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**HOUSE BILL 175**

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

**INTRODUCED BY**

**Thomas C. Taylor**

**FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE**

**AN ACT**

**RELATING TO MOTOR VEHICLES; MAKING TECHNICAL ADJUSTMENTS TO THE  
WEIGHT DISTANCE TAX; CHANGING AND CREATING DEFINITIONS IN THE  
MOTOR VEHICLE CODE AND IN THE NEW MEXICO COMMERCIAL DRIVER'S  
LICENSE ACT; CHANGING VEHICLE REGISTRATION REQUIREMENTS;  
PROVIDING CERTAIN POWERS TO THE MOTOR VEHICLE DIVISION;  
DEFINING GROUNDS FOR WHICH THE MOTOR VEHICLE DIVISION MAY  
REFUSE, SUSPEND OR REVOKE VEHICLE REGISTRATION OR CERTIFICATE  
OF TITLE; PROVIDING FOR VEHICLE REGISTRATION REFUNDS; CHANGING  
DRIVER'S LICENSE ISSUANCE, CONTENT AND CHANGE OF ADDRESS OR  
NAME REQUIREMENTS; CHANGING COMMERCIAL DRIVER'S LICENSE  
CONTENT, APPLICATION, ISSUANCE AND DISQUALIFICATION  
REQUIREMENTS; PROVIDING CONVICTION INFORMATION DISCLOSURE  
REQUIREMENTS; PROVIDING FOR PRORATION OF DRIVER'S LICENSE AND  
COMMERCIAL DRIVER'S LICENSE FEES IN CERTAIN CIRCUMSTANCES;  
PROVIDING FOR DONOR STATUS ON IDENTIFICATION CARDS; INCREASING**

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1 HEALTH STANDARDS ADVISORY BOARD MEMBERSHIP AND CHANGING PER  
2 DIEM REQUIREMENTS FOR BOARD MEMBERS; CREATING A FUND; IMPOSING  
3 FEES; CHANGING DISTRIBUTIONS; PROVIDING A PENALTY; AMENDING,  
4 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN  
5 APPROPRIATION; DECLARING AN EMERGENCY.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 7-15A-6 NMSA 1978 (being Laws 1988,  
9 Chapter 73, Section 33, as amended) is amended to read:

10 "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--  
11 REDUCTION OF RATE FOR ONE-WAY HAULS. --

12 A. For on-highway operations of motor vehicles  
13 other than buses, the weight distance tax shall be computed in  
14 accordance with the following schedule:

15 Declared Gross Weight	Tax Rate
16 (Gross Vehicle Weight)	(Mills per Mile)
17 [ <del>26,000</del> ] <u>26,001</u> to 28,000	11.01
18 28,001 to 30,000	11.88
19 30,001 to 32,000	12.77
20 32,001 to 34,000	13.64
21 34,001 to 36,000	14.52
22 36,001 to 38,000	15.39
23 38,001 to 40,000	16.73
24 40,001 to 42,000	18.05
25 42,001 to 44,000	19.36

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1	44,001 to 46,000	20.69
2	46,001 to 48,000	[ <del>20.01</del> ] <u>22.01</u>
3	48,001 to 50,000	23.33
4	50,001 to 52,000	24.65
5	52,001 to 54,000	25.96
6	54,001 to 56,000	27.29
7	56,001 to 58,000	28.62
8	58,001 to 60,000	29.93
9	60,001 to 62,000	31.24
10	62,001 to 64,000	32.58
11	64,001 to 66,000	33.90
12	66,001 to 68,000	35.21
13	68,001 to 70,000	36.52
14	70,001 to 72,000	37.86
15	72,001 to 74,000	39.26
16	74,001 to 76,000	40.71
17	76,001 to 78,000	42.21
18	78,001 and over	43.78.

19           B. All motor vehicles for which the tax is computed  
20 under Subsection A of this section shall pay a tax that is two-  
21 thirds of the tax computed under Subsection A of this section  
22 if:

23                   (1) the motor vehicle is customarily used for  
24 one-way haul;

25                   (2) forty-five percent or more of the mileage

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1 traveled by the motor vehicle for a registration year is  
2 mileage that is traveled empty of all load; and

3 (3) the registrant, owner or operator of the  
4 vehicle attempting to qualify under this subsection has made a  
5 sworn application to the department to be classified under this  
6 subsection for a registration year and has given whatever  
7 information is required by the department to determine the  
8 eligibility of the vehicle to be classified under this  
9 subsection and the vehicle has been so classified. "

10 Section 2. Section 7-15A-7 NMSA 1978 (being Laws 1988,  
11 Chapter 73, Section 34, as amended) is amended to read:

12 "7-15A-7. TAX RATE FOR BUSES. --For all buses, the weight  
13 distance tax shall be computed in accordance with the following  
14 schedule:

15 Declared Gross Weight	Tax Rate
16 (Gross Vehicle Weight)	(Mills per Mile)
17 [ <del>26,000</del> ] <u>26,001</u> to 28,000	11.01
18 28,001 to 30,000	11.88
19 30,001 to 32,000	12.77
20 32,001 to 34,000	13.64
21 34,001 to 36,000	14.52
22 36,001 to 38,000	15.39
23 38,001 to 40,000	16.73
24 40,001 to 42,000	18.05
25 42,001 to 44,000	19.36

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1	44,001 to 46,000	20.69
2	46,001 to 48,000	22.01
3	48,001 to 50,000	23.33
4	50,001 to 52,000	24.65
5	52,001 to 54,000	25.96
6	54,001 and over	27.29. "

