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HOUSE BILL 531

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

INTRODUCED BY

Eliseo Lee Alcon

AN ACT

RELATING TO MOTORCYCLE SALES; REQUIRING THE POSTING OF  
MANUFACTURER SUGGESTED RETAIL PRICE; PROVIDING PENALTIES.

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

**SECTION 1. AFFIXING INFORMATION RELATING TO NEW  
MOTORCYCLE--PROVIDING PENALTIES.--**

A. A manufacturer of new motorcycles shall, prior  
to the delivery of a new motorcycle to a dealer in this state,  
securely affix to the motorcycle a label on which the  
manufacturer shall endorse clearly, distinctly and legibly,  
true and correct entries disclosing the following information  
concerning the motorcycle:

(1) the make, model and serial or  
identification number or numbers;

(2) the final assembly point;

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

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~~[bracketed material] = delete~~

1 (3) the name and location of the dealer to  
2 whom it is to be delivered;

3 (4) the method of transportation used in  
4 making delivery of the motorcycle;

5 (5) the retail price of the motorcycle  
6 suggested by the manufacturer;

7 (6) the retail delivered price suggested by  
8 the manufacturer for each accessory or item of optional  
9 equipment physically attached to the motorcycle at the time of  
10 its delivery to the dealer, the price of which is not included  
11 within the price of the motorcycle as stated pursuant to  
12 Paragraph (5) of this subsection;

13 (7) the amount charged, if any, to the dealer  
14 for the transportation of the motorcycle to the dealer; and

15 (8) the total of the amounts specified  
16 pursuant to Paragraphs (5) through (7) of this subsection.

17 B. A manufacturer of motorcycles distributed in  
18 this state who willfully fails to affix to any new motorcycle  
19 manufactured or imported by that manufacturer the label  
20 required pursuant to Subsection A of this section shall be  
21 fined not more than one thousand dollars (\$1,000). Such  
22 failure with respect to each motorcycle shall constitute a  
23 separate offense.

24 C. Any manufacturer of motorcycles distributed in  
25 this state who willfully fails to endorse clearly, distinctly

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~~[bracketed material] = delete~~

1 and legibly any label required pursuant to Subsection A of this  
2 section, or who makes a false endorsement of any such label,  
3 shall be fined not more than one thousand dollars (\$1,000).  
4 Such failure or false endorsement with respect to each  
5 motorcycle shall constitute a separate offense.

6 D. A person who willfully removes, alters or  
7 renders illegible any label affixed to a new motorcycle  
8 pursuant to Subsection A of this section, or any endorsement  
9 thereon, prior to the time the motorcycle is delivered to the  
10 actual custody and possession of the ultimate purchaser of the  
11 new motorcycle, except where the manufacturer relabels the  
12 motorcycle in the event the same is rerouted, repurchased or  
13 reacquired by the manufacturer of such motorcycle, is guilty of  
14 a misdemeanor and shall be sentenced pursuant to the provisions  
15 of Section 31-19-1 NMSA 1978. Such removal, alteration or  
16 rendering illegible with respect to each motorcycle shall  
17 constitute a separate offense.

18 E. As used in this section:

19 (1) "dealer" means a person located in the  
20 United States or any territory thereof or in the District of  
21 Columbia engaged in the sale or distribution of new motorcycles  
22 to the ultimate purchaser;

23 (2) "final assembly point" means:

24 (a) in the case of a new motorcycle  
25 manufactured or assembled in the United States, the plant,

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[bracketed material] = delete

1 factory or other place at which a new motorcycle is produced or  
2 assembled by a manufacturer and from which the motorcycle is  
3 delivered to a dealer in such a condition that all component  
4 parts necessary to the mechanical operation of the motorcycle  
5 are included with the motorcycle, whether or not the component  
6 parts are permanently installed in or on the motorcycle; and

7 (b) in the case of a new motorcycle  
8 imported into the United States, the port of importation;

9 (3) "manufacturer" means a person engaged in  
10 the manufacturing or assembling of new motorcycles, including  
11 any person importing new motorcycles for resale and any person  
12 who acts for and is under the control of such manufacturer,  
13 assembler or importer in connection with the distribution of  
14 new motorcycles;

15 (4) "motor vehicle" means any self-propelled  
16 vehicle or device subject to registration pursuant to Section  
17 66-3-1 NMSA 1978 that is used or may be used on the public  
18 highways in whole or in part for the purpose of transporting  
19 persons or property;

20 (5) "motorcycle" means every motor vehicle  
21 having a seat or saddle for the use of the rider and designed  
22 to travel on not more than three wheels in contact with the  
23 ground, excluding a tractor;

24 (6) "new motorcycle" means a motorcycle the  
25 equitable or legal title to which has never been transferred by

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1 a manufacturer, distributor or dealer to an ultimate purchaser;  
2 and

3 (7) "ultimate purchaser" means, with respect  
4 to any new motorcycle, the first person, other than a dealer  
5 purchasing in the dealer's capacity as a dealer, who in good  
6 faith purchases such new motorcycle for purposes other than  
7 resale.

8 SECTION 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is January 1, 2012.

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