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SENATE BILL 366

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

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO THE DISTRIBUTION OF FEES DEPOSITED IN THE MOTOR
VEHICLE SUSPENSE FUND; INCREASING DISTRIBUTION AMOUNTS;
INCREASING ADMINISTRATIVE SERVICE FEES; MAKING AN
APPROPRIATION.

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

Section 1. Section 66-2-16 NMSA 1978 (being Laws 1978,
Chapter 35, Section 20, as amended) is amended to read:

"66-2-16. ADMINISTRATIVE SERVICE FEES--COLLECTION--
REMITTANCE--PAYMENT--OPTIONAL SERVICE FEES--APPROPRIATION.--

A. The secretary is authorized to establish by
rule [~~or regulation~~] a schedule of administrative service fees
to be collected by the agents or department to defray the
costs of operation of the agents' or department's offices and
of rendering service to the public. Fees shall be [~~fifty~~

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1 ~~cents (\$.50)]~~ one dollar (\$1.00) for each item or transaction
2 or service performed by the agent or department for the
3 secretary and shall be collected in addition to all other fees
4 and taxes imposed.

5 B. All sums collected by an agent or the
6 department as administrative service fees shall be remitted as
7 provided in Section 66-2-15 NMSA 1978.

8 C. Administrative service fees remitted by
9 department employees shall be deposited by the state treasurer
10 into the motor vehicle suspense fund and distributed in
11 accordance with Section 66-6-23 NMSA 1978.

12 D. Notwithstanding the provisions of Subsections A
13 through C of this section, no class A county with a population
14 exceeding three hundred thousand or municipality with a
15 population exceeding three hundred thousand within a class A
16 county designated as an agent pursuant to Section 66-2-14.1
17 NMSA 1978 shall be paid an administrative service fee.

18 E. The secretary is authorized to establish by
19 [~~regulation~~] rule fees to cover the expense of providing
20 additional services for the convenience of the motoring
21 public. Any service established for which a fee is adopted
22 pursuant to this subsection shall be optional, with the fee
23 not being charged to any person not taking advantage of the
24 service. Amounts collected pursuant to this subsection are
25 appropriated to the department for the purpose of defraying

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1 the expense of providing the service.

2 F. The secretary shall review, at the end of each
3 fiscal year, the aggregate total of motor vehicle transactions
4 performed by each municipality, county or fee agent operating
5 a motor vehicle field office, and identify each office
6 exceeding ten thousand aggregate transactions per year. "

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

11 "66-6-23. DISPOSITION OF FEES. --

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

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

19 (a) an amount equal to [~~six dollars~~
20 ~~(\$6.00)] eight dollars (\$8.00) per driver's license and [~~three~~
21 ~~dollars (\$3.00)] five dollars (\$5.00) per identification card
22 or motor vehicle or motorboat registration or title
23 transaction performed; and~~~~

24 (b) for each such agent determined by
25 the secretary pursuant to Section 66-2-16 NMSA 1978 to have

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1 performed ten thousand or more transactions in the preceding
2 fiscal year, other than a class A county with a population
3 exceeding three hundred thousand or any municipality with a
4 population exceeding three hundred thousand that has been
5 designated as an agent pursuant to Section 66-2-14.1 NMSA
6 1978, an amount equal to one dollar (\$1.00) in addition to the
7 amount distributed pursuant to Subparagraph (a) of this
8 paragraph for each driver's license, identification card,
9 motor vehicle registration, motorboat registration or title
10 transaction performed;

11 (2) to each municipality or county, other
12 than a class A county with a population exceeding three
13 hundred thousand or a municipality with a population exceeding
14 three hundred thousand designated as an agent pursuant to
15 Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
16 office, an amount equal to [~~fifty cents (\$.50)~~] one dollar
17 (\$1.00) for each administrative service fee remitted by that
18 county or municipality to the department pursuant to the
19 provisions of Subsection A of Section 66-2-16 NMSA 1978;

20 (3) to the state road fund:

21 (a) an amount equal to the fees
22 collected pursuant to Section 66-7-413.4 NMSA 1978;

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

25 [~~(b)~~] (c) the remainder of each

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1 driver's license fee collected by the department employees
2 from an applicant to whom a license is granted after deducting
3 from the driver's license fee the amount of the distribution
4 authorized in Paragraph (1) of this subsection with respect to
5 that collected driver's license fee; and

6 [~~e~~] (d) an amount equal to fifty
7 percent of the fees collected pursuant to Section 66-6-19 NMSA
8 1978;

9 (4) to the local governments road fund, the
10 amount of the fees collected pursuant to Subsection B of
11 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
12 collected pursuant to Subsection A of Section 66-5-408 NMSA
13 1978;

14 (5) to the department:

15 (a) any amounts reimbursed to the
16 department pursuant to Subsection C of Section 66-2-14.1 NMSA
17 1978;

18 (b) an amount equal to two dollars
19 (\$2.00) of each motorcycle registration fee collected pursuant
20 to Section 66-6-1 NMSA 1978;

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

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1 Section 66-5-408 NMSA 1978;

2 (d) the amounts due to the department
3 pursuant to Paragraph (1) of Subsection E of Section 66-3-419
4 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and
5 Subsection E of Section 66-3-423 NMSA 1978; and

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

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

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

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

25 (9) to the state highway and transportation

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1 department, an amount equal to the fees collected pursuant to
2 Section 66-5-35 NMSA 1978;

3 (10) to the state equalization guarantee
4 distribution made annually pursuant to the general
5 appropriation act, an amount equal to one hundred percent of
6 the driver safety fee collected pursuant to Subsection D of
7 Section 66-5-44 NMSA 1978;

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

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

14 (13) to each county, an amount equal to fifty
15 percent of the fees collected pursuant to Section
16 66-6-19 NMSA 1978 multiplied by a fraction, the numerator of
17 which is the total mileage of public roads maintained by the
18 county and the denominator of which is the total mileage of
19 public roads maintained by all counties in the state; and

20 (14) to the litter control and beautification
21 fund, an amount equal to the fees collected pursuant to
22 Section 67-16-14 NMSA 1978.

23 B. The balance, exclusive of unidentified
24 remittances, shall be distributed in accordance with
25 Section 66-6-23.1 NMSA 1978.

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1 C. If any of the paragraphs, subsections or
2 sections referred to in Subsection A of this section are
3 recompiled or otherwise re-designated without a corresponding
4 change to Subsection A of this section, the reference in
5 Subsection A of this section shall be construed to be the
6 recompiled or re-designated paragraph, subsection or section."

7 Section 3. EFFECTIVE DATE. -- The effective date of the
8 provisions of this act is July 1, 2002.

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