7 Section 3. A new section of the Motor Vehicle Code is  
8 enacted to read:

9 "[NEW MATERIAL] LICENSE ENDORSEMENTS--FEES.-- A person who  
10 obtains an endorsement for a commercial driver's license shall  
11 pay to the department a fee not to exceed ten dollars (\$10.00)  
12 for each endorsement. The department shall deposit to the  
13 license endorsement fund all proceeds from the fees collected  
14 by the department pursuant to this section. "

15 Section 4. A new section of the Motor Vehicle Code is  
16 enacted to read:

17 "[NEW MATERIAL] LICENSE ENDORSEMENT FUND.-- The "license  
18 endorsement fund" is created in the state treasury. The  
19 purpose of the fund is to provide an account from which the  
20 department may pay the costs of issuing endorsements for  
21 commercial driver's licenses and noncommercial driver's  
22 licenses. The fund shall consist of fees collected for  
23 endorsements for commercial driver's licenses and noncommercial  
24 driver's licenses. Money in the fund is appropriated to the  
25 department to pay for the costs of issuing endorsements for

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1 commercial driver's licenses and noncommercial driver's  
2 licenses. Disbursements from the fund shall be by warrant of  
3 the secretary of finance and administration upon vouchers  
4 signed by the secretary of taxation and revenue or the  
5 secretary's authorized representative. Money in the fund shall  
6 not revert to the general fund at the end of a fiscal year. "

7 Section 5. Section 66-1-4.16 NMSA 1978 (being Laws 1990,  
8 Chapter 120, Section 17, as amended by Laws 2003, Chapter 142,  
9 Section 7 and by Laws 2003, Chapter 164, Section 2) is amended  
10 to read:

11 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle  
12 Code:

13 A. "safety glazing materials" means glazing materials  
14 [so] constructed, treated or combined with other materials [as]  
15 to reduce substantially, in comparison with ordinary sheet  
16 glass or plate glass, the likelihood of injury to persons by  
17 objects from exterior sources or by these safety glazing  
18 materials when they are cracked and broken;

19 B. "safety zone" means the area or space that is  
20 officially set apart within a highway for the exclusive use of  
21 pedestrians and [which] that is protected or is so marked or  
22 indicated by adequate signs as to be plainly visible at all  
23 times while set apart as a safety zone;

24 C. "school bus" means [~~any motor vehicle operating~~  
25 ~~under the authority of the state board of education or private~~

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1 ~~school or parochial school interests that is used to transport~~  
2 ~~children, students or teachers to and from schools or to and~~  
3 ~~from any school activity]~~ a commercial motor vehicle used to  
4 transport preprimary, primary or secondary school students from  
5 home to school, from school to home or to and from school-  
6 sponsored events, but not including [any] a vehicle:

7 (1) operated by a common carrier, subject to and  
8 meeting all requirements of the public regulation commission  
9 but not used exclusively for the transportation of pupils;

10 (2) operated solely by a government-owned  
11 transit authority, if the transit authority meets all safety  
12 requirements of the public regulation commission but is not  
13 used exclusively for the transportation of pupils; or

14 (3) operated as a per capita feeder as defined  
15 in Section 22-16-6 NMSA 1978;

16 D. "seal" means the official seal of the taxation and  
17 revenue department as designated by the secretary;

18 E. "secretary" means the secretary of taxation and  
19 revenue, and, except for the purposes of Sections 66-2-3  
20 and 66-2-12 NMSA 1978, also includes the deputy secretary and  
21 any division director delegated by the secretary;

22 F. "semitrailer" means [any] a vehicle without motive  
23 power, other than a pole trailer, designed for carrying persons  
24 or property and for being drawn by a motor vehicle and so  
25 constructed that some significant part of its weight and that

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1 of its load rests upon or is carried by another vehicle;

2 G. "sidewalk" means [~~that~~] a portion of street  
3 between the curb lines, or the lateral lines of a roadway, and  
4 the adjacent property lines, intended for the use of  
5 pedestrians;

6 H. "slow-moving vehicle" means [~~any~~] a vehicle that  
7 is ordinarily moved, operated or driven at a speed less than  
8 twenty-five miles per hour;

9 I. "solid tire" means every tire of rubber or other  
10 resilient material that does not depend upon compressed air for  
11 the support of the load;

12 J. "special mobile equipment" means [~~every~~] a vehicle  
13 not designed or used primarily for the transportation of  
14 persons or property and incidentally operated or moved over the  
15 highways, including but not limited to farm tractors, road  
16 construction or maintenance machinery, ditch-digging apparatus,  
17 well-boring apparatus and concrete mixers;

18 K. "specially constructed vehicle" means [~~every~~] a  
19 vehicle of a type required to be registered under the Motor  
20 Vehicle Code not originally constructed under a distinctive  
21 name, make, model or type by a generally recognized  
22 manufacturer of vehicles and not materially altered from its  
23 original construction;

24 L. "state" means [~~any~~] a state, territory or  
25 possession of the United States, the District of Columbia or

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1 [any] a province of the Dominion of Canada;

2 M "state highway" means [any] a public highway that  
3 has been designated as a state highway by the legislature, the  
4 state transportation commission or the secretary of [highway  
5 and] transportation;

6 N. "stop", when required, means complete cessation  
7 from movement;

8 O. "stop, stopping or standing", when prohibited,  
9 means any stopping or standing of a vehicle, whether occupied  
10 or not, except when necessary to avoid conflict with other  
11 traffic or in compliance with the directions of a police  
12 officer or traffic-control sign or signal;

