

HOUSE BILL 52

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Monica Youngblood and Patricio Ruiloba and Howie C. Morales

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING AUTO RECYCLERS TO ELECTRONICALLY REPORT ALL VEHICLE PURCHASES TO THE TAXATION AND REVENUE DEPARTMENT; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO MAINTAIN AND MAKE AVAILABLE CERTAIN INFORMATION.

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

SECTION 1. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] AUTO RECYCLERS--NOTIFICATION OF PURCHASE.--

A. Prior to taking actual possession of a vehicle

.209136.1

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

that an auto recycler has purchased, the auto recycler shall verify with the department if the vehicle has been reported stolen by checking an electronic system maintained by the department. The auto recycler shall include the seller's name, address, contact information and unique auto recycling license number of the purchaser, unless the purchaser is not a licensed auto recycler, in which case the auto recycler shall include the unique number of the purchaser's government-issued identification document.

B. HBIC → ~~Within forty-eight hours of the close of business on the day a vehicle is purchased by an auto recycler~~
Within two business days following the date the vehicle purchase transaction is completed ← HBIC, the auto recycler shall report the purchase to the department in an electronic format.

C. The reporting requirements pursuant to Subsection B of this section shall include:

(1) the name, address and contact information of the seller and the purchaser;

(2) the unique auto recycling license number of the seller, unless the seller is not a licensed auto recycler, in which case the unique number of the seller's government-issued identification document;

(3) the unique auto recycling license number of the purchaser, unless the purchaser is not a licensed auto

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

recycler, in which case the unique number of the purchaser's government-issued identification document;

(4) the make, model, year, vehicle identification number and, if available, current odometer reading of the vehicle;

(5) the dates of the transfer of ownership of the vehicle;

(6) a statement specifying if the vehicle was, or will be, crushed, disposed of or used for other purposes; and

(7) a statement specifying if the vehicle is intended for export outside of the United States.

D. The department shall maintain and make available to auto recyclers an electronic system that allows auto recyclers to verify, prior to taking actual possession of a vehicle that an auto recycler has purchased, that the vehicle has not been reported stolen. If the electronic system shows that the vehicle was reported stolen, the auto recycler shall not complete the transaction and shall notify a law enforcement agency of the current location of the vehicle and identification information provided by the person attempting to transfer ownership of the vehicle. If the electronic system shows that the vehicle was not reported stolen, the auto recycler may proceed with the transaction and shall not be held criminally or civilly liable if the vehicle was stolen, unless

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

the auto recycler had knowledge that the vehicle was stolen.

E. The department shall make information contained in the electronic system available, without charge and upon request, to any law enforcement agency or the department, when the person acting on behalf of the agency or department is acting within the course and scope of the agency's or department's duties. Except as authorized by this section, the department shall not release personally identifiable information received under this section.

F. This section shall not apply to sales at salvage pools."

SECTION 2. Section 66-2-5 NMSA 1978 (being Laws 1978, Chapter 35, Section 9) is amended to read:

"66-2-5. DIRECTOR TO PRESCRIBE FORMS.--

A. The director shall prescribe and provide suitable forms of applications, certificates of title, evidences of registration, [~~drivers'~~] driver's licenses and all other forms requisite or deemed necessary to carry out the provisions of the Motor Vehicle Code and any other laws, the enforcement and administration of which are vested in the division.

B. The director shall make available to the public electronic versions of all forms requisite or deemed necessary to carry out the provisions of the Motor Vehicle Code and any other laws, the enforcement and administration of which are

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

vested in the division."

SECTION 3. Section 66-3-119 NMSA 1978 (being Laws 1978, Chapter 35, Section 66) is amended to read:

"66-3-119. VEHICLE [~~OR MOTOR VEHICLE~~] TO BE DISMANTLED.--
In addition to any requirements pursuant to Section 1 of this 2018 act:

A. except as provided in Sections [~~64-3-114 through 64-3-121 NMSA 1953~~] 66-3-115, 66-3-116 and 66-3-118 through 66-3-121 NMSA 1978, any person who sells, gives away, trades or disposes of any vehicle [~~or motor vehicle~~] as scrap or to be dismantled or destroyed by any person required to be licensed under Section [~~64-4-1 NMSA 1953~~] 66-4-1 NMSA 1978 shall assign the certificate of title of [~~such~~] the vehicle [~~or motor vehicle~~] to the recipient and shall deliver the [~~same~~] certificate of title to the recipient. A licensed dismantler receiving any registration plates shall either return them to the owner upon demand or [~~surrender~~] destroy them within five days [~~of receiving the plates to the division~~];

