

1 SENATE BILL 35

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Richard C. Martinez

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7  
8 ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

9  
10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING THAT A PERSON CITED FOR  
12 NO VEHICLE REGISTRATION, INSURANCE OR DRIVER'S LICENSE SHALL  
13 NOT BE CONVICTED IF THE PERSON PRODUCES EVIDENCE OF COMPLIANCE  
14 IN COURT; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION  
15 OF LAW IN LAWS 2007.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 66-3-1 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 21, as amended by Laws 2007, Chapter 319,  
20 Section 13 and by Laws 2007, Chapter 320, Section 1) is amended  
21 to read:

22 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--  
23 EXCEPTIONS.--

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

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

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

12 (3) an implement of husbandry that is only  
13 incidentally operated or moved upon a highway;

14 (4) special mobile equipment;

15 (5) a vehicle that is propelled exclusively by  
16 electric power obtained from overhead trolley wires though not  
17 operated upon rails;

18 (6) a freight trailer if it is:

19 (a) properly registered in another  
20 state;

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

23 (c) identified by other registration  
24 documents that are in the possession of the operator and  
25 exhibited at the request of a police officer;

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1 (7) a freight trailer or utility trailer owned  
2 and used by:

3 (a) a nonresident solely for the  
4 transportation of farm products purchased by the nonresident  
5 from growers or producers of the farm products and transported  
6 in the trailer out of the state;

7 (b) a farmer or a rancher who transports  
8 to market only the produce, animals or fowl produced by that  
9 farmer or rancher or who transports back to the farm or ranch  
10 supplies for use thereon; or

11 (c) a person who transports animals to  
12 and from fairs, rodeos or other places, except racetracks,  
13 where the animals are exhibited or otherwise take part in  
14 performances, in trailers drawn by a motor vehicle or truck of  
15 less than ten thousand pounds gross vehicle weight rating  
16 bearing a proper registration plate, but in no case shall the  
17 owner of an unregistered trailer described in this paragraph  
18 perform such uses for hire;

19 (8) a moped;

20 (9) an electric personal assistive mobility  
21 device;

22 (10) a vehicle moved on a highway by a towing  
23 service as defined in Section 59A-50-2 NMSA 1978; and

24 (11) an off-highway motor vehicle exempted  
25 pursuant to Section 66-3-1005 NMSA 1978.

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1           B. A certificate of title required pursuant to  
2 Subsection A of this section is not required for a vehicle of a  
3 type subject to registration owned by:

- 4                   (1) the government of the United States; or
- 5                   (2) a carrier that is from a jurisdiction that  
6 is not a participant in the International Fuel Tax Agreement,  
7 that is authorized by the United States government or an agency  
8 of the United States government to conduct cross-border  
9 operations beyond the commercial border zone pursuant to the  
10 provisions of the North American Free Trade Agreement and that  
11 identifies New Mexico as the carrier's base jurisdiction.

12           C. A person who violates the provisions of this  
13 section is guilty of a misdemeanor as provided in Section  
14 66-8-7 NMSA 1978. A person charged with violating this section  
15 shall not be convicted if the person produces, in court,  
16 evidence of compliance valid at the time of issuance of the  
17 citation."

18           **SECTION 2.** Section 66-3-13 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 33) is amended to read:

20           "66-3-13. EVIDENCE OF REGISTRATION TO BE SIGNED AND  
21 EXHIBITED ON DEMAND.--

22           A. Every owner, upon receipt of registration  
23 evidence, shall write [~~his~~] that owner's signature thereon in a  
24 space provided. Every such registration evidence or duplicate  
25 [~~thereof~~] of registration evidence validated by the division

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1 shall be exhibited upon demand of any police officer.

2 B. A person charged with violating the provisions  
3 of this section shall not be convicted if the person produces,  
4 in court, evidence of a signed registration valid at the time  
5 of issuance of the citation."

6 SECTION 3. Section 66-5-2 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 224, as amended) is amended to read:

8 "66-5-2. DRIVERS MUST BE LICENSED.--

9 A. Except those expressly exempted from the Motor  
10 Vehicle Code, no person shall drive any motor vehicle,  
11 neighborhood electric car or moped upon a highway in this state  
12 unless the person:

13 (1) holds a valid license issued under the  
14 provisions of the Motor Vehicle Code; and

15 (2) has surrendered to the division any other  
16 license previously issued to the person by this state or by  
17 another state or country or has filed an affidavit with the  
18 division that the person does not possess such other license;  
19 however, the applicant need not surrender a motorcycle license  
20 duly obtained under Paragraph [~~3~~] (4) of Subsection A of  
21 Section 66-5-5 NMSA 1978.

22 B. Any person licensed under the provisions of the  
23 Motor Vehicle Code or expressly exempted from licensure may  
24 exercise the privilege granted upon all streets and highways in  
25 this state and shall not be required to obtain any other

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1 license to exercise the privilege by any county, municipality  
2 or any other local body having authority to adopt local police  
3 regulations.

4 C. A person charged with violating the provisions  
5 of this section shall not be convicted if the person produces,  
6 in court, a driver's license issued to the person that was  
7 valid at the time of the person's arrest."

8 SECTION 4. Section 66-5-205 NMSA 1978 (being Laws 1983,  
9 Chapter 318, Section 6, as amended) is amended to read:

10 "66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE  
11 EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

12 A. No owner shall permit the operation of an  
13 uninsured motor vehicle, or a motor vehicle for which evidence  
14 of financial responsibility as was affirmed to the department  
15 is not currently valid, upon the streets or highways of New  
16 Mexico unless the vehicle is specifically exempted from the  
17 provisions of the Mandatory Financial Responsibility Act.

18 B. No person shall drive an uninsured motor  
19 vehicle, or a motor vehicle for which evidence of financial  
20 responsibility as was affirmed to the department is not  
21 currently valid, upon the streets or highways of New Mexico  
22 unless ~~[he]~~ the person is specifically exempted from the  
23 provisions of the Mandatory Financial Responsibility Act.

24 C. For the purposes of the Mandatory Financial  
25 Responsibility Act, "uninsured motor vehicle" means a motor

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1 vehicle for which a motor vehicle insurance policy meeting the  
2 requirements of the laws of New Mexico and of the secretary, or  
3 a surety bond or evidence of a sufficient cash deposit with the  
4 state treasurer, is not in effect [~~or a surety bond or evidence~~  
5 ~~of a sufficient cash deposit with the state treasurer~~].

6 D. The provisions of the Mandatory Financial  
7 Responsibility Act requiring the deposit of evidence of  
8 financial responsibility as provided in Section 66-5-218 NMSA  
9 1978, subject to certain exemptions, may apply with respect to  
10 persons who have been convicted of or forfeited bail for  
11 certain offenses under motor vehicle laws or who have failed to  
12 pay judgments or written settlement agreements upon causes of  
13 action arising out of ownership, maintenance or use of vehicles  
14 of a type subject to registration under the laws of New Mexico.

15 E. Any person who violates the provisions of this  
16 section is guilty of a misdemeanor [~~and upon conviction shall~~  
17 ~~be sentenced to a fine not to exceed three hundred dollars~~  
18 ~~(\$300)~~] as provided in Section 66-8-7 NMSA 1978.

19 F. A person charged with violating the provisions  
20 of this section shall not be convicted if the person produces,  
21 in court, evidence of financial responsibility valid at the  
22 time of issuance of the citation."

23 SECTION 5. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2013.