13 P. "street" or "highway" means [every] a way or place  
14 generally open to the use of the public as a matter of right  
15 for the purpose of vehicular travel, even though it may be  
16 temporarily closed or restricted for the purpose of  
17 construction, maintenance, repair or reconstruction;

18 Q. "subsequent offender" means a person who was  
19 previously a first offender and who again, under state law,  
20 federal law or a municipal ordinance or a tribal law, has been  
21 adjudicated guilty of the charge of driving a motor vehicle  
22 while under the influence of intoxicating liquor or any drug  
23 [which] that rendered him incapable of safely driving a motor  
24 vehicle, regardless of whether the person's sentence was  
25 suspended or deferred; and

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1 R. "suspension" means that a person's driver's  
2 license and privilege to drive a motor vehicle on the public  
3 highways are temporarily withdrawn."

4 Section 6. Section 66-2-9 NMSA 1978 (being Laws 1978,  
5 Chapter 35, Section 13, as amended) is amended to read:

6 "66-2-9. SEIZURE OF DOCUMENTS AND PLATES. --

7 A. The division [~~is authorized to~~] may take  
8 possession of any documents issued by it, including but not  
9 limited to any certificate of title, evidence of registration,  
10 permit, license or registration plate, upon expiration,  
11 revocation, cancellation or suspension thereof or [~~which~~] that  
12 is fictitious or [~~which~~] that has been unlawfully or  
13 erroneously issued.

14 B. If the division determines that any documents  
15 [~~purporting~~] purporting to be of a type described in Subsection  
16 A of this section are fictitious, the division shall turn them  
17 over to the proper law enforcement agency for use in  
18 prosecution.

19 C. The division may retrieve a registration plate  
20 from a motor carrier that is prohibited from operating a motor  
21 vehicle by order of a state or federal agency."

22 Section 7. Section 66-3-7 NMSA 1978 (being Laws 1978,  
23 Chapter 35, Section 27, as amended) is amended to read:

24 "66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING  
25 REGISTRATION OR CERTIFICATE OF TITLE. --The division may refuse,

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1 suspend or revoke registration or issuance of a certificate of  
2 title or [~~any~~] a transfer of registration upon the ground that:

3 A. the application contains [~~any~~] a false or  
4 fraudulent statement or that the applicant [~~has~~] failed to  
5 furnish the required information or reasonable additional  
6 information requested by the division or that the applicant is  
7 not entitled to the issuance of a certificate of title or  
8 registration of the vehicle under the Motor Vehicle Code;

9 B. the vehicle is mechanically unfit or unsafe to be  
10 operated or moved upon the highways;

11 C. a commercial motor vehicle is operated by a  
12 commercial motor carrier that is prohibited from operating the  
13 vehicle by order of a state or federal agency;

14 [~~C.-~~] D. the division has a reasonable ground to  
15 believe that the vehicle is a stolen or embezzled vehicle or  
16 [~~that~~] the granting of registration or the issuance of a  
17 certificate of title would constitute a fraud against the  
18 rightful owner or other person having valid lien upon the  
19 vehicle;

20 [~~D.-~~] E. the registration of the vehicle stands  
21 suspended or revoked for any reason as provided in the motor  
22 vehicle laws of this state;

23 [~~E.-~~] F. the required fee has not been paid;

24 [~~F.-~~] G. the motor vehicle excise tax has not been  
25 paid;

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1                    H. the weight distance tax has not been paid;

2                    I. international fuel tax agreement taxes have not  
3 been paid;

4                    [~~G.~~] J. if the vehicle is a mobile home, the property  
5 tax has not been paid;

6                    [~~H.~~] K. the owner's address, as shown in the records  
7 of the division, is within a class A county or within [~~any~~] a  
8 municipality that has a vehicle emission inspection and  
9 maintenance program and the applicant has applied at an office  
10 outside the designated county or municipality; or

11                    [~~I.~~] L. the owner is required to but has failed to  
12 provide proof of compliance with a vehicle emission inspection  
13 and maintenance program, if required in the county or  
14 municipality in which the owner resides. "

15                    Section 8. Section 66-3-8 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 28, as amended) is amended to read:

17                    "66-3-8. EXAMINATION OF REGISTRATION RECORDS AND INDEX OF  
18 STOLEN AND RECOVERED VEHICLES. --The department, upon receiving  
19 application for original registration of a vehicle or [~~any~~] a  
20 certificate of title, except a title issued on a manufactured  
21 home, shall first check the engine or other standard  
22 identification number provided by the manufacturer of the  
23 vehicle shown in the application against its own records, the  
24 records of the national crime information center and other  
25 records as appropriate. "

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1           Section 9. Section 66-3-20.1 NMSA 1978 (being Laws 1988,  
2 Chapter 94, Section 1, as amended) is amended to read:

3           "66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS  
4 FOR CERTAIN MOTOR VEHICLES-- CREDIT FOR UNEXPIRED PORTION OF  
5 FEE. --

6           A. Registrations of vehicles, motorcycles or trucks  
7 with a declared gross weight of twenty-six thousand pounds or  
8 less may be for a period of up to two years; provided, the  
9 extended registration period shall begin on the first day of  
10 any month and expire on the last day of any month.

11           B. The fee for an extended registration period shall  
12 be the fee for a registration for one year divided by four and  
13 multiplied by the number of calendar quarters in the  
14 registration period with any fraction of a quarter year to be  
15 considered a full quarter.

