

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 321

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO TRANSPORTATION; IMPOSING A STATE TRANSIT FEE ON
MOTOR VEHICLES; DISTRIBUTING THE REVENUE FROM THE FEE TO A NEW
STATE TRANSIT FUND; MAKING AN APPROPRIATION.

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

SECTION 1. Section 66-6-2 NMSA 1978 (being Laws 1978,
Chapter 35, Section 337, as amended) is amended to read:

"66-6-2. PASSENGER VEHICLES--REGISTRATION FEES.--For the
registration of motor vehicles other than motorcycles, trucks,
buses and tractors, the division shall collect the following
fees for each twelve-month registration period:

A. for a vehicle whose gross factory shipping
weight is not more than two thousand pounds, twenty-seven
dollars (\$27.00); provided [~~however~~] that after five years of
registration, calculated from the date when the vehicle was

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1 first registered in this or another state, the fee is twenty-
2 one dollars (\$21.00);

3 B. for a vehicle whose gross factory shipping
4 weight is more than two thousand but not more than three
5 thousand pounds, thirty-nine dollars (\$39.00); provided
6 [~~however~~] that after five years of registration, calculated
7 from the date when the vehicle was first registered in this or
8 another state, the fee is thirty-one dollars (\$31.00);

9 C. for a vehicle whose gross factory shipping
10 weight is more than three thousand pounds, fifty-six dollars
11 (\$56.00); provided [~~however~~] that after five years of
12 registration, calculated from the date when the vehicle was
13 first registered in this or another state, the fee is forty-
14 five dollars (\$45.00); [~~and~~]

15 D. for a vehicle registered pursuant to the
16 provisions of this section, a tire recycling fee of one dollar
17 fifty cents (\$1.50); and

18 E. for a vehicle registered pursuant to the
19 provisions of this section, a state transit fee of two dollars
20 (\$2.00)."

21 SECTION 2. Section 66-6-4 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 339, as amended) is amended to read:

23 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS, ROAD
24 TRACTORS AND BUSES.--

25 A. Within their respective jurisdictions, the motor

1 vehicle division and the [~~motor transportation~~] New Mexico
 2 state police division of the department of public safety shall
 3 charge registration fees for trucks, truck tractors, road
 4 tractors and buses, except as otherwise provided by law,
 5 according to the schedule of Subsection B of this section.

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

21 C. All trucks whose declared gross weight or whose
 22 gross vehicle weight is less than twenty-six thousand pounds,
 23 after five years of registration, calculated from the date when
 24 the vehicle was first registered in this or another state,
 25 shall be charged registration fees at eighty percent of the

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1 rate set out in Subsection B of this section.

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

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

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

22 G. In addition to other registration fees imposed
23 by this section, beginning July 1, 1994, an annual tire
24 recycling fee of one dollar fifty cents (\$1.50) is imposed at
25 the time of registration on each vehicle subject to a

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1 registration fee pursuant to this section, except for vehicles
 2 with a declared gross weight of greater than twenty-six
 3 thousand pounds upon which registration fees are imposed by
 4 Subsection B of this section.

5 H. In addition to other registration fees imposed
 6 by this section, a state transit fee of two dollars (\$2.00) is
 7 imposed at the time of registration on each vehicle subject to
 8 a registration fee pursuant to this section.

9 [~~H.~~] I. Three percent of registration fees [of]
 10 imposed by Subsection B of this section on trucks having from
 11 twenty-six thousand one pounds to forty-eight thousand pounds
 12 declared gross vehicle weight is to be transferred to the
 13 recycling and illegal dumping fund pursuant to the provisions
 14 of Section 66-6-23 NMSA 1978.

15 [~~I.~~] J. Three and seventy-five hundredths percent
 16 of registration fees [of] imposed by Subsection B of this
 17 section on trucks in excess of forty-eight thousand pounds
 18 declared gross vehicle weight is to be transferred to the
 19 recycling and illegal dumping fund pursuant to the provisions
 20 of Section 66-6-23 NMSA 1978."

21 **SECTION 3.** Section 66-6-23 NMSA 1978 (being Laws 1978,
 22 Chapter 35, Section 358, as amended) is amended to read:

23 "66-6-23. DISPOSITION OF FEES.--

24 A. After the necessary disbursements for refunds
 25 and other purposes have been made, the money remaining in the

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1 motor vehicle suspense fund, except for remittances received
2 within the previous two months that are unidentified as to
3 source or disposition, shall be distributed as follows:

4 (1) to each municipality, county or fee agent
5 operating a motor vehicle field office:

6 (a) an amount equal to six dollars
7 (\$6.00) per driver's license and five dollars (\$5.00) per
8 identification card or motor vehicle or motorboat registration
9 or title transaction performed;

