

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 151

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING AN APPLICATION FOR VEHICLE
REGISTRATION AND CERTIFICATE OF TITLE TO BE SIGNED
ELECTRONICALLY; REQUIRING REGISTRATION PLATE ISSUANCE UPON
TRANSFER OF MOTOR VEHICLE OWNERSHIP.

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

SECTION 1. Section 66-3-4 NMSA 1978 (being Laws 1978,
Chapter 35, Section 24, as amended by Laws 2007, Chapter 319,
Section 16 and by Laws 2007, Chapter 320, Section 2) is amended
to read:

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

A. Except for a vehicle 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

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underscored material = new
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1 United States government or an agency of the United States
2 government to conduct cross-border operations beyond the
3 commercial border zone pursuant to the provisions of the North
4 American Free Trade Agreement and that identifies New Mexico as
5 the carrier's base jurisdiction, every owner of a vehicle of a
6 type required to be registered in this state shall make
7 application to the division for the registration and issuance
8 of a certificate of title for the vehicle. Applications shall
9 be upon the appropriate forms furnished by the division and
10 shall bear the signature of the owner; provided that the
11 signature may either be made using an electronic signature in
12 conformance with the Electronic Authentication of Documents Act
13 and the Uniform Electronic Transactions Act or written with pen
14 and ink. All applications presented to the division shall
15 contain:

16 (1) for a vehicle other than a recreational
17 vehicle, the name, bona fide New Mexico residence address and
18 mail address of the owner or, if the owner is a firm,
19 association or corporation, the name, bona fide New Mexico
20 business address and mail address of the firm, association or
21 corporation and for a recreational vehicle, the name, bona fide
22 residence address and mail address of the owner and proof of
23 delivery in New Mexico;

24 (2) a description of the vehicle including, to
25 the extent that the following specified data may exist with

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1 respect to a given vehicle, the make, model, type of body,
2 number of cylinders, type of fuel used, serial number of the
3 vehicle, odometer reading, engine or other identification
4 number provided by the manufacturer of the vehicle, whether new
5 or used and, if a vehicle not previously registered, date of
6 sale by the manufacturer or dealer to the person intending to
7 operate the vehicle. In the event a vehicle is designed,
8 constructed, converted or rebuilt for the transportation of
9 property, the application shall include a statement of its
10 rated capacity as established by the manufacturer of the
11 chassis or the complete vehicle;

12 (3) a statement of the applicant's title and
13 of all liens or encumbrances upon the vehicle and the names and
14 addresses of all persons having an interest in the vehicle, the
15 nature of each interest and the name and address of the person
16 to whom the certificate of title shall be delivered by the
17 division;

18 (4) if the vehicle required to be registered
19 is a house trailer, as defined in the Motor Vehicle Code, a
20 certificate from the treasurer or assessor of the county in
21 which the house trailer is located showing that either:

22 (a) all property taxes due or to become
23 due on the house trailer for the current tax year or any past
24 tax years have been paid; or

25 (b) no liability for property taxes on

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1 the house trailer exists for the current year or any past tax
2 years; and

3 (5) further information as may reasonably be
4 required by the division to enable it to determine whether the
5 vehicle is lawfully entitled to registration and the owner
6 entitled to a certificate of title.

7 B. The owner of a vehicle subject to registration
8 that has never been registered in this state and that has been
9 registered in another state, except manufactured homes, shall
10 have the vehicle examined and inspected for its identification
11 number or engine number by the division or an officer or a
12 designated agent of the division incident to securing
13 registration, reregistration or a certificate of title from the
14 division.

15 C. When an application refers to a vehicle not
16 previously registered and the vehicle is purchased from a
17 dealer licensed in this state or a dealer licensed or
18 recognized as such in any other state, territory or possession
19 of the United States, the application shall be accompanied by a
20 manufacturer's certificate of origin duly assigned by the
21 dealer to the purchaser. In the event that a vehicle not
22 previously registered is sold by the manufacturer to a dealer
23 in a state not requiring a manufacturer's certificate of origin
24 and in the event that the vehicle is subsequently purchased by
25 a dealer or any person in this state, the application for title

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1 shall be accompanied by the evidence of title accepted by the
2 state in which the vehicle was sold by the manufacturer to a
3 dealer in that state together with evidence of subsequent
4 transfers.