16           C. ~~[If a registration expires by operation of law~~  
17 ~~prior to the end of the extended registration period, no~~  
18 ~~portion of the registration fee shall be refunded.] A refund~~  
19 ~~shall not be permitted for the first year of registration. A~~  
20 ~~refund shall be permitted during the second year of~~  
21 ~~registration for a quarter during which a person applying for~~  
22 ~~the refund did not own the vehicle for which the refund is~~  
23 ~~requested.~~

24           D. If the owner of a vehicle that is registered for  
25 an extended registration period sells, transfers or assigns

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1 title or interest to the vehicle and applies to have the  
2 registration number assigned to another vehicle, upon  
3 assignment, a credit amount representing the unexpired portion  
4 of the registration fee plus an administrative fee to be  
5 determined by the department shall be applied, on a pro rata  
6 basis, to the registration fee for the vehicle to which the  
7 registration number is assigned. "

8 Section 10. Section 66-3-23 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 43) is amended to read:

10 "66-3-23. NOTICE OF CHANGE OF ADDRESS OR NAME. --

11 A. Whenever any person after making application for  
12 or obtaining the registration of a vehicle or a certificate of  
13 title [~~shall move~~] moves from the address named in the  
14 application or shown upon a registration card or certificate of  
15 title, he shall, within ten days thereafter, excluding  
16 Saturdays, Sundays and legal holidays, notify the division in  
17 writing of his old and new addresses or by electronic media  
18 pursuant to department regulations.

19 B. Whenever the name of any person who has made  
20 application for or obtained the registration of a vehicle or a  
21 certificate of title is [~~thereafter~~] changed by marriage or  
22 otherwise, [~~he~~] the person shall, within ten days, excluding  
23 Saturdays, Sundays and legal holidays, make application for a  
24 new certificate of title and registration to the division. The  
25 division may require such evidence as it deems satisfactory

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1 regarding the change of name. "

2 Section 11. Section 66-5-6 NMSA 1978 (being Laws 1978,  
3 Chapter 35, Section 228, as amended by Laws 1995, Chapter 135,  
4 Section 16 and also by Laws 1995, Chapter 136, Section 1) is  
5 amended to read:

6 "66-5-6. HEALTH STANDARDS ADVISORY BOARD. --

7 A. There shall be a "health standards advisory board"  
8 consisting of [~~three~~] five members of the healing arts  
9 professions appointed by the [~~director~~] secretary with the  
10 assistance of the secretary of health.

11 B. The health standards advisory board shall advise  
12 the [~~director~~] secretary on physical and mental criteria and  
13 vision standards relating to the licensing of drivers under the  
14 provisions of [~~this chapter~~] the Motor Vehicle Code.

15 C. The [~~division~~] department, having cause to believe  
16 that a licensed driver or applicant may not be physically,  
17 visually or mentally qualified to be licensed, may obtain the  
18 advice of the health standards advisory board. The board may  
19 formulate its advice from records and reports or may cause an  
20 examination and report to be made by one or more members of the  
21 board or any other qualified person it may designate. The  
22 licensed driver or applicant may cause a written report to be  
23 forwarded to the board by a healing arts practitioner of his  
24 choice, and it shall be given due consideration by the board  
25 only after the licensed driver or applicant has again undergone

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1 an on-the-road examination and any physical, visual or mental  
2 tests as recommended by the board. These examinations and  
3 tests may not be waived by the ~~[division]~~ department.

4 D. Members of the health standards advisory board and  
5 other persons making examinations shall not be held liable for  
6 their opinions and recommendations presented pursuant to  
7 ~~[Subsection C of]~~ this section.

8 E. The ~~[director]~~ secretary shall pay members of the  
9 health standards advisory board per diem and mileage as  
10 provided in the Per Diem and Mileage Act and, in addition, may  
11 determine and pay an hourly rate for work performed not to  
12 exceed fifty dollars (\$50.00) per hour and not to exceed ~~[five]~~  
13 twenty hours per month.

14 F. Reports received or made by the health standards  
15 advisory board or its members for the purpose of assisting the  
16 ~~[division]~~ department in determining whether a person is  
17 qualified to be licensed are for the confidential use of the  
18 board or the ~~[division]~~ department and may not be divulged to  
19 any person or used as evidence in any trial."

20 Section 12. Section 66-5-15 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 237, as amended) is amended to read:

22 "66-5-15. LICENSES ISSUED TO APPLICANTS. --The department  
23 shall, upon payment of the required fee, issue to every  
24 qualified applicant a driver's license as applied for ~~[which]~~.  
25 The license shall bear the full name, date of birth, current



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1 New Mexico [~~residence~~] physical or mailing address, a full face  
2 or front-view photograph of the license holder and a brief  
3 description of the licensee and the signature of the licensee.  
4 [~~No~~] A license shall not be valid unless it bears the signature  
5 of the licensee. "

6 Section 13. Section 66-5-18 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 240) is amended to read:

8 "66-5-18. ALTERED, FORGED OR FICTITIOUS LICENSE--  
9 PENALTY. --

10 A. [~~Any~~] A person who uses or possesses an altered,  
11 forged or fictitious driver's license, [~~or~~] permit or  
12 identification card is guilty of a misdemeanor.

13 B. [~~Any~~] A person who alters or forges a driver's  
14 license [~~or~~], permit or identification card or who makes a  
15 fictitious driver's license [~~or~~], permit or identification card  
16 is guilty of a fourth degree felony.

