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AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR DOCUMENTS FOR TOTAL
LOSS SETTLEMENTS TO BE SIGNED ELECTRONICALLY AND WITHOUT
NOTARIZATION.

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) 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
United States government or an agency of the United States
government to conduct cross-border operations beyond the
commercial border zone pursuant to the provisions of the
United States-Mexico-Canada Agreement and that identifies
New Mexico as the carrier's base jurisdiction, every owner of
a vehicle of a type required to be registered in this state
shall make application to the division for the registration
and issuance of a certificate of title for the vehicle.

Applications shall be upon the appropriate forms furnished by
the division and shall bear the signature of the owner;
provided that the signature may either be made using an
electronic signature in conformance with the Electronic

1 Authentication of Documents Act and the Uniform Electronic
2 Transactions Act or written with pen and ink. All
3 applications presented to the division shall contain:

4 (1) for a vehicle other than a recreational
5 vehicle, the name, bona fide New Mexico residence address and
6 mail address of the owner or, if the owner is a firm,
7 association or corporation, the name, bona fide New Mexico
8 business address and mail address of the firm, association or
9 corporation and for a recreational vehicle, the name, bona
10 fide residence address and mail address of the owner and
11 proof of delivery in New Mexico;

12 (2) a description of the vehicle including,
13 to the extent that the following specified data may exist
14 with respect to a given vehicle, the make, model, type of
15 body, number of cylinders, type of fuel used, serial number
16 of the vehicle, odometer reading, 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, date of sale by the manufacturer or dealer to the
20 person intending to operate the vehicle. In the event a
21 vehicle is designed, constructed, converted or rebuilt for
22 the transportation of property, the application shall include
23 a statement of its rated capacity as established by the
24 manufacturer of the chassis or the complete vehicle;

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

1 of all liens or encumbrances upon the vehicle and the names
2 and addresses of all persons having an interest in the
3 vehicle, the nature of each 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, a
8 certificate from the treasurer or assessor of the county in
9 which the house trailer is located showing that either:

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

13 (b) no liability for property taxes on
14 the house trailer exists for the current year or any past tax
15 years; and

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

20 B. The owner of a vehicle subject to registration
21 that has never been registered in this state and that has
22 been registered in another state, except manufactured homes,
23 shall have the vehicle examined and inspected for its
24 identification number or engine number by the division or an
25 officer or a designated agent of the division incident to

1 securing registration, reregistration or a certificate of
2 title from the division.

3 C. When an application refers to a vehicle not
4 previously registered and the vehicle is purchased from a
5 dealer licensed in this state or a dealer licensed or
6 recognized as such in any other state, territory or
7 possession of the United States, the application shall be
8 accompanied by a manufacturer's certificate of origin duly
9 assigned by the dealer to the purchaser. In the event that a
10 vehicle not previously registered is sold by the manufacturer
11 to a dealer in a state not requiring a manufacturer's
12 certificate of origin and in the event that the vehicle is
13 subsequently purchased by a dealer or any person in this
14 state, the application for title shall be accompanied by the
15 evidence of title accepted by the state in which the vehicle
16 was sold by the manufacturer to a dealer in that state
17 together with evidence of subsequent transfers.

18 D. Prior to the sale or disposal of a
19 nonrepairable vehicle, the owner, owner's agent or salvage
20 pool shall obtain a properly endorsed nonrepairable vehicle
21 certificate from the department and deliver it to the
22 purchaser within twenty days after payment in full for the
23 nonrepairable vehicle and shall also comply with Section
24 66-3-10.1 NMSA 1978. The department shall accept the
25 endorsed nonrepairable vehicle certificate in lieu of the

1 certificate of ownership or other evidence of ownership when
2 accompanied by an application and other documents and fees as
3 may be required by the department. A vehicle for which a
4 nonrepairable vehicle certificate has been issued shall not
5 be titled or registered for use on the highways of this
6 state.

7 E. If an insurance company makes a total loss
8 settlement on a nonrepairable vehicle and takes possession of
9 that vehicle, either itself or through an agent or salvage
10 pool, the insurance company or an authorized agent of the
11 insurance company shall:

12 (1) stamp the face of the title or
13 manufacturer's certificate of origin with the word
14 "NONREPAIRABLE", in letters no less than one-half inch high,
15 at an angle of approximately forty-five degrees to the text
16 of the title or manufacturer's certificate of origin; and

17 (2) within twenty days after receipt of
18 title by the insurer, free and clear of all liens, submit a
19 copy of the branded title or manufacturer's certificate of
20 title to the department together with documents explaining
21 the reason for branding, and shall forward a properly
22 endorsed certificate of title or manufacturer's certificate
23 of origin or other evidence of ownership acceptable to the
24 department together with the proper fee to the department.

25 The department, upon receipt of the title or manufacturer's

1 certificate of origin or other evidence of ownership, shall
2 issue a nonrepairable vehicle certificate for the vehicle.

3 F. Any documents used for conveyance of ownership
4 of a motor vehicle to an insurance company as a result of a
5 total loss insurance settlement shall not require a notarized
6 signature and may be signed electronically.

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

21 H. If a nonrepairable vehicle is not the subject
22 of an insurance settlement, the owner shall, within twenty
23 days from the date of the loss, forward a properly endorsed
24 certificate of title or manufacturer's certificate of origin
25 or other evidence of ownership acceptable to the department

1 together with the proper fee to the department. The
2 department, upon receipt of the title or manufacturer's
3 certificate of origin or other evidence of ownership, shall
4 issue a nonrepairable vehicle certificate for the vehicle.

5 I. The department shall not issue a new
6 registration card and certificate of ownership pursuant to
7 Subsection A, B or C of this section on a vehicle that has
8 been issued a nonrepairable vehicle certificate pursuant to
9 Subsections E, G and H of this section."

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