10 (b) for each such agent determined by
11 the secretary pursuant to Section 66-2-16 NMSA 1978 to have
12 performed ten thousand or more transactions in the preceding
13 fiscal year, other than a class A county with a population
14 exceeding three hundred thousand or a municipality with a
15 population exceeding three hundred thousand that has been
16 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
17 an amount equal to one dollar (\$1.00) in addition to the amount
18 distributed pursuant to Subparagraph (a) of this paragraph for
19 each driver's license, identification card, motor vehicle
20 registration, motorboat registration or title transaction
21 performed; and

22 (c) to each military installation
23 designated as a fee agent pursuant to Section 66-2-14.1 NMSA
24 1978, an amount equal to one dollar fifty cents (\$1.50) in
25 addition to the amount distributed pursuant to Subparagraph (a)

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1 of this paragraph for each administrative service fee remitted
2 by the military installation to the department pursuant to
3 Subsection A of Section 66-2-16 NMSA 1978;

4 (2) to each municipality or county, other than
5 a class A county with a population exceeding three hundred
6 thousand or a municipality with a population exceeding three
7 hundred thousand that has been designated as an agent pursuant
8 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
9 office, an amount equal to one dollar fifty cents (\$1.50) for
10 each administrative service fee remitted by that county or
11 municipality to the department pursuant to the provisions of
12 Subsection A of Section 66-2-16 NMSA 1978;

13 (3) to the state road fund:

14 (a) an amount equal to the fees
15 collected pursuant to Sections 66-7-413 and 66-7-413.4 NMSA
16 1978;

17 (b) an amount equal to the fee collected
18 pursuant to Section 66-3-417 NMSA 1978;

19 (c) the remainder of each driver's
20 license fee collected by the department employees from an
21 applicant to whom a license is granted after deducting from the
22 driver's license fee the amount of the distribution authorized
23 in Paragraph (1) of this subsection with respect to that
24 collected driver's license fee; and

25 (d) an amount equal to fifty percent of

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1 the fees collected pursuant to Section 66-6-19 NMSA 1978;

2 (4) to the local governments road fund, the
3 amount of the fees collected pursuant to Subsection B of
4 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
5 collected pursuant to Subsection A of Section 66-5-408 NMSA
6 1978;

7 (5) to the department:

8 (a) any amounts reimbursed to the
9 department pursuant to Subsection D of Section 66-2-14.1 NMSA
10 1978;

11 (b) an amount equal to two dollars
12 (\$2.00) of each motorcycle registration fee collected pursuant
13 to Section 66-6-1 NMSA 1978;

14 (c) an amount equal to the fees provided
15 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E
16 of Section 66-2-16 NMSA 1978, Subsections K and L of Section
17 66-3-6 NMSA 1978 other than the administrative fee, Subsection
18 C of Section 66-5-44 NMSA 1978 and Subsection B of Section
19 66-5-408 NMSA 1978;

20 (d) the amounts due to the department
21 for the manufacture and issuance of a special registration
22 plate collected pursuant to the section of law authorizing the
23 issuance of the specialty plate;

24 (e) an amount equal to the registration
25 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the

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1 purposes of enforcing the provisions of the Mandatory Financial
2 Responsibility Act and for creating and maintaining a
3 multilanguage noncommercial driver's license testing program;
4 and after those purposes are met, the balance of the
5 registration fees shall be distributed to the department to
6 defray the costs of operating the [~~motor vehicle~~] division;

7 (f) an amount equal to fifty cents
8 (\$.50) for each administrative fee remitted to the department
9 by a county or municipality operating a motor vehicle field
10 office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

11 (g) an amount equal to one dollar
12 twenty-five cents (\$.25) for each administrative fee collected
13 by the department or any of its agents other than a county or
14 municipality operating a motor vehicle field office pursuant to
15 Subsection A of Section 66-2-16 NMSA 1978; and

16 (h) an amount equal to the royalties or
17 other consideration paid by commercial users of databases of
18 motor vehicle-related records of the department pursuant to
19 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of
20 defraying the costs of maintaining databases of motor vehicle-
21 related records of the department; and after that purpose is
22 met, the balance of the royalties and other consideration shall
23 be distributed to the department to defray the costs of
24 operating the [~~motor vehicle~~] division or for use pursuant to
25 Subsection F of Section 66-6-13 NMSA 1978;

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1 (6) to each New Mexico institution of higher
2 education, an amount equal to that part of the fees distributed
3 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
4 NMSA 1978 proportionate to the number of special registration
5 plates issued in the name of the institution to all such
6 special registration plates issued in the name of all
7 institutions;

8 (7) to the armed forces veterans license fund,
9 the amount to be distributed pursuant to Paragraph (2) of
10 Subsection E of Section 66-3-419 NMSA 1978;

11 (8) to the children's trust fund, the amount
12 to be distributed pursuant to Paragraph (2) of Subsection D of
13 Section 66-3-420 NMSA 1978;

14 (9) to the department of transportation, an
15 amount equal to the fees collected pursuant to Section 66-5-35
16 NMSA 1978;