17 C. A person who possesses or uses a fraudulent,  
18 counterfeit or forged document to apply for or renew a driver's  
19 license, permit or identification card is guilty of a fourth  
20 degree felony. "

21 Section 14. Section 66-5-21 NMSA 1978 (being Laws 1978,  
22 Chapter 35, Section 243, as amended) is amended to read:

23 "66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE  
24 PERIOD--EIGHT-YEAR ISSUANCE PERIOD. --

25 A. Except as provided in Subsection B of this

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1 section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA  
2 1978, all driver's licenses shall be issued for a period of  
3 four years, and each license shall expire thirty days after the  
4 applicant's birthday in the fourth year after the effective  
5 date of the license. A license issued pursuant to Section  
6 66-5-19 NMSA 1978 shall expire thirty days after the  
7 applicant's birthday in the year in which the license expires.  
8 Each license is renewable within ninety days prior to its  
9 expiration or at an earlier date approved by the department.  
10 The fee for the license shall be as provided in Section 66-5-44  
11 NMSA 1978. The department may provide for renewal by mail of a  
12 driver's license issued pursuant to the provisions of this  
13 subsection, pursuant to ~~rules~~ regulations adopted by the  
14 department and may require an examination upon renewal of the  
15 driver's license.

16 B. At the option of an applicant, a driver's license  
17 may be issued for a period of eight years, provided that the  
18 applicant:

- 19 (1) pays the amount required for a driver's  
20 license issued for a term of eight years;  
21 (2) otherwise qualifies for a four-year driver's  
22 license; and  
23 (3) will not reach the age of seventy-five  
24 during the last four years of the eight-year license period.

25 C. A driver's license issued pursuant to the

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1 provisions of Subsection B of this section shall expire thirty  
2 days after the applicant's birthday in the eighth year after  
3 the effective date of the license.

4 D. The director may adopt regulations providing for  
5 the proration of driver's license fees and commercial driver's  
6 license fees due to shortened licensure periods permitted  
7 pursuant to Subsection A of Section 66-5-19 NMSA 1978."

8 Section 15. Section 66-5-22 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 244) is amended to read:

10 "66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME. -- Whenever  
11 [~~any~~] a person, after applying for or receiving a driver's  
12 license, [~~shall move~~] moves from the address named in [~~such~~]  
13 the application or in the issued license [~~issued to him~~] or  
14 when the name of a licensee is changed by marriage or  
15 otherwise, [~~such~~] the person shall, within ten days  
16 [~~thereafter~~], notify the division [~~in writing of his~~] of the  
17 new address in writing or by electronic media pursuant to  
18 department regulations. In the event of a change of name, the  
19 license ~~must~~ be delivered by the licensee to the division and  
20 the change of name be accomplished on the license itself. The  
21 division may require such evidence as it deems satisfactory  
22 regarding the change of name."

23 Section 16. Section 66-5-54 NMSA 1978 (being Laws 1989,  
24 Chapter 14, Section 3, as amended) is amended to read:

25 "66-5-54. DEFINITIONS. -- As used in the New Mexico

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1 Commercial Driver's License Act:

2 A. "commerce" means:

3 (1) trade, traffic or transportation within the  
4 jurisdiction of the United States between a place in New Mexico  
5 and a place outside of New Mexico, including a place outside of  
6 the United States; and

7 (2) trade, traffic or transportation in the  
8 United States that affects any trade, traffic or transportation  
9 described in Paragraph (1) of this subsection;

10 B. "commercial motor vehicle" means a motor vehicle  
11 or combination of motor vehicles used in commerce to transport  
12 passengers or property if the motor vehicle:

13 (1) has a gross combination weight rating of  
14 more than twenty-six thousand pounds inclusive of a towed unit  
15 with a gross vehicle weight rating of more than ten thousand  
16 pounds;

17 (2) has a gross vehicle weight rating of more  
18 than twenty-six thousand pounds;

19 (3) is designed to transport sixteen or more  
20 passengers, including the driver; or

21 (4) is of any size and is used in the  
22 transportation of hazardous materials, which requires the motor  
23 vehicle to be placarded under applicable law;

24 C. "disqualification" means:

25 (1) a suspension, revocation or cancellation of

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1 a commercial driver's license by the state or jurisdiction that  
2 issued the commercial driver's license;

3 (2) a withdrawal of a person's privileges to  
4 drive a commercial motor vehicle by a state or other  
5 jurisdiction as the result of a violation of state or local law  
6 relating to motor vehicle control other than a parking, vehicle  
7 weight or vehicle defect violation; and

8 (3) a determination by the federal motor carrier  
9 safety administration that a person is not qualified to operate  
10 a motor vehicle;

11 D. "driving a commercial motor vehicle while under  
12 the influence of alcohol" means:

13 (1) driving a commercial motor vehicle while the  
14 driver has an alcohol concentration in the driver's blood or  
15 breath of four one hundredths or more;

16 (2) driving a commercial motor vehicle while the  
17 driver is under the influence of intoxicating liquor; or

18 (3) refusal to submit to chemical tests  
19 administered pursuant to Section 66-8-107 NMSA 1978;

20 ~~[E.]~~ E. "employee" means an operator of a commercial  
21 motor vehicle, including full-time, regularly employed drivers;  
22 casual, intermittent or occasional drivers; leased drivers; and  
23 independent owner-operator contractors, while in the course of  
24 operating a commercial motor vehicle, who is either directly  
25 employed by or under lease to an employer;

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1           ~~[D.]~~ F. "employer" means a person, including the  
2 United States, a state and a political subdivision of a state  
3 or their agencies or instrumentalities, who owns or leases a  
4 commercial motor vehicle or assigns employees to operate such a  
5 vehicle;

