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HOUSE BILL 406

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; PROVIDING FOR NOTICE OF  
MOTOR VEHICLE INSURANCE CANCELLATION OR TERMINATION; PROVIDING  
FOR SUSPENSION OF MOTOR VEHICLE REGISTRATION; AMENDING A  
SECTION OF THE NMSA 1978.

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

Section 1. Section 66-5-205.1 NMSA 1978 (being Laws  
1989, Chapter 214, Section 1, as amended) is amended to read:

"66-5-205.1. UNINSURED MOTORIST CITATION-- REQUIREMENTS  
TO BE FOLLOWED AT TIME OF ACCIDENT-- SUBSEQUENT PROCEDURES--  
INSURER NOTIFICATION REQUIREMENTS-- SUSPENSION PROCEDURES . --

A. When a law enforcement officer issues a driver  
who is involved in an accident a citation for failure to  
comply with the provisions of the Mandatory Financial  
Responsibility Act, the law enforcement officer shall

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1 [personally] at the same time:

2 (1) issue to the driver cited a temporary  
3 operation sticker, valid for thirty days after the date the  
4 sticker is issued, and forward by mail or delivery to the  
5 department a duplicate of the issued sticker; and

6 (2) remove the license plate from the vehicle  
7 and send it with the duplicate of the sticker to the  
8 department or, if it cannot be removed, permanently deface the  
9 plate.

10 B. The department shall return or replace, in its  
11 discretion, a license plate removed under the provisions of  
12 Paragraph (2) of Subsection A of this section or replace a  
13 license plate defaced under that paragraph when the person  
14 cited for failure to comply with the provisions of the  
15 Mandatory Financial Responsibility Act furnishes proof of  
16 compliance to the department and pays to the division a  
17 reinstatement fee of twenty-five dollars (\$25.00). If a  
18 person to whom the temporary operation sticker is issued  
19 furnishes to the department, within fifteen days after the  
20 issuance of the sticker, evidence of financial responsibility  
21 in compliance with the Mandatory Financial Responsibility Act  
22 and in effect on the date and at the time of the issuance of  
23 the sticker, the department shall replace or return the  
24 license plate and waive the twenty-five dollar (\$25.00)  
25 reinstatement fee.

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C. The secretary shall adopt and promulgate  
~~[regulations]~~ rules prescribing the form and use of the  
sticker required to be issued under Subsection A of this  
section.

D. The secretary ~~[may]~~ shall adopt and promulgate  
~~[regulations]~~ rules requiring insurance carriers who terminate  
or cancel any motor vehicle insurance policy to report monthly  
each cancellation or termination to the department.  
Information pertaining to each motor vehicle shall be made a  
part of that vehicle file for one year. ~~[ Notification of  
termination or cancellation made under such a regulation is  
not grounds for revocation of the motor vehicle registration.]~~

E. Within ten days of notification by the insurance  
carrier of a termination or cancellation of a motor vehicle  
insurance policy, the department shall demand satisfactory  
evidence from the owner of the motor vehicle that he meets the  
requirements of the Mandatory Financial Responsibility Act.  
Failure to provide evidence of financial responsibility within  
twenty days after receipt of the department's demand for  
proof:

(1) constitutes reasonable grounds to believe  
that a person is operating a motor vehicle in violation of the  
provisions of Section 66-5-205 NMSA 1978; and

(2) requires the department to suspend the  
person's registration as provided in Section 66-5-236 NMSA

1 1978.

2 F. The department shall notify the superintendent of  
3 insurance if an insurance carrier fails to provide  
4 notification of cancellations or terminations as required by  
5 Subsection D of this section. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
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5  
6 February 17, 1999

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8 Mr. Speaker:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 HOUSE BILL 406

13  
14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.

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17 Respectfully submitted,

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23 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HJ/HB 406

Page 6

4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

5 (Chief Clerk)

6 (Chief Clerk)

8 Date \_\_\_\_\_

9  
10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Luna, Thompson

13 Absent: None

15 J: \99BillsWP\H0406

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HB 406/a

March 4, 1999

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
whom has been referred

HOUSE BILL 406, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 3, line 19, strike "receipt of the  
department's" and insert in lieu thereof "the department has  
mailed its".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

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Roman M. Maes, Chairman

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Macias, Rawson, Robinson

Absent: None

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1 FORTY- FOURTH LEGI SLATURE  
2 FIRST SESSI ON, 1999

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6 FORTY- FOURTH LEGI SLATURE  
7 FIRST SESSI ON, 1999

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10 March 15, 1999

11  
12 Mr. Presi dent:

13  
14 Your JUDI CIARY COMMI TTEE, to whom has been referred

15  
16 HOUSE BILL 406, as amended

17 has had it under consideration and reports same with  
18 recommendation that it DO PASS.

19  
20 Respectfully submi tted,  
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FORTY- FOURTH LEGI SLATURE  
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Michael S. Sanchez, Chair man

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was  7  For  0  Against

Yes: 7

No: None

Excused: Aragon

Absent: None

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