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

18 E. If an insurance company makes a total loss
19 settlement on a nonrepairable vehicle and takes possession of
20 that vehicle, either itself or through an agent or salvage
21 pool, the insurance company or an authorized agent of the
22 insurance company shall:

23 (1) stamp the face of the title or
24 manufacturer's certificate of origin with the word
25 "NONREPAIRABLE", in letters no less than one-half inch high, at

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1 an angle of approximately forty-five degrees to the text of the
2 title or manufacturer's certificate of origin; and

3 (2) within twenty days after receipt of title
4 by the insurer, free and clear of all liens, submit a copy of
5 the branded title or manufacturer's certificate of title to the
6 department together with documents explaining the reason for
7 branding, and shall forward a properly endorsed certificate of
8 title or manufacturer's certificate of origin or other evidence
9 of ownership acceptable to the department together with the
10 proper fee to the department. The department, upon receipt of
11 the title or manufacturer's certificate of origin or other
12 evidence of ownership, shall issue a nonrepairable vehicle
13 certificate for the vehicle.

14 F. If an owner of a nonrepairable vehicle elects to
15 retain possession of the vehicle, the insurance company shall
16 notify the department of the retention on a form prescribed by
17 the department. The insurance company shall also notify the
18 insured or owner of the insured's or owner's responsibility to
19 comply with this section. The owner shall, within twenty days
20 from the date of settlement of the loss, forward a properly
21 endorsed certificate of title or manufacturer's certificate of
22 origin or other evidence of ownership acceptable to the
23 department together with the proper fee to the department. The
24 department, upon receipt of the title or manufacturer's
25 certificate of origin or other evidence of ownership, shall

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1 issue a nonrepairable vehicle certificate for the vehicle.

2 G. If a nonrepairable vehicle is not the subject of
3 an insurance settlement, the owner shall, within twenty days
4 from the date of the loss, forward a properly endorsed
5 certificate of title or manufacturer's certificate of origin or
6 other evidence of ownership acceptable to the department
7 together with the proper fee to the department. The
8 department, upon receipt of the title or manufacturer's
9 certificate of origin or other evidence of ownership, shall
10 issue a nonrepairable vehicle certificate for the vehicle.

11 H. The department shall not issue a new
12 registration card and certificate of ownership pursuant to
13 Subsection A, B or C of this section on a vehicle that has been
14 issued a nonrepairable vehicle certificate pursuant to
15 Subsections E, F and G of this section."

16 SECTION 2. Section 66-3-10 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 30, as amended) is amended to read:

18 "66-3-10. [~~DIVISION~~] DEPARTMENT TO ISSUE CERTIFICATE OF
19 TITLE [~~AND~~], EVIDENCE OF REGISTRATION, REGISTRATION PLATE AND
20 VALIDATION STICKER--RELEASE OF LIEN--ODOMETER STATEMENT.--

21 A. The [~~division~~] department, upon registration of
22 a vehicle, shall issue a certificate of title and evidence of
23 registration; an odometer statement may appear on one or both
24 of these documents.

25 B. Except for certificates of title issued pursuant

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1 to Section 66-3-2, 66-3-27 or 66-3-423 NMSA 1978 and for
2 manufactured homes, school buses, state government vehicles,
3 motorcycles and off-highway motor vehicles, upon issuance of a
4 new certificate of title or upon transfer of a certificate of
5 title, the department shall issue a registration plate and a
6 validation sticker to the owner of the vehicle.

7 ~~[B.]~~ C. The registration evidence shall be
8 delivered to the owner and shall contain upon its face the date
9 issued, the name and address of the owner, the registration
10 number assigned to the owner and such description of the
11 vehicle registered to the owner as determined by the ~~[director]~~
12 secretary.

13 ~~[G.]~~ D. The certificate of title shall contain the
14 identical information required on the registration evidence and
15 in addition a statement of the owner's title and of all liens
16 and encumbrances upon the vehicle.

17 ~~[D.]~~ E. The certificate of title shall contain a
18 space for the release of any lien, space for assignment of
19 title or interest and warranty by the owner and space for
20 notation of liens and encumbrances upon the vehicle at the time
21 of transfer.

22 ~~[E.]~~ F. The certificate of title shall be delivered
23 to the owner in the event no lien or encumbrances appear
24 thereon, otherwise the certificate of title shall be delivered
25 to the person named to receive it in the application for

1 certificate.

2 [F-] G. Whenever the owner of a vehicle subject to
3 registration transfers [~~his~~] the person's title or interest in
4 the vehicle to a nonresident who desires to title the vehicle
5 in the state of [~~his~~] the nonresident's residence, the
6 [~~division~~] department upon receiving application and the
7 payment of the proper fee shall issue a certificate of title
8 only and record on the certificate all liens and encumbrances."

9 SECTION 3. EFFECTIVE DATE.--

10 A. The effective date of the provisions of Section
11 1 of this act is July 1, 2020.

12 B. The effective date of the provisions of Section
13 2 of this act is January 1, 2021.

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underscoring material = new
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