B. except as provided in Sections [~~64-3-114 through 64-3-121 NMSA 1953~~] 66-3-115, 66-3-116 and 66-3-118 through 66-3-121 NMSA 1978, no person shall dismantle or destroy a vehicle [~~or motor vehicle~~] unless [~~he~~] the person possesses a certificate of title or other proof of ownership of the vehicle [~~or motor vehicle~~] and completes and sends in the dismantler's notification form to the [~~motor vehicle~~] division and any law

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

enforcement agency designated by the [~~motor vehicle~~] division for that purpose; and

C. any person licensed under Section [~~64-4-1 NMSA 1953~~] 66-4-1 NMSA 1978 may take possession of an abandoned [~~motor~~] vehicle; provided that:

(1) [~~he~~] the person obtains at the time of acquisition a written clearance form from a law enforcement agency mentioned in Section [~~64-3-121 NMSA 1953~~] 66-3-121 NMSA 1978;

(2) [~~he~~] within five days after acquisition of [~~said~~] the abandoned vehicle [~~or motor vehicle~~], the person requests from the [~~motor vehicle~~] division an official [~~printout~~] form indicating the names and addresses of all lienholders and owners of record. If the abandoned vehicle [~~or motor vehicle~~] has out-of-state license plates or the licensee has some other reason to believe that the abandoned vehicle [~~or motor vehicle~~] is registered in a state other than New Mexico, [~~he must~~] the person shall request the same information from the appropriate agency of that state;

(3) [~~he~~] within five days after receiving the names and addresses of all lienholders and owners of record, the person informs them by certified mail, return receipt requested, of [~~his~~] the person's possession of the abandoned vehicle [~~or motor vehicle~~] and of all charges, if any, against the abandoned vehicle [~~or motor vehicle, if any~~] and of [~~his~~]

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

the person's intent to dispose of [~~said~~] the vehicle if no claim [~~be~~] is made within thirty days after the delivery of the letter;

(4) in those cases where neither the [~~motor vehicle~~] division nor the appropriate state agency specified in this section is able to furnish the names of any lienholders or owners of record, the vehicle shall then be deemed as abandoned, and a licensed dismantler may dispose of the abandoned vehicle [~~or motor vehicle~~] once [~~he~~] the dismantler has properly completed a dismantler's notification form for the abandoned vehicle [~~or motor vehicle~~] and has [~~mailed one copy of~~] submitted the form to the [~~motor vehicle~~] division [~~and one copy of the form to the law enforcement agency designated by the motor vehicle division for that purpose~~] together with a copy of the correspondence with either the [~~motor vehicle~~] division or the state agency specified in this section indicating that there are no lienholders or owners of record;

(5) when a lienholder or owner of record is known and the required notice has been sent and the dismantler has waited the required thirty days and has not received a valid claim, [~~he~~] the dismantler shall properly complete a dismantler's notification form for the abandoned vehicle [~~or motor vehicle~~] and [~~send one copy of~~] submit the form together with any correspondence with the [~~motor vehicle~~] division or appropriate state agency specified in this subsection

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

indicating the names and addresses of lienholders and owners of record plus proof of notification together with an affidavit signed by the dismantler stating under oath or affirmation that [he] the dismantler has complied with provisions of this section and [he] the dismantler has not received during the thirty-day period following notification any valid claim against the abandoned vehicle [~~or motor vehicle~~] in question or, while a valid claim has been made, [he] the dismantler has not received within sixty days following [such] the notification payment for fees connected with towing and storage of the abandoned vehicle [~~or motor vehicle~~] in question [~~One copy of the dismantler's notification form shall be sent to the law enforcement agency designated by the motor vehicle division for that purpose~~];

(6) any person who fails to give notice required in this subsection within the time limit specified shall forfeit all liens, interest and claims to the abandoned vehicle [~~or motor vehicle~~] in question if claimed by an owner or lienholder;

(7) failure of an owner or lienholder to assert a claim or to pay all legal storage or towing fees, if any, within the specified period of time shall result in that person's forfeiture of liens, interest or claims to the abandoned vehicle [~~or motor vehicle~~]; and

(8) upon complying with the [~~above~~] conditions

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

of this section and waiting the required period of time, [~~such~~
a] the abandoned vehicle [~~or motor vehicle shall be deemed~~] is
the property of the dismantler for dismantling or salvage
purposes, and [~~he~~] the dismantler shall not be required to take
further action under the lien laws of this state unless the
abandoned vehicle [~~or motor vehicle~~] is used for other than
dismantling or salvage purposes, and any person licensed under
Section [~~64-4-1 NMSA 1953~~] 66-4-1 NMSA 1978 may dismantle or
destroy [~~such a~~] the abandoned vehicle [~~or motor vehicle~~]."

