RECORDS--AUDIT.--Any owner  
18 whose application for [~~proportional~~] registration under the  
19 international registration plan has been accepted shall  
20 preserve the records on which the application is based either  
21 for a period of four years following the year or period upon  
22 which the application is based or for any other period required  
23 by the state that is considered to be the base state of the  
24 vehicle under the terms of a multistate agreement on  
25 registration of vehicles to which this state is a party. Upon

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1 request of the division, the owner shall make the records  
2 available to the division at the owner's office for audit as to  
3 accuracy of computation and payments. If the owner maintains  
4 and keeps ~~[his]~~ the owner's records, books or papers at any  
5 place outside of the state, the director or ~~[his]~~ the  
6 director's authorized agent may examine them at the place where  
7 they are kept. The division may make arrangements with  
8 agencies of other jurisdictions administering motor vehicle  
9 laws for joint audits of any such owners."

10 SECTION 10. Section 66-3-2.7 NMSA 1978 (being Laws 1972,  
11 Chapter 7, Section 39, as amended) is amended to read:

12 "66-3-2.7. NEW ~~[FLEET]~~ REGISTRANT--ESTIMATED MILEAGE.--  
13 ~~[The initial application for proportional registration of a~~  
14 ~~fleet shall state the mileage data with respect to such fleet~~  
15 ~~for the preceding year in this and other jurisdictions. If no~~  
16 ~~operations were conducted with such fleet during the preceding~~  
17 ~~year, the application shall contain a full statement of the~~  
18 ~~proposed method of operation and estimates of annual mileage in~~  
19 ~~this state and other jurisdictions. The division shall~~  
20 ~~determine the in-state and total fleet miles to be used in~~  
21 ~~computing the fee payment for the fleet. The division may~~  
22 ~~evaluate and adjust the estimate in the application if it is~~  
23 ~~not satisfied as to the correctness thereof.] When a~~  
24 registrant's fleet is considered new under the international  
25 registration plan, fees shall be calculated using New Mexico's

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1 average per vehicle distance chart. A new registrant shall be  
2 registered in all international registration plan  
3 jurisdictions."

4 SECTION 11. Section 66-3-2.8 NMSA 1978 (being Laws 1972,  
5 Chapter 7, Section 40, as amended) is amended to read:

6 "66-3-2.8. FLEET REGISTRATION--DENIAL.--The division may  
7 refuse to accept [~~proportional~~] full reciprocity registration  
8 applications for the registration of vehicles based in another  
9 jurisdiction if the division [~~shall find~~] finds that [~~such~~] the  
10 other jurisdiction does not grant similar registration  
11 privileges to fleet vehicles based in or owned by residents of  
12 this state."

13 SECTION 12. Section 66-3-2.9 NMSA 1978 (being Laws 1972,  
14 Chapter 7, Section 41) is amended to read:

15 "66-3-2.9. RELATIONSHIP TO OTHER STATE LAWS.--The  
16 provisions of Sections [~~64-34-14.1 through 64-34-14.11 NMSA~~  
17 ~~1953 shall~~] 66-3-2.1 through 66-3-2.10 NMSA 1978 constitute  
18 complete authority for the registration of fleet vehicles [~~upon~~  
19 ~~a proportional registration basis~~] without reference to or  
20 application of any other statutes of this state except as  
21 expressly provided in the Motor Transportation Act."

22 SECTION 13. Section 66-3-2.10 NMSA 1978 (being Laws 1972,  
23 Chapter 7, Section 42, as amended) is amended to read:

24 "66-3-2.10. [~~PROPORTIONAL~~] REGISTRATION UNDER THE  
25 INTERNATIONAL REGISTRATION PLAN NOT EXCLUSIVE.--Nothing

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1 contained in the Motor Transportation Act relating to the  
2 [~~proportional~~] full reciprocity registration of fleet vehicles  
3 shall be construed as requiring any vehicle to be  
4 [~~proportionally~~] registered pursuant to the international  
5 registration plan if it is otherwise registered in this state  
6 for the operation in which it is engaged, including, but not by  
7 way of limitation, registration, temporary registration permit  
8 or trip permit."

9 SECTION 14. Section 66-3-20 NMSA 1978 (being Laws 1978,  
10 Chapter 35, Section 40, as amended) is amended to read:

11 "66-3-20. RENEWAL OF REGISTRATION--VEHICLES REGISTERED BY  
12 DECLARED GROSS WEIGHT.--All motor vehicles registered by  
13 declared gross weight, including vehicles subject to  
14 [~~proportional registration~~] the international registration plan  
15 or registration under reciprocal agreement with another state,  
16 shall [~~register~~] be registered with the department on a  
17 [~~calendar year basis. Registration for all such vehicles~~  
18 ~~expires on December 31 of each year. Application for renewal~~  
19 ~~of registration shall be submitted to the department between~~  
20 ~~October 1 and December 31 of the expiring registration year.~~  
21 ~~Vehicle identification for the ensuing registration year shall~~  
22 ~~not be honored before December 15 of the expiring registration~~  
23 ~~year] staggered basis and that registration shall expire at the  
24 end of the twelve-month registration period."~~

25 SECTION 15. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2015.

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