

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 62

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

AN ACT

RELATING TO MOTOR VEHICLES; LIMITING THE LOCATIONS WHERE A  
MOTOR VEHICLE MAY BE SOLD OR OFFERED FOR SALE; PROHIBITING THE  
SALE OF A MOTOR VEHICLE BY A NON-OWNER WHO IS NOT A MOTOR  
VEHICLE DEALER.

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

SECTION 1. Section 66-3-126 NMSA 1978 (being Laws 1987,  
Chapter 250, Section 2) is amended to read:

"66-3-126. CASUAL SALES--~~[PLACE OF SALE--ADVERTISING]~~  
REGISTRATION--PENALTY.--

~~[A. No person, not a dealer, making a casual sale  
of his own motor vehicle duly registered to him shall sell the  
vehicle or offer or display the motor vehicle for sale at any  
location other than his current residence, place of employment  
or at any site where the seller of the motor vehicle has~~

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1 ~~obtained prior written permission from the land owner.]~~

2 A. Unless a person is a motor vehicle dealer or the  
3 holder of a security interest filed pursuant to Section  
4 66-3-201 NMSA 1978, before the person attempts to sell a used  
5 motor vehicle, the person shall legally possess the title to  
6 the used motor vehicle in the person's name.

7 B. Any person who violates any provision of this  
8 section is guilty of a misdemeanor and shall be punished by a  
9 fine of three hundred dollars (\$300) or by imprisonment for not  
10 less than thirty days or both."

11 SECTION 2. Section 66-4-2.2 NMSA 1978 (being Laws 2007,  
12 Chapter 319, Section 41) is amended to read:

13 "66-4-2.2. OFF-SITE SALES.--

14 A. Except as otherwise provided in this section, a  
15 New Mexico licensed dealer or the holder of a security interest  
16 filed pursuant to Section 66-3-201 NMSA 1978 shall not sell a  
17 vehicle or offer a motor vehicle for sale at a location other  
18 than the licensed dealer's established place of business, as  
19 defined in Section 66-1-4.5 NMSA 1978; provided that for  
20 purposes of this subsection, a vehicle shall not be deemed  
21 offered for sale at a location other than the licensed dealer's  
22 established place of business if the vehicle is in use for a  
23 purpose other than to sell or offer the vehicle for sale.

24 ~~[A.]~~ B. A New Mexico licensed dealer, before  
25 offering a vehicle or vessel for sale at a temporary off-site

1 location, shall apply to the department for and obtain an off-  
 2 site permit. No off-site permit shall be issued to a New  
 3 Mexico licensed dealer, other than a dealer in motorcycles  
 4 only, for a temporary off-site location unless the dealer:

5 (1) documents to the satisfaction of the  
 6 department that the dealer has offered the majority of dealers,  
 7 other than dealers in motorcycles only, in the county in which  
 8 the proposed temporary off-site location would be located, the  
 9 opportunity to offer vehicles or vessels for sale at the  
 10 proposed temporary off-site location; provided that the offer  
 11 shall be for sale of vehicles or vessels at all times during  
 12 which the applicant proposes to sell vehicles or vessels and  
 13 shall not be conditioned upon the payment of a fee by a dealer  
 14 to whom the off-site permit is addressed that is greater than a  
 15 fair share of the actual expenses; and

16 (2) obtains either an original rider to the  
 17 dealer's existing corporate surety bond or an original  
 18 corporate surety bond in compliance with the provisions of  
 19 Section 66-4-7 NMSA 1978 to cover the proposed temporary off-  
 20 site location and dates of sale.

21 ~~[B.]~~ C. All temporary off-site locations shall be  
 22 identified by prominently displayed signs identifying the names  
 23 of the New Mexico licensed dealers selling vehicles or vessels  
 24 at the temporary off-site location and shall be of sufficient  
 25 size or space to permit the safe display of the vehicles or

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1 vessels offered for sale."

2 SECTION 3. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2023.

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