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SENATE BILL 422

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

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE MOTOR VEHICLE CODE TO PROVIDE THAT NEW MEXICO RESIDENCY IS NOT A REQUIREMENT FOR CERTAIN PERSONS TO REGISTER VEHICLES OR OBTAIN A LICENSE.

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. --

A. 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 ~~[such]~~ the vehicle. Applications shall be upon the appropriate forms furnished by the division and shall

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1 bear the signature of the owner written with pen and ink.

2 All applications presented to the division shall contain:

3 (1) the name, bona fide [~~New Mexico~~]
4 residence address and mail address of the owner or, if the
5 owner is a firm, association or corporation, [~~then~~] the name,
6 bona fide New Mexico business address and mail address of the
7 firm, association or corporation;

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

22 (3) a statement of the applicant's title and
23 of all liens or encumbrances upon [~~said~~] the vehicle and the
24 names and addresses of all persons having any interest
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1 therein and the nature of every such interest and the name
2 and address of the person to whom the certificate of title
3 shall be delivered by the division;

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

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

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

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

18 B. Any owner of a vehicle subject to registration
19 [~~which~~] that has never been registered in this state and
20 [~~which vehicle~~] that has been registered in another state
21 shall have such vehicle examined and inspected for its
22 identification number or engine number by the division or an
23 officer or designated agent thereof incident to securing
24 registration, reregistration or a certificate of title from
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1 the division.

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

18 Section 2. Section 66-5-9 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 231, as amended) is amended to read:

20 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
21 PROVISIONAL LICENSE OR INSTRUCTION PERMIT. --

22 A. Every application for an instruction permit,
23 provisional license or driver's license shall be made upon a
24 form furnished by the department. Every application shall be
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1 accompanied by the proper fee. For permits, provisional
2 licenses or driver's licenses other than those issued
3 pursuant to the New Mexico Commercial Driver's License Act,
4 submission of a complete application with payment of the fee
5 entitles the applicant to not more than three attempts to
6 pass the examination within a period of six months from the
7 date of application.

8 B. Every application shall contain the full name,
9 social security number, date of birth, sex and [New Mexico]
10 residence address of the applicant and briefly describe the
11 applicant and indicate whether the applicant has previously
12 been licensed as a driver and, if so, when and by what state
13 or country and whether any such license has ever been
14 suspended or revoked or whether an application has ever been
15 refused and, if so, the date of and reason for the
16 suspension, revocation or refusal.

17 C. Every applicant shall indicate whether he has
18 been convicted of driving while under the influence of
19 intoxicating liquor or drugs in this state or in any other
20 jurisdiction. Failure to disclose any such conviction
21 prevents the issuance of a driver's license, provisional
22 license, temporary license or instruction permit for a period
23 of one year if the failure to disclose is discovered by the
24 department prior to issuance. If the nondisclosure is
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1 discovered by the department subsequent to issuance, the
2 department shall revoke the driver's license, provisional
3 license, temporary license or instruction permit for a period
4 of one year. Intentional and willful failure to disclose, as
5 required in this subsection, is a misdemeanor.

6 D. Every applicant less than eighteen years of age
7 who is making an application to be granted his first New
8 Mexico driver's license shall submit evidence that he has:

9 (1) successfully completed a driver
10 education course that included a DWI prevention and education
11 program approved by the bureau or offered by a public school.
12 The bureau may accept verification of driver education course
13 completion from another state if the driver education course
14 substantially meets the requirements of the bureau for a
15 course offered in New Mexico;

16 (2) had a provisional license for the
17 twelve-month period immediately preceding the date of the
18 application for the driver's license;

19 (3) complied with restrictions on that
20 license;

21 (4) not been convicted of a traffic
22 violation committed during the ninety days prior to applying
23 for a driver's license;

24 (5) not been cited for a traffic violation
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1 that is pending at the time of his application; and

2 (6) not been adjudicated for an offense
3 involving the use of alcohol or drugs during that period and
4 that there are no pending adjudications alleging an offense
5 involving the use of alcohol or drugs at the time of his
6 application.

7 E. Every applicant eighteen years of age and over,
8 but less than twenty-five years of age, who is making an
9 application to be granted his first New Mexico driver's
10 license shall submit evidence with his application that he
11 has successfully completed a bureau-approved DWI prevention
12 and education program.

13 F. Every applicant twenty-five years of age and
14 over who has been convicted of driving under the influence of
15 intoxicating liquor or drugs, and who is making an
16 application to be granted his first New Mexico driver's
17 license, shall submit evidence with his application that he
18 has successfully completed a bureau-approved DWI prevention
19 and education program.

20 G. Whenever application is received from a person
21 previously licensed in another jurisdiction, the department
22 may request a copy of the driver's record from the other
23 jurisdiction. When received, the driver's record may become
24 a part of the driver's record in this state with the same
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1 effect as though entered on the driver's record in this state
2 in the original instance.

3 H. Whenever the department receives a request for
4 a driver's record from another licensing jurisdiction, the
5 record shall be forwarded without charge.

6 I. This section does not apply to driver's
7 licenses issued pursuant to the New Mexico Commercial
8 Driver's License Act."

9 Section 3. Section 66-5-15 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 237, as amended) is amended to read:

11 "66-5-15. LICENSES ISSUED TO APPLICANTS. -- The
12 department shall, upon payment of the required fee, issue to
13 every qualified applicant a driver's license as applied for,
14 which license shall bear the full name, date of birth, [New
15 Mexico] residence address and a brief description of the
16 licensee and the signature of the licensee. No license shall
17 be valid unless it bears the signature of the licensee."

18 Section 4. EFFECTIVE DATE. -- The effective date of the
19 provisions of this act is July 1, 2000.