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HOUSE BILL 40

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL
COMMUNICATION OR DISABILITY REGISTRY; REQUIRING PEACE OFFICERS
WHILE ENFORCING TRAFFIC LAWS TO DETERMINE WHETHER A MOTOR
VEHICLE IS IN THE NONTRADITIONAL COMMUNICATION OR DISABILITY
REGISTRY.

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

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] NONTRADITIONAL COMMUNICATION OR DISABILITY
REGISTRY--INCLUSION IN VEHICLE RECORD SYSTEM AND NATIONAL CRIME
INFORMATION CENTER SYSTEM.--

A. The department shall create and maintain a
statewide registry referred to as the "nontraditional
communication or disability registry" to identify motor

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1 vehicles that may be driven or occupied by a person who has a
2 medical diagnosis by a licensed health practitioner of a
3 condition or disability that may cause the person to fail to be
4 able to communicate with a peace officer or to respond
5 appropriately to a peace officer's commands, including an
6 autism spectrum disorder, deafness, a brain injury, an
7 intellectual disability, a behavioral health disorder or a
8 seizure disorder. The registry shall cite all of the
9 conditions and disabilities associated with the drivers and
10 occupants of a particular motor vehicle. The department shall
11 provide online internet access to the registry to peace
12 officers. The registry shall not be made available to the
13 public and is exempt from disclosure pursuant to the Inspection
14 of Public Records Act.

15 B. The department shall include in its electronic
16 motor vehicle record management system a data field indicating
17 that a motor vehicle is in the nontraditional communication or
18 disability registry and a link to the registry. The department
19 shall share this data with the department of public safety,
20 which shall include it in the national crime information center
21 system for peace officers to view when enforcing the law."

22 SECTION 2. A new section of Chapter 29, Article 1 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] CONSULT NONTRADITIONAL COMMUNICATION OR
25 DISABILITY REGISTRY.--Prior to interacting with a driver or

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1 occupant of a motor vehicle, every peace officer shall consult
2 the national crime information center system or other
3 electronic motor vehicle record management system to determine
4 if the motor vehicle is on the nontraditional communication or
5 disability registry, if practicable, and if the motor vehicle
6 is on the registry, take appropriate safety precautions during
7 the interaction. If the registry reveals that a driver or
8 occupant of the motor vehicle has a seizure disorder that may
9 be triggered by flashing lights, including photosensitive
10 epilepsy, the peace officer shall minimize the use of flashing
11 lights to the extent feasible, taking safety into
12 consideration."

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

15 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
16 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

17 A. Except for a vehicle owned by a carrier that is
18 from a jurisdiction that is not a participant in the
19 International Fuel Tax Agreement, that is authorized by the
20 United States government or an agency of the United States
21 government to conduct cross-border operations beyond the
22 commercial border zone pursuant to the provisions of the [~~North~~
23 ~~American Free Trade~~] United States-Mexico-Canada Agreement
24 Implementation Act and that identifies New Mexico as the
25 carrier's base jurisdiction, every owner of a vehicle of a type

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1 required to be registered in this state shall make application
2 to the division for the registration and issuance of a
3 certificate of title for the vehicle. Applications shall be
4 upon the appropriate forms furnished by the division and shall
5 bear the signature of the owner; provided that the signature
6 may either be made using an electronic signature in conformance
7 with the Electronic Authentication of Documents Act and the
8 Uniform Electronic Transactions Act or written with pen and
9 ink. All applications presented to the division shall contain:

10 (1) for a vehicle other than a recreational
11 vehicle, the name, bona fide New Mexico residence address and
12 mail address of the owner or, if the owner is a firm,
13 association or corporation, the name, bona fide New Mexico
14 business address and mail address of the firm, association or
15 corporation and for a recreational vehicle, the name, bona fide
16 residence address and mail address of the owner and proof of
17 delivery in New Mexico;

18 (2) a description of the vehicle, including,
19 to the extent that the following specified data may exist with
20 respect to a given vehicle, the make, model, type of body,
21 number of cylinders, type of fuel used, serial number of the
22 vehicle, odometer reading, engine or other identification
23 number provided by the manufacturer of the vehicle, whether new
24 or used, and, if a vehicle not previously registered, date of
25 sale by the manufacturer or dealer to the person intending to

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1 operate the vehicle. In the event a vehicle is designed,
2 constructed, converted or rebuilt for the transportation of
3 property, the application shall include a statement of its
4 rated capacity as established by the manufacturer of the
5 chassis or the complete vehicle;

