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HOUSE BILL 873

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

INTRODUCED BY

Delores C. Wright

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE PROVISIONS OF LAW
PERTAINING TO ABANDONED VEHICLES.

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

Section 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
Chapter 120, Section 2) is amended to read:

"66-1-4.1. DEFINITIONS. -- As used in the Motor Vehicle
Code:

A. "abandoned vehicle" means a vehicle or motor
vehicle that:

(1) has been determined by a New Mexico law
enforcement agency:

~~(1)~~ (a) to have been left unattended
on either public or private property for at least thirty days;

~~(2)~~ (b) not to have been reported

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 stolen;

2 [~~(3)~~] (c) not to have been claimed by
3 any person asserting ownership; and

4 [~~(4)~~] (d) not to have been shown by
5 normal record checking procedures to be owned by any person;
6 or

7 (2) has been deemed abandoned pursuant to
8 Section 66-7-350 NMSA 1978;

9 B. "additional place of business", for dealers and
10 wreckers of vehicles, means locations in addition to an
11 established place of business as defined in Section 66-1-4.5
12 NMSA 1978 and meeting all the requirements of an established
13 place of business, except Paragraph (5) of Subsection B of
14 Section 66-1-4.5 NMSA 1978, but "additional place of business"
15 does not mean a location used solely for storage and that is
16 not used for wrecking, dismantling, sale or resale of
17 vehicles;

18 C. "alcoholic beverages" means any and all
19 distilled or rectified spirits, potable alcohol, brandy,
20 whiskey, rum, gin, aromatic bitters or any similar alcoholic
21 beverage, including all blended or fermented beverages,
22 dilutions or mixtures of one or more of the foregoing
23 containing more than one-half of one percent alcohol but
24 excluding medicinal bitters; and

25 D. "authorized emergency vehicle" means any fire

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1 department vehicle, police vehicle, ambulance and any
2 emergency vehicles of municipal departments or public
3 utilities that are designated or authorized as emergency
4 vehicles by the director of the New Mexico state police
5 division of the department of public safety or local
6 authorities. "

7 Section 2. Section 66-7-350 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 454) is amended to read:

9 "66-7-350. OFFICERS AUTHORIZED TO REMOVE ILLEGALLY
10 STOPPED VEHICLES. --

11 A. Whenever any police officer finds a vehicle
12 standing upon a highway in violation of any of the [~~foregoing~~]
13 provisions of Sections [~~64-7-349 through 64-7-352 NMSA 1953~~
14 ~~such~~] 66-7-349 through 66-7-352 NMSA 1978, the officer is
15 hereby authorized to move [~~such~~] the vehicle or require the
16 driver or other person in charge of the vehicle to move [~~the~~
17 ~~same~~] it to a position off the paved or main-traveled part of
18 [~~such~~] the highway.

19 B. Whenever any police officer finds a vehicle
20 unattended upon any bridge or causeway or in any tunnel where
21 [~~such~~] the vehicle constitutes an obstruction to traffic,
22 [~~such~~] the officer is hereby authorized to provide for the
23 removal of [~~such~~] the vehicle to the nearest garage or other
24 place of safety.

25 C. No driver of any vehicle shall permit [~~said~~]

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[bracketed material] = delete

1 the vehicle to remain unattended on or adjacent to any public
2 road, highway or highway right of way of [~~the~~] this state for
3 a longer period than twenty-four hours without notifying the
4 state police or sheriff's office of the county where [~~said~~]
5 the vehicle is parked or [~~said~~] the vehicle shall be deemed
6 abandoned. The state police or sheriff's officer [~~may~~] shall
7 cause all such abandoned vehicles to be removed, and the owner
8 of the vehicle shall be required to pay all costs incident to
9 the removal of [~~said~~] the vehicle, provided that wrecked
10 vehicles may be removed at any time and without regard to the
11 twenty-four hour period [~~hereinbefore~~] provided in this
12 subsection.

13 D. Whenever an officer [~~shall order~~] orders a
14 dealer or wrecker to remove from a highway or territory
15 adjacent thereto any damaged or abandoned vehicle, the officer
16 shall, at the time, issue signed and dated instructions in
17 writing to the dealer or wrecker specifically stating if the
18 vehicle is to be "held for investigation" or if it may be
19 released to the owner.

20 E. A person removing an abandoned vehicle pursuant
21 to the direction of the state police or sheriff's office has a
22 towing and storage possessory lien on the vehicle in the
23 amount of the towing charge incurred and the daily charge for
24 storage. If the vehicle is not claimed by the owner and all
25 charges covered by the lien paid within thirty days of the

1 date the vehicle was removed as an abandoned vehicle, the
2 lienholder may foreclose his lien by releasing the vehicle to
3 a person licensed as a wrecker pursuant to Section 66-4-1 NMSA
4 1978 in return for payment of the charges secured by the lien.
5 The licensed wrecker may then dispose of the vehicle pursuant
6 to Section 66-3-119 NMSA 1978. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 4, 1999

7
8 Mr. Speaker:

9
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 873

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 4, line 24, after the period, insert the
18 following:

19
20 "To preserve his lien, the lienholder must comply with the
21 requirements for notice to owners of and persons having prior
22 liens on abandoned vehicles pursuant to applicable rules of the
23 public regulation commission. ".
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HGUAC/HB 873

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Respectfully submitted,

James G. Taylor, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 0 Against

Yes: 4

Excused: Mallory, Sandel, Taylor, J. G.

Absent: None

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