SECTION 4. Section 66-3-123 NMSA 1978 (being Laws 1978,
Chapter 35, Section 70, as amended) is amended to read:

"66-3-123. REQUIREMENTS OF PURCHASER--FORMS--
DISTRIBUTION.--In addition to any requirements pursuant to
Section 1 of this 2018 act, purchasers licensed under the
provisions of Section 66-4-1 NMSA 1978 shall, upon purchase of
a vehicle to be dismantled, crushed or otherwise destroyed,
[~~send~~] submit copies of the dismantler's notification form as
provided for in Section 66-3-124 NMSA 1978 [~~to the following~~
~~persons~~] as follows:

A. [~~one copy~~] electronically to the department as
required by Section 66-3-121 NMSA 1978, along with the actual
title or proof of ownership required in the state in which the
vehicle is registered or licensed [~~provided that with the prior~~
~~approval of the department, the required information may be~~
~~transmitted electronically to the department in lieu of~~

.209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

~~submitting a copy of the form];~~

B. one copy by certified mail within thirty days of acquisition to the local law enforcement agency designated by the department. The agency ~~[must]~~ shall process the form through the files of stolen or embezzled vehicles within five days of receipt of the form;

C. one copy to be retained by the purchaser for as long as the vehicle remains in the purchaser's possession or until the vehicle is destroyed, but in no instance fewer than three years; and

D. one copy to be retained and provided to any subsequent purchaser of the vehicle. The purchaser shall retain the copy for as long as the vehicle remains in ~~[his]~~ the purchaser's possession or until the vehicle is destroyed."

SECTION 5. Section 66-3-124 NMSA 1978 (being Laws 1978, Chapter 35, Section 71, as amended) is amended to read:

"66-3-124. DEPARTMENT TO PROVIDE FORMS.--In addition to any requirements pursuant to Section 1 of this 2018 act, the department shall issue a dismantler's notification form to be used by any persons licensed under the provisions of Section 66-4-1 NMSA 1978 for all vehicles purchased to be dismantled, crushed or otherwise destroyed. The form shall require such information as is determined by the department to be necessary."

SECTION 6. Section 66-3-125 NMSA 1978 (being Laws 1978, .209136.1

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

Chapter 35, Section 72, as amended) is amended to read:

"66-3-125. RESTRICTIONS UPON LICENSEES.--In addition to any requirements pursuant to Section 1 of this 2018 act, a person licensed under the provisions of Sections 66-4-1 through 66-4-7 and 66-4-9 NMSA 1978 may, no earlier than thirty days after ~~[mailing]~~ sending the dismantler's notification form as required by Section 66-3-123 NMSA 1978, proceed with the business of shredding, compacting, crushing or otherwise disposing of a vehicle ~~[or motor vehicle]~~ purchased in accordance with the provisions of Sections 66-4-1 through 66-4-7 and 66-4-9 NMSA 1978; provided, however, dismantling of the vehicle ~~[or motor vehicle]~~ may proceed immediately upon the ~~[mailing]~~ sending of the dismantler's notification form."

SECTION 7. Section 66-4-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 222) is amended to read:

"66-4-9. PENALTY FOR DESTROYING OR DISMANTLING IN VIOLATION OF ~~[THE ACT]~~ CERTAIN SECTIONS OF THE MOTOR VEHICLE CODE.-HCPAC→-~~[A.]~~←HCPAC HCPAC→A.←HCPAC Any person violating any provision of Sections ~~[64-3-119 and 64-3-121, 64-3-123 through 64-3-125 and 64-4-1 through 64-4-9 NMSA 1953]~~ 66-3-119, 66-3-121, 66-3-123 through 66-3-125, 66-4-1 through 66-4-7 and 66-4-9 NMSA 1978 or Section 1 of this 2018 act is guilty of a misdemeanor and shall be punished by a fine of three hundred dollars (\$300) or by imprisonment for not less than thirty days or both.

.209136.1

underscored material = new

[bracketed material] = delete

Amendments: new = → bold, blue, highlight ←

delete = → bold, red, highlight, strikethrough ←

HCPAC → ~~B. The penalty upon second conviction of such offense shall be that provided for a fourth degree felony.~~ ← HCPAC HCPAC → B. The penalty upon second conviction of such offense shall be that provided for a fourth degree felony. ← HCPAC"

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2019.