6 (3) a statement of the applicant's title and
7 of all liens or encumbrances upon the vehicle and the names and
8 addresses of all persons having an interest in the vehicle, the
9 nature of each interest and the name and address of the person
10 to whom the certificate of title shall be delivered by the
11 division;

12 (4) a space to allow the applicant the option
13 of adding the applicant's vehicle to the nontraditional
14 communication or disability registry; provided that the
15 applicant submits evidence satisfactory to the division that
16 the vehicle will regularly be driven or occupied by a person
17 who has a medical diagnosis by a licensed health practitioner
18 of a condition or disability that may cause the person to fail
19 to be able to communicate with a peace officer or to respond
20 appropriately to a peace officer's commands, including an
21 autism spectrum disorder, deafness, a brain injury, an
22 intellectual disability, a behavioral health disorder or a
23 seizure disorder;

24 [~~4~~] (5) if the vehicle required to be
25 registered is a house trailer, as defined in the Motor Vehicle

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1 Code, a certificate from the treasurer or assessor of the
2 county in which the house trailer is located showing that
3 either:

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

7 (b) no liability for property taxes on
8 the house trailer exists for the current year or any past tax
9 years; and

10 [~~(5)~~] (6) further information as may
11 reasonably be required by the division to enable it to
12 determine whether the vehicle is lawfully entitled to
13 registration and the owner entitled to a certificate of title.

14 B. The owner of a vehicle subject to registration
15 that has never been registered in this state and that has been
16 registered in another state, except manufactured homes, shall
17 have the vehicle examined and inspected for its identification
18 number or engine number by the division or an officer or a
19 designated agent of the division incident to securing
20 registration, reregistration or a certificate of title from the
21 division.

22 C. When an application refers to a vehicle not
23 previously registered and the vehicle is purchased from a
24 dealer licensed in this state or a dealer licensed or
25 recognized as such in any other state, territory or possession

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1 of the United States, the application shall be accompanied by a
2 manufacturer's certificate of origin duly assigned by the
3 dealer to the purchaser. In the event that a vehicle not
4 previously registered is sold by the manufacturer to a dealer
5 in a state not requiring a manufacturer's certificate of origin
6 and in the event that the vehicle is subsequently purchased by
7 a dealer or any person in this state, the application for title
8 shall be accompanied by the evidence of title accepted by the
9 state in which the vehicle was sold by the manufacturer to a
10 dealer in that state together with evidence of subsequent
11 transfers.

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

25 E. If an insurance company makes a total loss

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1 settlement on a nonrepairable vehicle and takes possession of
2 that vehicle, either itself or through an agent or salvage
3 pool, the insurance company or an authorized agent of the
4 insurance company shall:

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

10 (2) within twenty days after receipt of title
11 by the insurer, free and clear of all liens, submit a copy of
12 the branded title or manufacturer's certificate of title to the
13 department together with documents explaining the reason for
14 branding and shall forward a properly endorsed certificate of
15 title or manufacturer's certificate of origin or other evidence
16 of ownership acceptable to the department together with the
17 proper fee to the department. The department, upon receipt of
18 the title or manufacturer's certificate of origin or other
19 evidence of ownership, shall issue a nonrepairable vehicle
20 certificate for the vehicle.

21 F. If an owner of a nonrepairable vehicle elects to
22 retain possession of the vehicle, the insurance company shall
23 notify the department of the retention on a form prescribed by
24 the department. The insurance company shall also notify the
25 insured or owner of the insured's or owner's responsibility to

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1 comply with this section. The owner shall, within twenty days
2 from the date of settlement of the loss, forward a properly
3 endorsed certificate of title or manufacturer's certificate of
4 origin or other evidence of ownership acceptable to the
5 department 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 G. If a nonrepairable vehicle is not the subject of
10 an insurance settlement, the owner shall, within twenty days
11 from the date of the loss, forward a properly endorsed
12 certificate of title or manufacturer's certificate of origin or
13 other evidence of ownership acceptable to the department
14 together with the proper fee to the department. The
15 department, upon receipt of the title or manufacturer's
16 certificate of origin or other evidence of ownership, shall
17 issue a nonrepairable vehicle certificate for the vehicle.

18 H. The department shall not issue a new
19 registration card and certificate of ownership pursuant to
20 Subsection A, B or C of this section on a vehicle that has been
21 issued a nonrepairable vehicle certificate pursuant to
22 Subsections E, F and G of this section."

23 SECTION 4. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is January 1, 2024.