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**HOUSE BILL 629**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Leonard Tsoise**

**AN ACT**

**RELATING TO MANUFACTURED HOMES; AMENDING CERTAIN SECTIONS OF  
THE MOTOR VEHICLE CODE PERTAINING TO THE REGISTRATION OF  
MANUFACTURED HOMES.**

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

**Section 1. Section 66-3-1 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 21, as amended) is amended to read:**

**"66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--**

**A. Every motor vehicle, trailer, semitrailer and  
pole trailer when driven or moved upon a highway is subject to  
the registration and certificate of title provisions of the  
Motor Vehicle Code except:**

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

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1 or nonresidents;

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

5 (3) any implement of husbandry that is only  
6 incidentally operated or moved upon a highway;

7 (4) any special mobile equipment;

8 (5) any vehicle that is propelled exclusively  
9 by electric power obtained from overhead trolley wires though  
10 not operated upon rails;

11 (6) freight trailers if they are:

12 (a) properly registered in another  
13 state;

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

16 (c) identified by other registration  
17 documents that are in the possession of the operator and  
18 exhibited at the request of a police officer; and

19 (7) freight trailers or utility trailers  
20 owned and used by:

21 (a) a nonresident solely for the  
22 transportation of farm products purchased by the nonresident  
23 from growers or producers of the farm products and transported  
24 in the trailer out of the state;

25 (b) farmers and ranchers who transport

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1 to market only the produce, animals or fowl produced by them  
2 or who transport back to their farms and ranches supplies for  
3 use thereon; or

4 (c) persons who transport animals to  
5 and from fairs, rodeos or other places, except racetracks,  
6 where the animals are exhibited or otherwise take part in  
7 performances, in trailers drawn by a motor vehicle or truck of  
8 less than ten thousand pounds gross vehicle weight rating  
9 bearing a proper registration plate, but in no case shall the  
10 owner of an unregistered trailer described in this paragraph  
11 perform such uses for hire.

12 B. No certificate of title need be obtained for  
13 any vehicle of a type subject to registration owned by the  
14 government of the United States.

15 C. Every manufactured home shall be subject to the  
16 registration and certificate of title provisions of the Motor  
17 Vehicle Code; ~~[and each manufactured home shall at all times~~  
18 ~~bear a current registration plate]~~ provided that a  
19 manufactured home shall not be issued or required to display  
20 registration plates. "

21 Section 2. Section 66-3-4 NMSA 1978 (being Laws 1978,  
22 Chapter 35, Section 24, as amended) is amended to read:

23 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF  
24 TITLE. --

25 A. Every owner of a vehicle of a type required to

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1 be registered in this state shall make application to the  
2 division for the registration and issuance of a certificate of  
3 title for [~~such~~] the vehicle. Applications shall be upon the  
4 appropriate forms furnished by the division and shall bear the  
5 signature of the owner written with pen and ink. All  
6 applications presented to the division shall contain:

7 (1) the name, bona fide New Mexico residence  
8 address and mail address of the owner or, if the owner is a  
9 firm, association or corporation, [~~then~~] the name, bona fide  
10 New Mexico business address and mail address of the firm,  
11 association or corporation;

12 (2) a description of the vehicle including,  
13 insofar as the hereinafter specified data may exist with  
14 respect to a given vehicle, the make, model, type of body, the  
15 number of cylinders, type of fuel used, the serial number of  
16 the vehicle, the odometer reading, the engine or other  
17 identification number provided by the manufacturer of the  
18 vehicle, whether new or used and, if a vehicle not previously  
19 registered, the date of sale by the manufacturer or dealer to  
20 the person intending to operate [~~such~~] the vehicle. In the  
21 event a vehicle is designed, constructed, converted or rebuilt  
22 for the transportation of property, the application shall  
23 include a statement of its rated capacity as established by  
24 the manufacturer of the chassis or the complete vehicle;

25 (3) a statement of the applicant's title and

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1 of all liens or encumbrances upon ~~[said]~~ the vehicle and the  
2 names and addresses of all persons having any interest therein  
3 and the nature of every such interest and the name and address  
4 of the person to whom the certificate of title shall be  
5 delivered by the division;

6 (4) if the vehicle required to be registered  
7 is a ~~[house trailer, as defined in the Motor Vehicle Code]~~  
8 manufactured home, a certificate from the treasurer or  
9 assessor of the county in which the ~~[house trailer]~~  
10 manufactured home is located showing that either:

11 (a) all property taxes due or to become  
12 due on the ~~[house trailer]~~ manufactured home for the current  
13 tax year or any past tax years have been paid; or

14 (b) no liability for property taxes on  
15 the ~~[house trailer]~~ manufactured home exists for the current  
16 year or any past tax years; and

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

21 B. Except as provided in Subsection C of this  
22 section, any owner of a vehicle subject to registration which  
23 has never been registered in this state and which ~~[vehicle]~~  
24 has been registered in another state shall have such vehicle  
25 examined and inspected for its identification number or engine

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1 number by the division or an officer or designated agent  
2 thereof incident to securing registration, reregistration or a  
3 certificate of title from the division.

4 C. If the vehicle subject to registration is a  
5 manufactured home that has never been registered in this state  
6 but has been registered in another state, the secretary shall,  
7 by rule, establish a procedure to verify the identification  
8 number of the manufactured home.