17 (10) to the state equalization guarantee
18 distribution made annually pursuant to the general
19 appropriation act, an amount equal to one hundred percent of
20 the driver safety fee collected pursuant to Subsection D of
21 Section 66-5-44 NMSA 1978;

22 (11) to the motorcycle training fund, two
23 dollars (\$2.00) of each motorcycle registration fee collected
24 pursuant to Section 66-6-1 NMSA 1978;

25 (12) to the recycling and illegal dumping

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1 fund:

2 (a) fifty cents (\$.50) of the tire
3 recycling fee collected pursuant to the provisions of Section
4 66-6-1 NMSA 1978;

5 (b) fifty cents (\$.50) of each of the
6 tire recycling fees collected pursuant to the provisions of
7 Sections 66-6-2 and 66-6-4 NMSA 1978; and

8 (c) twenty-five cents (\$.25) of each of
9 the tire recycling fees collected pursuant to Sections 66-6-5
10 and 66-6-8 NMSA 1978;

11 (13) to the highway infrastructure fund:

12 (a) fifty cents (\$.50) of the tire
13 recycling fee collected pursuant to the provisions of Section
14 66-6-1 NMSA 1978;

15 (b) one dollar (\$1.00) of each of the
16 tire recycling fees collected pursuant to the provisions of
17 Sections 66-6-2 and 66-6-4 NMSA 1978; and

18 (c) twenty-five cents (\$.25) of each of
19 the tire recycling fees collected pursuant to Sections 66-6-5
20 and 66-6-8 NMSA 1978;

21 (14) to each county, an amount equal to fifty
22 percent of the fees collected pursuant to Section 66-6-19 NMSA
23 1978 multiplied by a fraction, the numerator of which is the
24 total mileage of public roads maintained by the county and the
25 denominator of which is the total mileage of public roads

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1 maintained by all counties in the state;

2 (15) to the litter control and beautification
3 fund, an amount equal to the fees collected pursuant to Section
4 66-6-6.2 NMSA 1978;

5 (16) to the local government division of the
6 department of finance and administration, an amount equal to
7 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
8 distribution to each county to support animal control spaying
9 and neutering programs in an amount proportionate to the number
10 of residents of that county who have purchased pet care special
11 registration plates pursuant to Section 66-3-424.3 NMSA 1978;
12 [~~and~~]

13 (17) to the Cumbres and Toltec scenic railroad
14 commission, twenty-five dollars (\$25.00) collected pursuant to
15 the Cumbres and Toltec scenic railroad special registration
16 plate; and

17 (18) to the state transit fund, an amount
18 equal to the state transit fees collected pursuant to Sections
19 66-6-2 and 66-6-4 NMSA 1978.

20 B. The balance, exclusive of unidentified
21 remittances, shall be distributed in accordance with Section
22 66-6-23.1 NMSA 1978.

23 C. If any of the paragraphs, subsections or
24 sections referred to in Subsection A of this section are
25 recompiled or otherwise redesignated without a corresponding

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1 change to Subsection A of this section, the reference in
2 Subsection A of this section shall be construed to be the
3 recompiled or redesignated paragraph, subsection or section."

4 SECTION 4. [NEW MATERIAL] STATE TRANSIT FUND--CREATED--
5 PURPOSE--ADMINISTRATION.--

6 A. The "state transit fund" is created in the state
7 treasury. The fund shall be administered by the department of
8 transportation. The fund consists of appropriations, gifts,
9 grants, donations and bequests and money distributed to the
10 fund.

11 B. Money in the fund shall be distributed to public
12 transit agencies that have submitted a funding request to the
13 department of transportation to match federal grant funds for
14 all general public transit operations and public transit
15 infrastructure. The fund shall not provide more than:

16 (1) fifty percent of the required local match
17 needed by a public transit agency for public transit
18 operations; and

19 (2) fifty percent of the required local match
20 needed by a public transit agency for public transit
21 infrastructure.

22 C. No money in the fund shall be used for expenses
23 associated with commuter rail services.

24 D. Money in the fund shall be expended by warrant
25 signed by the secretary of finance and administration upon

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1 vouchers signed by the secretary of transportation or the
2 secretary's designated representative.

3 E. Earnings on the fund shall be deposited to the
4 credit of the fund. Any unexpended or unencumbered balance
5 remaining at the end of a fiscal year shall not revert to the
6 general fund.

7 F. As used in this section:

8 (1) "public transit agency" means an
9 organization that provides transportation services to the
10 public and is owned, operated or subsidized by the state or a
11 political subdivision or instrumentality of the state; and

12 (2) "public transit infrastructure" means
13 vehicles, including buses and vans, and bus stops, passenger
14 stations, telecommunications systems and other infrastructure
15 and real property needed to support the delivery of public
16 transit services.

17 SECTION 5. APPLICABILITY.--The provisions of Sections 1
18 and 2 of this act apply to registration periods that begin on
19 or after July 1, 2019.

20 SECTION 6. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2019.