6           G. "fatality" means the death of a person as a result  
7 of a motor vehicle accident;

8           ~~[E.]~~ H. "gross combination weight rating" means the  
9 value specified by the manufacturer as the loaded weight of a  
10 combination vehicle. In the absence of a value specified by  
11 the manufacturer, gross combination weight rating shall be  
12 determined by adding the gross vehicle weight rating of the  
13 power unit and the total weight of the towed unit or units and  
14 any load thereon;

15           ~~[F.]~~ I. "gross vehicle weight rating" means the value  
16 specified by the manufacturer as the loaded weight of a single  
17 vehicle;

18           J. "imminent hazard" means a condition that presents  
19 a substantial likelihood that death, serious illness, severe  
20 personal injury or a substantial endangerment to health,  
21 property or the environment will occur before the reasonable  
22 foreseeable completion date of a formal proceeding to lessen  
23 the risk of that death, illness, injury or endangerment;

24           K. "noncommercial motor vehicle" means a motor  
25 vehicle or combination of motor vehicles that is not a

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1 commercial motor vehicle;

2 L. "nonresident commercial driver's license" means a  
3 commercial driver's license issued by another state to a person  
4 domiciled in that state or by a foreign country to a person  
5 domiciled in that country;

6 [~~G.~~] M. "out-of-service order" means a declaration by  
7 an authorized enforcement officer of a federal, state,  
8 Canadian, Mexican or local jurisdiction that a driver, a  
9 commercial motor vehicle or a motor carrier operation is  
10 temporarily prohibited from operating;

11 [~~H.~~] N. "railroad-highway grade crossing violation"  
12 means a violation of a provision of Section 66-7-341 or  
13 66-7-343 NMSA 1978 or a violation of federal or local law or  
14 rule pertaining to stopping at or crossing a railroad-highway  
15 grade crossing; and

16 [~~I.~~] O. "serious traffic violation" means conviction  
17 of any of the following if committed when operating a  
18 commercial motor vehicle:

19 (1) speed of fifteen miles or more per hour  
20 above the posted limits;

21 (2) reckless driving as defined by Section  
22 66-8-113 NMSA 1978 or a municipal ordinance or the law of  
23 another state;

24 (3) homicide by vehicle, as defined in Section  
25 66-8-101 NMSA 1978;

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1 (4) injury to pregnant woman by vehicle as  
2 defined in Section 66-8-101.1 NMSA 1978 or a municipal  
3 ordinance or the law of another state; ~~[or]~~

4 (5) any other violation of law relating to motor  
5 vehicle traffic control, other than a parking violation, that  
6 the secretary determines by regulation to be a serious traffic  
7 violation. "Serious traffic violation" does not include a  
8 vehicle weight or vehicle defect violation;

9 (6) improper or erratic lane changes in  
10 violation of Section 66-7-317 NMSA 1978;

11 (7) following another vehicle too closely in  
12 violation of Section 66-7-318 NMSA 1978;

13 (8) directly or indirectly causing death or  
14 great bodily injury to a human being in the unlawful operation  
15 of a motor vehicle in violation of Section 66-8-101 NMSA 1978;

16 (9) driving a commercial motor vehicle without  
17 possession of a commercial driver's license in violation of  
18 Section 66-5-59 NMSA 1978; or

19 (10) driving a commercial motor vehicle without  
20 the proper class of commercial driver's license and  
21 endorsements pursuant to Section 66-5-65 NMSA 1978 and the  
22 Motor Carrier Safety Act for the specific vehicle group  
23 operated or for the passengers or type of cargo transported."

24 Section 17. Section 66-5-64 NMSA 1978 (being Laws 1989,  
25 Chapter 14, Section 13, as amended) is amended to read:

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1 "66-5-64. COMMERCIAL DRIVER'S LICENSE--CONTENT. --The  
2 commercial driver's license shall be marked "commercial  
3 driver's license" or "CDL". It shall include, but not be  
4 limited to, the following information:

5 A. the ~~[name and residential address of the person]~~  
6 person's name and current New Mexico physical or mailing  
7 address;

8 B. the person's ~~[color picture]~~ full face or front-  
9 view color photograph;

10 C. a physical description of the person, including  
11 sex, height, weight and eye color;

12 D. the person's date of birth;

13 E. the person's signature;

14 F. the class or type of commercial motor vehicle ~~[or~~  
15 ~~vehicles]~~ that the person is authorized to drive, together with  
16 any endorsements or restrictions;

17 G. the name of this state; and

18 H. the dates between which the license is valid."

19 Section 18. Section 66-5-68 NMSA 1978 (being Laws 1989,  
20 Chapter 14, Section 17, as amended by Laws 2003, Chapter 51,  
21 Section 5 and by Laws 2003, Chapter 90, Section 2) is amended  
22 to read:

23 "66-5-68. DISQUALIFICATION. --

24 A. The department shall disqualify a person from  
25 driving a commercial motor vehicle for at least thirty days if

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1 the federal motor carrier safety administration reports to the  
2 division that the person poses an imminent hazard.

