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AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; ADDRESSING ISSUES OF TITLE AND REGISTRATION OF VEHICLES OWNED BY A CARRIER THAT IS FROM A JURISDICTION THAT IS NOT A PARTICIPANT IN THE INTERNATIONAL FUEL TAX AGREEMENT, THAT IS AUTHORIZED BY THE UNITED STATES GOVERNMENT TO CONDUCT CROSS-BORDER OPERATIONS BEYOND THE COMMERCIAL BORDER ZONE PURSUANT TO THE PROVISIONS OF THE NORTH AMERICAN FREE TRADE AGREEMENT AND THAT IDENTIFIES NEW MEXICO AS THE CARRIER'S BASE JURISDICTION; DECLARING AN EMERGENCY.

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

Section 1. Section 66-3-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 21, as amended) is amended to read:

"66-3-1. VEHICLES SUBJECT TO REGISTRATION--
EXCEPTIONS.--

A. With the exception of vehicles identified in Subsection B of this section, every motor vehicle, trailer, semitrailer and pole trailer when driven or moved upon a highway is subject to the registration and certificate of title provisions of the Motor Vehicle Code except:

(1) any such vehicle driven or moved upon a highway in conformance with the provisions of the Motor Vehicle Code relating to manufacturers, dealers, lien-holders or nonresidents;

1 (2) any such vehicle that is driven or moved
2 upon a highway only for the purpose of crossing the highway
3 from one property to another;

4 (3) any implement of husbandry that is only
5 incidentally operated or moved upon a highway;

6 (4) any special mobile equipment;

7 (5) any vehicle that is propelled
8 exclusively by electric power obtained from overhead trolley
9 wires though not operated upon rails;

10 (6) freight trailers if they are:

11 (a) properly registered in another
12 state;

13 (b) identified by a proper base
14 registration plate that is properly displayed; and

15 (c) identified by other registration
16 documents that are in the possession of the operator and
17 exhibited at the request of a police officer;

18 (7) freight trailers or utility trailers
19 owned and used by:

20 (a) a nonresident solely for the
21 transportation of farm products purchased by the nonresident
22 from growers or producers of the farm products and
23 transported in the trailer out of the state;

24 (b) farmers and ranchers who transport
25 to market only the produce, animals or fowl produced by them

1 or who transport back to their farms and ranches supplies for
2 use thereon; or

3 (c) persons who transport animals to
4 and from fairs, rodeos or other places, except racetracks,
5 where the animals are exhibited or otherwise take part in
6 performances, in trailers drawn by a motor vehicle or truck
7 of less than ten thousand pounds gross vehicle weight rating
8 bearing a proper registration plate, but in no case shall the
9 owner of an unregistered trailer described in this paragraph
10 perform such uses for hire; and

11 (8) any such vehicle moved on a highway by a
12 towing service as defined in Section 59A-50-2 NMSA 1978.

13 B. A certificate of title required pursuant to
14 Subsection A of this section is not required for a vehicle of
15 a type subject to registration owned by:

16 (1) the government of the United States; or

17 (2) a carrier that is from a jurisdiction
18 that is not a participant in the International Fuel Tax
19 Agreement, that is authorized by the United States government
20 or an agency of the United States government to conduct
21 cross-border operations beyond the commercial border zone
22 pursuant to the provisions of the North American Free Trade
23 Agreement and that identifies New Mexico as the carrier's
24 base jurisdiction.

25 C. Every manufactured home shall be subject to the SB 346
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1 registration and certificate of title provisions of the Motor
2 Vehicle Code, and each manufactured home shall at all times
3 bear a current registration plate."

4 Section 2. Section 66-3-4 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 24, as amended) is amended to read:

6 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE
7 OF TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

8 A. Except for a vehicle owned by a carrier that is
9 from a jurisdiction that is not a participant in the
10 International Fuel Tax Agreement, that is authorized by the
11 United States government or an agency of the United States
12 government to conduct cross-border operations beyond the
13 commercial border zone pursuant to the provisions of the
14 North American Free Trade Agreement and that identifies New
15 Mexico as the carrier's base jurisdiction, every owner of a
16 vehicle of a type required to be registered in this state
17 shall make application to the division for the registration
18 and issuance of a certificate of title for the vehicle.

19 Applications shall be upon the appropriate forms furnished by
20 the division and shall bear the signature of the owner
21 written with pen and ink. All applications presented to the
22 division shall contain:

23 (1) for a vehicle other than a recreational
24 vehicle, the name, bona fide New Mexico residence address and
25 mail address of the owner or, if the owner is a firm,

1 association or corporation, the name, bona fide New Mexico
2 business address and mail address of the firm, association or
3 corporation and for a recreational vehicle, the name, bona
4 fide residence address and mail address of the owner and
5 proof of delivery in New Mexico;

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

19 (3) a statement of the applicant's title and
20 of all liens or encumbrances upon the vehicle and the names
21 and addresses of all persons having an interest in the
22 vehicle, the nature of each interest and the name and address
23 of the person to whom the certificate of title shall be
24 delivered by the division;

25 (4) if the vehicle required to be registered

1 is a house trailer, as defined in the Motor Vehicle Code, a
2 certificate from the treasurer or assessor of the county in
3 which the house trailer is located showing that 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) further information as may reasonably be
11 required by the division to enable it to determine whether
12 the vehicle is lawfully entitled to registration and the
13 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
16 been registered in another state shall have the vehicle
17 examined and inspected for its identification number or
18 engine number by the division or an officer or a designated
19 agent of the division incident to securing registration,
20 reregistration or a certificate of title from the division.

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

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

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

25 E. If an insurance company makes a total loss

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,
8 at an angle of approximately forty-five degrees to the text
9 of the title or manufacturer's certificate of origin; and

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

18 The department, upon receipt of the title or manufacturer's
19 certificate of origin or other evidence of ownership, shall
20 issue a nonrepairable vehicle certificate for the vehicle.

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

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

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

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

24 Section 3. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect

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