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HOUSE BILL 433

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
James G.Taylor

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CERTAIN SECTIONS OF THE  
MOTOR VEHICLE CODE CONCERNING REGISTRATION AND VEHICLE  
EMISSION INSPECTION PROGRAMS.

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

Section 1. Section 66-2-14.1 NMSA 1978 (being Laws  
1985, Chapter 95, Section 2, as amended) is amended to read:

"66-2-14.1. FEE AGENT DESIGNATION--TERMINATION.--

A. Any class A county or municipality within a  
class A county which has adopted an ordinance for a vehicle  
emission inspection and maintenance program pursuant to  
Subsection [e] E of Section 74-2-4 NMSA 1978 may be  
designated by the department as an agent for the registration  
and re-registration of motor vehicles whose registered  
owner's address, as shown in the records of the department,  
is within the class A county or municipality within the class

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1 A county.

2 B. When designated as an agent pursuant to this  
3 section, the county or municipality shall provide for  
4 effective enforcement to ensure compliance with the state  
5 motor vehicle registration laws [~~and the vehicle emission~~  
6 ~~inspection and maintenance program. Enforcement shall~~  
7 ~~include but not be limited to denial of motor vehicle~~  
8 ~~registration to any vehicle which fails to pass the vehicle~~  
9 ~~emission inspection~~].

10 C. When designated as an agent pursuant to this  
11 section, the county or municipality shall reimburse the  
12 department for any additional costs incurred by the  
13 department as a result of the designation of the county or  
14 municipality as an agent. Money reimbursed to the department  
15 is appropriated to the department for administration and  
16 enforcement of the Motor Vehicle Code.

17 D. The department may terminate the designation of  
18 any agent for failure of the agent to perform to the  
19 secretary's satisfaction the agent's duties by notifying the  
20 agent of the termination. Agency agreements may provide for  
21 the form of notice and the length of the period, if any,  
22 between the notice and the effective date of the  
23 termination."

24 Section 2. Section 66-3-7 NMSA 1978 (being Laws 1978,  
25 Chapter 35, Section 27, as amended) is amended to read:

"66-3-7. GROUNDS FOR REFUSING REGISTRATION OR  
CERTIFICATE OF TITLE.--The division may refuse registration

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1 or issuance of a certificate of title or any transfer of  
2 registration upon the ground that:

3 A. the application contains any false or  
4 fraudulent statement or that the applicant has failed to  
5 furnish the required information or reasonable additional  
6 information requested by the division or that the applicant  
7 is not entitled to the issuance of a certificate of title or  
8 registration of the vehicle under the Motor Vehicle Code;

9 B. the vehicle is mechanically unfit or unsafe to  
10 be operated or moved upon the highways;

11 C. the division has reasonable ground to believe  
12 that the vehicle is a stolen or embezzled vehicle or that the  
13 granting of registration or the issuance of a certificate of  
14 title would constitute a fraud against the rightful owner or  
15 other person having valid lien upon the vehicle;

16 D. the registration of the vehicle stands  
17 suspended or revoked for any reason as provided in the motor  
18 vehicle laws of this state;

19 E. the required fee has not been paid;

20 F. the motor vehicle excise tax has not been paid;

21 or

22 G. if the vehicle is a mobile home, the property  
23 tax has not been paid

24 ~~[H. the owner's address, as shown in the records~~  
25 ~~of the division, is within a class A county or within any~~  
~~municipality that has a vehicle emission inspection and~~  
~~maintenance program and the applicant has applied at an~~

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1 ~~office outside the designated county or municipality; or~~  
2 ~~I. the owner is required to but has failed to~~  
3 ~~provide proof of compliance with a vehicle emission~~  
4 ~~inspection and maintenance program, if required in the county~~  
5 ~~or municipality in which the owner resides]."~~

6 Section 3. Section 66-3-7.1 NMSA 1978 (being Laws 1988,  
7 Chapter 103, Section 1, as amended) is amended to read:

8 "66-3-7.1. ~~[REGISTRATION IF VEHICLE EMISSION INSPECTION~~  
9 ~~TEST REQUIRED--REQUIRING A CERTIFICATE--REGISTRATION IN CLASS~~  
10 ~~A COUNTIES] MUNICIPAL VEHICLE INSPECTION PROGRAMS.--~~

11 ~~[A. No vehicle required by county or municipal~~  
12 ~~ordinance to pass a vehicle emission inspection test shall be~~  
13 ~~registered with the division until such time as a valid~~  
14 ~~vehicle emission inspection certificate is presented, unless~~  
15 ~~the ordinance of the municipality or county specifically~~  
16 ~~excludes enforcement by the division. The provisions of this~~  
17 ~~section shall apply to a class A county or municipality~~  
18 ~~within a class A county that has a vehicle emission~~  
19 ~~inspection program, and the provisions of this section may~~  
20 ~~apply to a municipality in an adjoining or contiguous county~~  
21 ~~to a class A county that adopts a vehicle emission inspection~~  
22 ~~program.] Any municipality may adopt a voluntary or~~  
23 ~~mandatory vehicle emission inspection program by ordinance.~~  
24 ~~The ordinance may exempt or exclude certain categories or~~  
25 ~~classifications of vehicles and may exempt or exclude a~~  
~~vehicle because of age or type of vehicle.~~

~~[B. It shall be a misdemeanor for any person to~~

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1 ~~register a vehicle in a county or municipality which does not~~  
2 ~~conduct a vehicle emission testing program if the registered~~  
3 ~~owner of that vehicle resides in a county or municipality~~  
4 ~~conducting a vehicle emissions inspection program and the~~  
5 ~~person registering the vehicle does so for the purpose of~~  
6 ~~evading a vehicle emissions inspection program.] "~~

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