3 [A-] B. The department shall disqualify a person from  
4 driving a commercial motor vehicle for a period of not less  
5 than one year if the person:

6 (1) refuses to submit to a chemical test when  
7 requested pursuant to the provisions of the Implied Consent  
8 Act; or

9 (2) is convicted of a violation of:

10 (a) driving a commercial motor vehicle while  
11 under the influence of intoxicating liquor or drugs in  
12 violation of Section 66-8-102 NMSA 1978, an ordinance of a  
13 municipality of this state or the law of another state;

14 (b) leaving the scene of an accident  
15 involving a commercial motor vehicle driven by the person in  
16 violation of Section 66-7-201 NMSA 1978 or an ordinance of a  
17 municipality of this state or the law of another state; [or]

18 (c) using a commercial motor vehicle in the  
19 commission of [any] a felony;

20 (d) driving a commercial motor vehicle after  
21 the driver's commercial driver's license is revoked, suspended,  
22 disqualified or canceled for violations while operating a  
23 commercial motor vehicle; or

24 (e) causing a fatality in the unlawful  
25 operation of a motor vehicle pursuant to Section 66-8-101 NMSA

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1 1978.

2 ~~[B.]~~ C. The department shall disqualify a person from  
3 driving a commercial motor vehicle for a period of not less  
4 than three years if any of the violations specified in  
5 Subsection [A] B of this section occur while transporting a  
6 hazardous material required to be placarded.

7 ~~[C.]~~ D. The department shall disqualify a person from  
8 driving a commercial motor vehicle for life if convicted of two  
9 or more violations of any of the offenses specified in  
10 Subsection [A] B of this section, or any combination of those  
11 offenses, arising from two or more separate incidents, but the  
12 secretary may issue regulations establishing guidelines,  
13 including conditions, under which a disqualification for life  
14 under this subsection may be reduced to a period of not less  
15 than ten years. This subsection applies only to those offenses  
16 committed after July 1, 1989.

17 ~~[D.]~~ E. The department shall disqualify a person  
18 from driving a commercial motor vehicle for life if the person  
19 uses a commercial motor vehicle in the commission of any felony  
20 involving the manufacture, distribution or dispensing of a  
21 controlled substance or the possession with intent to  
22 manufacture, distribute or dispense a controlled substance.

23 ~~[E.]~~ F. The department shall disqualify a person from  
24 driving a commercial motor vehicle for a period of not less  
25 than sixty days if convicted of two serious traffic violations

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1 or one hundred twenty days if convicted of three serious  
2 traffic violations, if the violations were committed while  
3 driving a commercial motor vehicle, arising from separate  
4 incidents occurring within a three-year period.

5 ~~[F-]~~ G. The department shall disqualify a person from  
6 driving a commercial motor vehicle for a period of not less  
7 than one hundred eighty days nor more than two years if the  
8 person is convicted of a first violation of an out-of-service  
9 order while transporting hazardous materials required to be  
10 placarded pursuant to the federal Hazardous Materials  
11 Transportation Act or while operating a motor vehicle designed  
12 to transport more than fifteen passengers, including the  
13 driver. The department shall disqualify a person from driving  
14 a commercial motor vehicle for a period of not less than three  
15 years nor more than five years if, during any ten-year period,  
16 the person is convicted of any subsequent violations of out-of-  
17 service orders, in separate incidents, while transporting  
18 hazardous materials required to be placarded pursuant to that  
19 act or while operating a motor vehicle designed to transport  
20 more than fifteen passengers, including the driver.

21 H. The department shall disqualify a person from  
22 driving a commercial motor vehicle for sixty days if:

23 (1) the person has been convicted of two serious  
24 traffic violations in separate incidents within a three-year  
25 period; and

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1                   (2) the second conviction results in revocation,  
2 cancellation or suspension of the person's commercial driver's  
3 license or noncommercial motor vehicle driving privileges for  
4 sixty days.

5                   I. The department shall disqualify a person from  
6 driving a commercial motor vehicle for one hundred twenty days  
7 if:

8                   (1) the person has been convicted of more than  
9 two serious traffic violations within a three-year period; and

10                   (2) the third or a subsequent conviction results  
11 in the revocation, cancellation or suspension of the person's  
12 commercial driver's license or noncommercial motor vehicle  
13 driving privileges.

14                   ~~[G.]~~ J. When a person is disqualified from driving a  
15 commercial motor vehicle, any commercial driver's license held  
16 by that person is invalidated without separate proceeding of  
17 any kind and the driver is not eligible to apply for a  
18 commercial driver's license until the period of time for which  
19 the driver was disqualified has elapsed.

20                   ~~[H.]~~ K. The department shall disqualify a person from  
21 driving a commercial motor vehicle for not less than:

22                   (1) sixty days if the person is convicted of a  
23 first violation of a railroad-highway grade crossing violation;

24                   (2) one hundred twenty days if, during any  
25 three-year period, the person is convicted of a second

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1 railroad-highway grade crossing violation in a separate  
2 incident; and

3 (3) one year if, during any three-year period,  
4 the person is convicted of a third or subsequent railroad-  
5 highway grade crossing violation in a separate incident.

6 ~~[H.]~~ L. After disqualifying, suspending, revoking or  
7 canceling a commercial driver's license, the department shall,  
8 within ten days, update its records to reflect that action.

9 After disqualifying, suspending, revoking or canceling a  
10 nonresident commercial driver's privileges, the department  
11 shall, within ten days, notify the licensing authority of the  
12 state that issued the commercial driver's license.

13 ~~[I. For purposes of this section, the term~~  
14 ~~"convicted" includes a license revocation pursuant to the~~  
15 ~~Implied Consent Act or the implied consent act of another~~  
16 ~~state.]~~

17 M The department shall post and enforce any  
18 disqualification sent by the federal motor carrier safety  
19 administration to the division that indicates that a commercial  
20 motor vehicle driver poses an imminent hazard."

