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HOUSE BILL 206

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Henry "Kiki" Saavedra

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE METHOD OF ASSESSMENT
ON VEHICLE REGISTRATIONS FOR THE FEE THAT IS DEPOSITED IN THE
LITTER CONTROL AND BEAUTIFICATION FUND; AMENDING AND ENACTING
CERTAIN SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.

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

Section 1. A new section of the Motor Vehicle Code,
Section 66-6-6.2 NMSA 1978, is enacted to read:

"66-6-6.2. [NEW MATERIAL] REGISTRATION FEE--LITTER
CONTROL AND BEAUTIFICATION FUND.--In addition to all other
fees collected by registration of vehicles pursuant to Section
66-3-1 NMSA 1978 or by registration of vehicles pursuant to
the Motor Transportation Act, there is imposed on each
registration, for each year covered by the registration, a

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1 beautification fee of fifty cents (\$. 50) to be deposited in
2 the litter control and beautification fund. "

3 Section 2. Section 67-16-14 NMSA 1978 (being Laws 1985,
4 Chapter 23, Section 14, as amended) is amended to read:

5 "67-16-14. LITTER CONTROL AND BEAUTIFICATION FUND--
6 CREATED--BEAUTIFICATION [FEES] FEE. -- ~~[In addition to all other~~
7 ~~fees collected by registration of passenger cars, trailers,~~
8 ~~recreational vehicles, commercial buses, taxis and~~
9 ~~motorcycles, as well as any registration of a vehicle pursuant~~
10 ~~to the Motor Transportation Act, there is imposed on each~~
11 ~~vehicle or registration a beautification fee of fifty cents~~
12 ~~(\$. 50) to be deposited in a "litter control and beautification~~
13 ~~fund", hereby created in the state treasury.] The "litter
14 control and beautification fund" is created in the state
15 treasury. The beautification fee of fifty cents (\$. 50) per
16 registration year imposed pursuant to Section 66-6-6.2 NMSA
17 1978, collected from the registration fee of vehicles
18 registered pursuant to Section 66-3-1 NMSA 1978 or the Motor
19 Transportation Act, shall be deposited in the fund. All
20 income earned on the fund shall be credited to the fund. The
21 fund is appropriated to the department for the purpose of
22 carrying out the provisions of the Litter Control and
23 Beautification Act. The money in the fund shall not revert at
24 the end of any fiscal year. "~~

25 Section 3. Section 66-6-22.1 NMSA 1978 (being Laws 1990,
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1 Chapter 120, Section 34, as amended) is amended to read:

2 "66-6-22. 1. MOTOR VEHICLE SUSPENSE FUND CREATED--
3 RECEIPTS--DISBURSEMENTS.--

4 A. There is created in the state treasury a fund
5 to be known as the "motor vehicle suspense fund".

6 B. The fees collected under the provisions of
7 Sections 66-1-1 through 66-6-19 [~~and 67-16-14~~] NMSA 1978 shall
8 be paid to the state treasurer for the credit of the motor
9 vehicle suspense fund not later than the close of the second
10 business day after their receipt.

11 C. Money deposited to the credit of or disbursed
12 from the motor vehicle suspense fund shall be accounted for as
13 provided by law or [~~regulation~~] rule of the secretary of
14 finance and administration. Disbursements from the motor
15 vehicle suspense fund shall be made by the department of
16 finance and administration upon request and certification of
17 their appropriateness by the secretary of finance and
18 administration or the secretary's delegate.

19 D. The balance of the motor vehicle suspense fund
20 is appropriated for the purpose of making refunds,
21 distributions and other disbursements authorized or required
22 by law to be made from the motor vehicle suspense fund,
23 provided that no distribution shall be made to a municipality,
24 county or fee agent operating a motor vehicle field office
25 with respect to money collected and remitted to the department

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1 by that municipality, county or fee agent until the report of
2 the municipality, county or fee agent is audited and accepted
3 by the department. "

4 Section 4. Section 66-6-23 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 358, as amended by Laws 2001, Chapter 20,
6 Section 1 and also by Laws 2001, Chapter 282, Section 2) is
7 amended to read:

8 "66-6-23. DISPOSITION OF FEES. --

9 A. After the necessary disbursements for refunds
10 and other purposes have been made, the money remaining in the
11 motor vehicle suspense fund, except for remittances received
12 within the previous two months that are unidentified as to
13 source or disposition, shall be distributed as follows:

14 (1) to each municipality, county or fee agent
15 operating a motor vehicle field office:

16 (a) an amount equal to six dollars
17 (\$6.00) per driver's license and three dollars (\$3.00) per
18 identification card or motor vehicle or motorboat registration
19 or title transaction performed; and

20 (b) for each such agent determined by
21 the secretary pursuant to Section 66-2-16 NMSA 1978 to have
22 performed ten thousand or more transactions in the preceding
23 fiscal year, other than a class A county with a population
24 exceeding three hundred thousand or any municipality with a
25 population exceeding three hundred thousand that has been

