

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 458

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO TRAFFIC CITATIONS; PROVIDING FOR SUSPENSION OF  
VEHICLE REGISTRATION AND NONISSUANCE OF CERTIFICATE OF TITLE  
FOR PERSONS WHO FAIL TO APPEAR IN COURT WITH RESPECT TO A  
CITATION; ALLOWING THE ADMINISTRATIVE OFFICE OF THE COURTS TO  
PROVIDE INPUT ON THE FORM OF THE UNIFORM TRAFFIC CITATION.

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

**SECTION 1.** Section 66-3-7 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 27, as amended) is amended to read:

"66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING  
REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse,  
suspend or revoke registration or issuance of a certificate of  
title or a transfer of registration upon the [~~ground~~] grounds  
that:

- A. the application contains a false or fraudulent

underscored material = new  
~~[bracketed material] = delete~~

underscored material = new  
[bracketed material] = delete

1 statement or that the applicant failed to furnish the required  
2 information or reasonable additional information requested by  
3 the division or that the applicant is not entitled to the  
4 issuance of a certificate of title or registration of the  
5 vehicle under the Motor Vehicle Code;

6 B. the vehicle is mechanically unfit or unsafe to  
7 be operated or moved upon the highways;

8 C. a commercial motor vehicle is operated by a  
9 commercial motor carrier that is prohibited from operating the  
10 vehicle by order of a state or federal agency;

11 D. the division has [~~a~~] reasonable [~~ground~~] grounds  
12 to believe that the vehicle is a stolen or embezzled vehicle or  
13 that the granting of registration or the issuance of a  
14 certificate of title would constitute a fraud against the  
15 rightful owner or other person having valid lien upon the  
16 vehicle;

17 E. the registration of the vehicle stands suspended  
18 or revoked for any reason as provided in the motor vehicle laws  
19 of this state;

20 F. the required fee has not been paid;

21 G. the motor vehicle excise tax has not been paid;

22 H. the weight distance tax has not been paid;

23 I. international fuel tax agreement taxes have not  
24 been paid;

25 J. if the vehicle is a mobile home, the property

.184400.2SA

underscored material = new  
[bracketed material] = delete

1 tax has not been paid;

2 K. the owner's address, as shown in the records of  
3 the division, is within a class A county or within a  
4 municipality that has a vehicle emission inspection and  
5 maintenance program and the applicant has applied at an office  
6 outside the designated county or municipality; ~~[or]~~

7 L. the owner is required to but has failed to  
8 provide proof of compliance with a vehicle emission inspection  
9 and maintenance program, if required in the county or  
10 municipality in which the owner resides; or

11 M. the owner has failed to fulfill a signed promise  
12 to appear or notice to appear in court as a consequence of a  
13 charge or conviction pursuant to the Motor Vehicle Code or the  
14 laws of a tribe, as evidenced by notice from a state or tribal  
15 court."

16 SECTION 2. Section 66-8-128 NMSA 1978 (being Laws 1978,  
17 Chapter 35, Section 536, as amended) is amended to read:

18 "66-8-128. UNIFORM TRAFFIC CITATION.--

19 A. The department shall prepare a uniform traffic  
20 citation containing at least the following information:

21 (1) an information section, serially numbered  
22 and containing spaces for the name, physical address and  
23 mailing address, city and state of the individual charged; the  
24 individual's physical description, age and sex; the  
25 registration number, year and state of the vehicle involved and

.184400.2SA

underscored material = new  
[bracketed material] = delete

1 its make and type; the state and number of the individual's  
2 driver's license; the specific section number and common name  
3 of the offense charged under the NMSA 1978 or [øf] local law;  
4 the date and time of arrest; the arresting officer's signature  
5 and identification number; and the conditions existing at the  
6 time of the violation;

7 (2) a notice to appear; [~~and~~]

8 (3) a penalty assessment notice with a place  
9 for the signature of the violator agreeing to pay the penalty  
10 assessment prescribed; and

11 (4) any additional requirements provided in  
12 writing by the administrative office of the courts.

13 B. The department shall prescribe how the uniform  
14 traffic citation form may be used as a warning notice.

15 C. The department shall prescribe the size and  
16 number of copies of the paper version of the uniform traffic  
17 citation and the disposition of each copy. The department may  
18 also prescribe one or more electronic versions of the uniform  
19 traffic citation, and these electronic versions may be used in  
20 the issuance of citations.

21 D. Any entity that wishes to submit uniform traffic  
22 citations required to be submitted to the department by  
23 electronic means [~~must~~] shall secure the prior permission of  
24 the department."

25 SECTION 3. EFFECTIVE DATE.--The effective date of the  
.184400.2SA

underscoring material = new  
~~[bracketed material] = delete~~

1 provisions this act is July 1, 2011.

2 - 5 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25