

1 HOUSE BILL 223

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL  
12 COMMUNICATION OR DISABILITY REGISTRY TO IMPROVE THE SAFETY OF  
13 DRIVERS, OCCUPANTS OF MOTOR VEHICLES AND LAW ENFORCEMENT  
14 OFFICERS; REQUIRING LAW ENFORCEMENT OFFICERS TO CONSULT THE  
15 NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of Chapter 29, Article 1 NMSA  
19 1978 is enacted to read:

20 "[NEW MATERIAL] CONSULT NONTRADITIONAL COMMUNICATION OR  
21 DISABILITY REGISTRY.--Prior to interacting with a person inside  
22 a motor vehicle, every sheriff, deputy sheriff and constable  
23 and every other peace officer shall consult the nontraditional  
24 communication or disability registry, if practicable, and if  
25 the motor vehicle is on the registry, in the interest of the

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1 safety of all sheriffs, deputy sheriffs, constables, peace  
2 officers, occupants and the driver of the motor vehicle, take  
3 appropriate precaution during the interaction. If the registry  
4 reveals that a driver or occupant of the motor vehicle has a  
5 seizure disorder that may be triggered by flashing lights,  
6 including photosensitive epilepsy, the sheriff, deputy sheriff,  
7 constable or other peace officer shall minimize the use of  
8 flashing lights to the extent feasible, taking safety into  
9 consideration."

10 SECTION 2. A new section of the Motor Vehicle Code is  
11 enacted to read:

12 "[NEW MATERIAL] NONTRADITIONAL COMMUNICATION OR DISABILITY  
13 REGISTRY.--The department shall create and maintain a statewide  
14 registry referred to as the "nontraditional communication or  
15 disability registry" to identify motor vehicles that may be  
16 driven or occupied by a person who has a medical diagnosis by a  
17 licensed health practitioner of a condition or disability that  
18 may cause the person to fail to be able to communicate with a  
19 law enforcement officer or to respond appropriately to a law  
20 enforcement officer's commands, including an autism spectrum  
21 disorder, deafness, a brain injury, an intellectual disability  
22 or a seizure disorder. The registry shall cite all of the  
23 conditions and disabilities associated with the drivers and  
24 occupants of a particular motor vehicle. The department shall  
25 provide online internet access to the registry to members of

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1 law enforcement agencies that enforce traffic laws. The  
2 registry shall not be made available to the public and is  
3 exempt from disclosure pursuant to the Inspection of Public  
4 Records Act."

5 SECTION 3. Section 66-3-4 NMSA 1978 (being Laws 1978,  
6 Chapter 35, Section 24, as amended) is amended to read:

7 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF  
8 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

9 A. Except for a vehicle owned by a carrier that is  
10 from a jurisdiction that is not a participant in the  
11 International Fuel Tax Agreement, that is authorized by the  
12 United States government or an agency of the United States  
13 government to conduct cross-border operations beyond the  
14 commercial border zone pursuant to the provisions of the [~~North~~  
15 ~~American Free Trade~~] United States-Mexico-Canada Agreement and  
16 that identifies New Mexico as the carrier's base jurisdiction,  
17 every owner of a vehicle of a type required to be registered in  
18 this state shall make application to the division for the  
19 registration and issuance of a certificate of title for the  
20 vehicle. Applications shall be upon the appropriate forms  
21 furnished by the division and shall bear the signature of the  
22 owner; provided that the signature may either be made using an  
23 electronic signature in conformance with the Electronic  
24 Authentication of Documents Act and the Uniform Electronic  
25 Transactions Act or written with pen and ink. All applications

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1 presented to the division shall contain:

2 (1) for a vehicle other than a recreational  
3 vehicle, the name, bona fide New Mexico residence address and  
4 mail address of the owner or, if the owner is a firm,  
5 association or corporation, the name, bona fide New Mexico  
6 business address and mail address of the firm, association or  
7 corporation and for a recreational vehicle, the name, bona fide  
8 residence address and mail address of the owner and proof of  
9 delivery in New Mexico;

10 (2) a description of the vehicle including, to  
11 the extent that the following specified data may exist with  
12 respect to a given vehicle, the make, model, type of body,  
13 number of cylinders, type of fuel used, serial number of the  
14 vehicle, odometer reading, engine or other identification  
15 number provided by the manufacturer of the vehicle, whether new  
16 or used and, if a vehicle not previously registered, date of  
17 sale by the manufacturer or dealer to the person intending to  
18 operate the vehicle. In the event a vehicle is designed,  
19 constructed, converted or rebuilt for the transportation of  
20 property, the application shall include a statement of its  
21 rated capacity as established by the manufacturer of the  
22 chassis or the complete vehicle;

23 (3) a statement of the applicant's title and  
24 of all liens or encumbrances upon the vehicle and the names and  
25 addresses of all persons having an interest in the vehicle, the

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1 nature of each interest and the name and address of the person  
2 to whom the certificate of title shall be delivered by the  
3 division;

4 (4) a space to allow the applicant the option  
5 of adding the applicant's vehicle to the nontraditional  
6 communication or disability registry; provided that the  
7 applicant submits evidence satisfactory to the division that  
8 the vehicle will regularly be driven or occupied by a person  
9 who has a medical diagnosis by a licensed health practitioner  
10 of a condition or disability that may cause the person to fail  
11 to be able to communicate with a law enforcement officer or to  
12 respond appropriately to a law enforcement officer's commands,  
13 including an autism spectrum disorder, deafness, a brain  
14 injury, an intellectual disability or a seizure disorder;