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1 designated as an agent pursuant to Section 66-2-14.1 NMSA
2 1978, an amount equal to one dollar (\$1.00) in addition to the
3 amount distributed pursuant to Subparagraph (a) of this
4 paragraph for each driver's license, identification card,
5 motor vehicle registration, motorboat registration or title
6 transaction performed;

7 (2) to each municipality or county, other
8 than a class A county with a population exceeding three
9 hundred thousand or a municipality with a population exceeding
10 three hundred thousand designated as an agent pursuant to
11 Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
12 office, an amount equal to fifty cents (\$.50) for each
13 administrative service fee remitted by that county or
14 municipality to the department pursuant to the provisions of
15 Subsection A of Section 66-2-16 NMSA 1978;

16 (3) to the state road fund:
17 (a) an amount equal to the fees
18 collected pursuant to Section 66-7-413.4 NMSA 1978;

19 [~~(a)~~] (b) an amount equal to the fee
20 collected pursuant to Section 66-3-417 NMSA 1978;

21 [~~(b)~~] (c) the remainder of each
22 driver's license fee collected by the department employees
23 from an applicant to whom a license is granted after deducting
24 from the driver's license fee the amount of the distribution
25 authorized in Paragraph (1) of this subsection with respect to

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1 that collected driver's license fee; and
2 [~~(e)~~] (d) an amount equal to fifty
3 percent of the fees collected pursuant to Section 66-6-19 NMSA
4 1978;

5 (4) to the local governments road fund, the
6 amount of the fees collected pursuant to Subsection B of
7 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
8 collected pursuant to Subsection A of Section 66-5-408 NMSA
9 1978;

10 (5) to the department:

11 (a) any amounts reimbursed to the
12 department pursuant to Subsection C of Section 66-2-14.1 NMSA
13 1978;

14 (b) an amount equal to two dollars
15 (\$2.00) of each motorcycle registration fee collected pursuant
16 to Section 66-6-1 NMSA 1978;

17 (c) an amount equal to the fees
18 provided for in Subsection D of Section 66-2-7 NMSA 1978,
19 Subsection E of Section 66-2-16 NMSA 1978, Subsections J and K
20 of Section 66-3-6 NMSA 1978 other than the administrative fee,
21 Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of
22 Section 66-5-408 NMSA 1978;

23 (d) the amounts due to the department
24 pursuant to Paragraph (1) of Subsection E of Section 66-3-419
25 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and

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1 Subsection E of Section 66-3-423 NMSA 1978; and

2 (e) an amount equal to the registration
3 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the
4 purposes of enforcing the provisions of the Mandatory
5 Financial Responsibility Act and for creating and maintaining
6 a multilanguage noncommercial driver's license testing
7 program;

8 (6) to each New Mexico institution of higher
9 education, an amount equal to that part of the fees
10 distributed pursuant to Paragraph (2) of Subsection D of
11 Section 66-3-416 NMSA 1978 proportionate to the number of
12 special registration plates issued in the name of the
13 institution to all such special registration plates issued in
14 the name of all institutions;

15 (7) to the armed forces veterans license
16 fund, the amount to be distributed pursuant to Paragraph (2)
17 of Subsection E of Section 66-3-419 NMSA 1978;

18 (8) to the children's trust fund, the amount
19 to be distributed pursuant to Paragraph (2) of Subsection D of
20 Section 66-3-420 NMSA 1978;

21 (9) to the state highway and transportation
22 department, an amount equal to the fees collected pursuant to
23 Section 66-5-35 NMSA 1978;

24 (10) to the state equalization guarantee
25 distribution made annually pursuant to the general

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1 appropriation act, an amount equal to one hundred percent of
2 the driver safety fee collected pursuant to Subsection D of
3 Section 66-5-44 NMSA 1978;

4 (11) to the motorcycle training fund, two
5 dollars (\$2.00) of each motorcycle registration fee collected
6 pursuant to Section 66-6-1 NMSA 1978;

7 (12) to the highway infrastructure fund, all
8 tire recycling fees collected pursuant to the provisions of
9 Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8 NMSA 1978;

10 (13) to each county, an amount equal to fifty
11 percent of the fees collected pursuant to Section 66-6-19 NMSA
12 1978 multiplied by a fraction, the numerator of which is the
13 total mileage of public roads maintained by the county and the
14 denominator of which is the total mileage of public roads
15 maintained by all counties in the state; and

16 (14) to the litter control and beautification
17 fund, an amount equal to the fees collected pursuant to
18 Section ~~[67-16-14]~~ 66-6-6.2 NMSA 1978.

19 B. The balance, exclusive of unidentified
20 remittances, shall be distributed in accordance with
21 Section 66-6-23.1 NMSA 1978.

22 C. If any of the paragraphs, subsections or
23 sections referred to in Subsection A of this section are
24 recompiled or otherwise re-designated without a corresponding
25 change to Subsection A of this section, the reference in

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1 Subsection A of this section shall be construed to be the
2 recompiled or re-designated paragraph, subsection or section. "

3 Section 5. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately.

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