9 [~~C.~~] D. When such application refers to a vehicle  
10 not previously registered and [~~such~~] the vehicle is purchased  
11 from a dealer licensed in [~~the~~] this state or a dealer  
12 licensed or recognized as such in any other state, territory  
13 or possession of the United States, the application shall be  
14 accompanied by a manufacturer's certificate of origin duly  
15 assigned by [~~said~~] the dealer to the purchaser. In the event  
16 that a vehicle not previously registered is sold by the  
17 manufacturer to a dealer in a state not requiring a  
18 manufacturer's certificate of origin and in the event that the  
19 vehicle is subsequently purchased by a dealer or any person in  
20 this state, the application for title shall be accompanied by  
21 the evidence of title accepted by the state in which the  
22 vehicle was sold by the manufacturer [~~thereof~~] to a dealer in  
23 that state together with evidence of subsequent transfers. "

24 Section 3. Section 66-3-19 NMSA 1978 (being Laws 1978,  
25 Chapter 35, Section 39, as amended by Laws 1995, Chapter 44,

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1 Section 2 and also by Laws 1995, Chapter 135, Section 12) is  
2 amended to read:

3 "66-3-19. RENEWAL OF REGISTRATION--STAGGERED PERIOD FOR  
4 VEHICLES--EXCEPTION FOR MANUFACTURED HOMES AND FREIGHT  
5 TRAILERS--LATE REGISTRATION. --

6 A. The department, in order to operate a more  
7 uniform system of vehicle registration, is authorized for  
8 certain or all vehicles to:

9 (1) prorate registration fees by monthly  
10 increments, but after the initial registration adjustment  
11 period, renewals of registration shall be for a full twelve-  
12 month period;

13 (2) determine the specific registered vehicle  
14 owners and the numbers of these to be assigned to each  
15 registration period in order to maintain the system;

16 (3) notify each registered vehicle owner by  
17 mail at the last known address within an appropriate period  
18 prior to the beginning of the registration period to which the  
19 owner has been assigned. The notice shall include a renewal-  
20 of-registration application form specifying the amount of  
21 registration fees due and the specific dates of the  
22 registration period covered by the renewal application;

23 (4) provide for the retention of registration  
24 plates;

25 (5) provide for the issuance of validating

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1 stickers to be affixed either to retained registration plates  
2 or elsewhere on the vehicles as prescribed by the department  
3 to signify the registration of the vehicles for the current  
4 registration period; and

5 (6) provide for identification purposes  
6 clearly recognizable distinctions between current and expired  
7 registration plates. To this end, the department, by whatever  
8 system or device the secretary may direct and which is  
9 approved by the chief of the New Mexico state police division  
10 of the department of public safety, shall ensure a practicable  
11 display of the proper and current registration of vehicles.

12 B. Certificates of title need not be renewed  
13 annually but shall remain valid until canceled by the  
14 department for cause or upon transfer of any interest shown in  
15 the certificate of title.

16 C. The vehicle registration of vehicles registered  
17 under the provisions of Subsection A of this section expires  
18 on the last day of the twelve-month period for which the  
19 vehicle has been registered. Every vehicle registration other  
20 than vehicles registered in accordance with Subsection A of  
21 this section, manufactured homes and freight trailers expires  
22 December 31. The department may receive applications for  
23 renewal of registration and may issue new registration  
24 evidence and registration plates or validating stickers at any  
25 time prior to expiration of registration.

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1           D. The registration of a manufactured home or  
2 freight trailer need not be renewed annually, and the initial  
3 registration shall be effective and considered a current  
4 registration for the purpose of the Motor Vehicle Code as long  
5 as the ownership of the vehicle is not transferred. The  
6 transfer of title provisions of the Motor Vehicle Code do  
7 apply to manufactured homes and freight trailers, and the  
8 transferee is required to register the vehicle in accordance  
9 with Section 66-3-103 NMSA 1978. The department [~~is~~  
10 ~~authorized and directed to~~] shall issue distinctive  
11 registration plates for [~~manufactured homes and~~] freight  
12 trailers that identify the plates as permanent registration  
13 plates.

14           E. It is unlawful to operate or transport or cause  
15 to be transported upon any highways in this state any vehicle,  
16 except a commercial motor vehicle registered in another state  
17 or a manufactured home, subject to registration under the  
18 provisions of the Motor Vehicle Code without having paid the  
19 registration fee or without having secured and constantly  
20 displayed the registration plate required by the Motor Vehicle  
21 Code. If a vehicle, other than a manufactured home, is  
22 operated or transported after the expiration of the vehicle  
23 registration, the owner of the vehicle is subject to a penalty  
24 of the greater of ten dollars (\$10.00) or, if the vehicle is  
25 operated or transported thirty-one or more days after the

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1 expiration of the registration, an amount equal to seventy-  
2 five percent of the registration fee. Any duly appointed  
3 deputy or agent of the department has the authority to seize  
4 the vehicle and hold it until the fee, penalty and any fine  
5 that may be imposed for violation of law are paid and may sell  
6 the vehicle in the manner provided by law for the distraint  
7 and sale of personal property.

8 F. It is unlawful to operate, transport or cause  
9 to be transported upon any highways in this state or to  
10 maintain in any place in this state a manufactured home  
11 subject to registration under the provisions of the Motor  
12 Vehicle Code without having paid the registration fee [~~or~~  
13 ~~without having secured and constantly displayed the~~  
14 ~~registration plate~~] required by the Motor Vehicle Code.  
15 Violation of this subsection subjects the owner to a penalty  
16 of five dollars (\$5.00), and no other administrative penalty  
17 for failure to register under the Motor Vehicle Code shall be  
18 imposed upon manufactured homes that are subject to the  
19 provisions of Section 66-6-10 NMSA 1978. Any duly appointed  
20 deputy or agent of the department has authority to seize the  
21 manufactured home and hold it until the fee, penalties and any  
22 fine that may be imposed for violation of law are paid and may  
23 sell the manufactured home in the manner provided by law for  
24 the distraint and sale of personal property.

25 G. This section authorizes a staggered system of

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registration of vehicles. "

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