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HOUSE BILL 362

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

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO MOTOR VEHICLES; LIMITING THE LOCATIONS WHERE A
MOTOR VEHICLE MAY BE SOLD OR OFFERED FOR SALE; PROHIBITING THE
SALE OF A MOTOR VEHICLE BY A NON-OWNER WHO IS NOT A MOTOR
VEHICLE DEALER.

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

SECTION 1. Section 66-3-126 NMSA 1978 (being Laws 1987,
Chapter 250, Section 2) is amended to read:

"66-3-126. CASUAL SALES--~~[PLACE OF SALE]~~ ADVERTISING--
REGISTRATION--PENALTY.--

~~[A. No person, not a dealer, making a casual sale
of his own motor vehicle duly registered to him shall sell the
vehicle or offer or display the motor vehicle for sale at any
location other than his current residence, place of employment
or at any site where the seller of the motor vehicle has~~

underscored material = new
[bracketed material] = delete

1 ~~obtained prior written permission from the land owner.]~~

2 A. Unless a person is a used motor vehicle dealer,
3 a person shall not sell more than four motor vehicles
4 registered to the person or to another person in a calendar
5 year.

6 B. Unless a person is a used motor vehicle dealer,
7 before the person attempts to sell a used motor vehicle, the
8 person shall possess the title to the used motor vehicle and
9 the motor vehicle shall be registered in the person's name.

10 ~~[B-]~~ C. Any person who violates any provision of
11 this section is guilty of a misdemeanor and shall be punished
12 by a fine of three hundred dollars (\$300) or by imprisonment
13 for not less than thirty days or both."

14 SECTION 2. Section 66-4-2.2 NMSA 1978 (being Laws 2007,
15 Chapter 319, Section 41) is amended to read:

16 "66-4-2.2. OFF-SITE SALES.--

17 A. Except as otherwise provided in this section, a
18 New Mexico licensed dealer shall not sell a vehicle or offer or
19 display a motor vehicle for sale at a location other than the
20 licensed dealer's established place of business, as defined in
21 Section 66-1-4.5 NMSA 1978; provided that for purposes of this
22 subsection, a vehicle shall not be deemed offered or displayed
23 for sale at a location other than the licensed dealer's
24 established place of business if the vehicle is in use for a
25 purpose other than to sell or offer or display the vehicle for

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1 sale and the vehicle is at the off-site location for less than
2 twelve hours.

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

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

20 (2) obtains either an original rider to the
21 dealer's existing corporate surety bond or an original
22 corporate surety bond in compliance with the provisions of
23 Section 66-4-7 NMSA 1978 to cover the proposed temporary
24 off-site location and dates of sale.

25 ~~[B.]~~ C. All temporary off-site locations shall be

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

6 SECTION 3. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2019.

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