15 ~~(4)~~ (5) if the vehicle required to be  
16 registered is a house trailer, as defined in the Motor Vehicle  
17 Code, a certificate from the treasurer or assessor of the  
18 county in which the house trailer is located showing that  
19 either:

20 (a) all property taxes due or to become  
21 due on the house trailer for the current tax year or any past  
22 tax years have been paid; or

23 (b) no liability for property taxes on  
24 the house trailer exists for the current year or any past tax  
25 years; and

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1                    [~~5~~] (6) further information as may  
2 reasonably be required by the division to enable it to  
3 determine whether the vehicle is lawfully entitled to  
4 registration and the owner entitled to a certificate of title.

5                    B. The owner of a vehicle subject to registration  
6 that has never been registered in this state and that has been  
7 registered in another state, except manufactured homes, shall  
8 have the vehicle examined and inspected for its identification  
9 number or engine number by the division or an officer or a  
10 designated agent of the division incident to securing  
11 registration, reregistration or a certificate of title from the  
12 division.

13                    C. When an application refers to a vehicle not  
14 previously registered and the vehicle is purchased from a  
15 dealer licensed in this state or a dealer licensed or  
16 recognized as such in any other state, territory or possession  
17 of the United States, the application shall be accompanied by a  
18 manufacturer's certificate of origin duly assigned by the  
19 dealer to the purchaser. In the event that a vehicle not  
20 previously registered is sold by the manufacturer to a dealer  
21 in a state not requiring a manufacturer's certificate of origin  
22 and in the event that the vehicle is subsequently purchased by  
23 a dealer or any person in this state, the application for title  
24 shall be accompanied by the evidence of title accepted by the  
25 state in which the vehicle was sold by the manufacturer to a

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1 dealer in that state together with evidence of subsequent  
2 transfers.

3 D. Prior to the sale or disposal of a nonrepairable  
4 vehicle, the owner, owner's agent or salvage pool shall obtain  
5 a properly endorsed nonrepairable vehicle certificate from the  
6 department and deliver it to the purchaser within twenty days  
7 after payment in full for the nonrepairable vehicle and shall  
8 also comply with Section 66-3-10.1 NMSA 1978. The department  
9 shall accept the endorsed nonrepairable vehicle certificate in  
10 lieu of the certificate of ownership or other evidence of  
11 ownership when accompanied by an application and other  
12 documents and fees as may be required by the department. A  
13 vehicle for which a nonrepairable vehicle certificate has been  
14 issued shall not be titled or registered for use on the  
15 highways of this state.

16 E. If an insurance company makes a total loss  
17 settlement on a nonrepairable vehicle and takes possession of  
18 that vehicle, either itself or through an agent or salvage  
19 pool, the insurance company or an authorized agent of the  
20 insurance company shall:

21 (1) stamp the face of the title or  
22 manufacturer's certificate of origin with the word  
23 "NONREPAIRABLE", in letters no less than one-half inch high, at  
24 an angle of approximately forty-five degrees to the text of the  
25 title or manufacturer's certificate of origin; and

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1                   (2) within twenty days after receipt of title  
2 by the insurer, free and clear of all liens, submit a copy of  
3 the branded title or manufacturer's certificate of title to the  
4 department together with documents explaining the reason for  
5 branding, and shall forward a properly endorsed certificate of  
6 title or manufacturer's certificate of origin or other evidence  
7 of ownership acceptable to the department together with the  
8 proper fee to the department. The department, upon receipt of  
9 the title or manufacturer's certificate of origin or other  
10 evidence of ownership, shall issue a nonrepairable vehicle  
11 certificate for the vehicle.

12                   F. If an owner of a nonrepairable vehicle elects to  
13 retain possession of the vehicle, the insurance company shall  
14 notify the department of the retention on a form prescribed by  
15 the department. The insurance company shall also notify the  
16 insured or owner of the insured's or owner's responsibility to  
17 comply with this section. The owner shall, within twenty days  
18 from the date of settlement of the loss, forward a properly  
19 endorsed certificate of title or manufacturer's certificate of  
20 origin or other evidence of ownership acceptable to the  
21 department together with the proper fee to the department. The  
22 department, upon receipt of the title or manufacturer's  
23 certificate of origin or other evidence of ownership, shall  
24 issue a nonrepairable vehicle certificate for the vehicle.

25                   G. If a nonrepairable vehicle is not the subject of

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1 an insurance settlement, the owner shall, within twenty days  
2 from the date of the loss, forward a properly endorsed  
3 certificate of title or manufacturer's certificate of origin or  
4 other evidence of ownership acceptable to the department  
5 together with the proper fee to the department. The  
6 department, upon receipt of the title or manufacturer's  
7 certificate of origin or other evidence of ownership, shall  
8 issue a nonrepairable vehicle certificate for the vehicle.

9 H. The department shall not issue a new  
10 registration card and certificate of ownership pursuant to  
11 Subsection A, B or C of this section on a vehicle that has been  
12 issued a nonrepairable vehicle certificate pursuant to  
13 Subsections E, F and G of this section."

14 SECTION 4. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is January 1, 2022.

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