21 Section 19. Section 66-5-69 NMSA 1978 (being Laws 1989,  
22 Chapter 14, Section 18) is amended to read:

23 "66-5-69. NOTIFICATION OF TRAFFIC CONVICTIONS. -- Within  
24 ten days after receiving a report of the conviction of [any] a  
25 holder of a nonresident commercial driver's license for [any] a

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1 violation of state law or local ordinance relating to motor  
2 vehicle traffic control other than a parking [violations]  
3 violation, committed in a commercial motor vehicle or a  
4 noncommercial motor vehicle, the division, after receipt of  
5 conviction information required pursuant to Section 66-5-28  
6 NMSA 1978, shall [~~notify the driver's licensing authority in~~  
7 ~~the licensing state of the conviction in this state~~] forward  
8 the conviction information to the licensing authority that  
9 issued the commercial driver's license. A resident's  
10 conviction information shall be posted on the resident's motor  
11 vehicle record with the same speed used to post a nonresident's  
12 conviction information on the nonresident's motor vehicle  
13 record. "

14 Section 20. Section 66-5-401 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 328, as amended) is amended to read:

16 "66-5-401. IDENTIFICATION CARDS. -- [Any]

17 A. A person who does not have a valid New Mexico  
18 driver's license may be issued an identification card by the  
19 department certified by the applicant as to true name, correct  
20 age and other identifying data as the department may require.  
21 Every application for an identification card shall be signed by  
22 the applicant or the applicant's parent or guardian. The  
23 secretary may, for good cause, revoke or deny the issuance of  
24 an identification card.

25 B. Within the forms prescribed by the department for

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1 identification card applications, a space shall be provided to  
2 show whether the applicant is a donor as provided in the  
3 Uniform Anatomical Gift Act. A person applying for an  
4 identification card may indicate that person's status on the  
5 space provided on the application. The donor status indicated  
6 by the applicant shall be displayed on the identification card.  
7 The form and identification card shall be signed by the donor  
8 in the presence of a witness who shall also sign the form in  
9 the donor's presence. "

10 Section 21. Section 66-5-405 NMSA 1978 (being Laws 1978,  
11 Chapter 35, Section 332, as amended) is amended to read:

12 "66-5-405. CONTENTS OF CARD. --The identification card  
13 shall adequately describe the registrant and bear his picture  
14 [~~which~~] that shall show a full face or front view for all  
15 registrants and indicate donor status. All identification  
16 cards of persons under the age of twenty-one years shall have a  
17 printed legend indicating that the person is under twenty-one.  
18 The identification card shall bear the following statement:

19 "STATE OF NEW MEXICO IDENTIFICATION

20 CARD NO. \_\_\_\_\_

21 This card is provided solely for the purpose of establishing  
22 that the bearer described on the card was not the holder of a  
23 New Mexico driver's license as of the date of issuance of this  
24 card. This identification card is not a license. ISSUED FOR  
25 IDENTIFICATION PURPOSES ONLY". "

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1           Section 22. Section 66-6-23 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 358, as amended by Laws 2003, Chapter 175,  
3 Section 3 and by Laws 2003, Chapter 197, Section 3 and by Laws  
4 2003, Chapter 198, Section 3 and by Laws 2003, Chapter 201,  
5 Section 3 and also by Laws 2003, Chapter 270, Section 6) is  
6 amended to read:

7           "66-6-23. DISPOSITION OF FEES. --

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

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

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

19                           (b) for each such agent determined by the  
20 secretary pursuant to Section 66-2-16 NMSA 1978 to have  
21 performed ten thousand or more transactions in the preceding  
22 fiscal year, other than a class A county with a population  
23 exceeding three hundred thousand or a municipality with a  
24 population exceeding three hundred thousand that has been  
25 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,

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

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

15 (3) to the state road fund:

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

18 (b) an amount equal to the fee collected  
19 pursuant to Section 66-3-417 NMSA 1978;

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

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1 (d) an amount equal to fifty percent of the  
2 fees collected pursuant to Section 66-6-19 NMSA 1978;

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

8 (5) to the department:

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

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

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

20 (d) the amounts due to the department  
21 pursuant to Paragraph (1) of Subsection E of Section 66-3-419  
22 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978, [and]  
23 Subsection E of Section 66-3-423 NMSA 1978 and Paragraphs (1)  
24 and (2) of Subsection D of Section 66-3-424.1 NMSA 1978;

25 (e) an amount equal to the registration fees

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1 collected pursuant to Section 66-6-6.1 NMSA 1978 for the  
2 purposes of enforcing the provisions of the Mandatory Financial  
3 Responsibility Act and for creating and maintaining a  
4 multilanguage noncommercial driver's license testing program;  
5 and

6 (f) an amount equal to the fees collected by  
7 the department pursuant to Subsection A of Section 66-2-16 NMSA  
8 1978;

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

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

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

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

25 (10) to the state equalization guarantee

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

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

8 (12) to the tire recycling fund:

9 (a) fifty cents (\$.50) of the tire recycling  
10 fee collected pursuant to the provisions of Section 66-6-1 NMSA  
11 1978;

12 (b) fifty cents (\$.50) of each of the tire  
13 recycling fees collected pursuant to the provisions of Sections  
14 66-6-2 and 66-6-4 NMSA 1978; and

15 (c) twenty-five cents (\$.25) of each of the  
16 tire recycling fees collected pursuant to Sections 66-6-5 and  
17 66-6-8 NMSA 1978;

18 (13) to the highway infrastructure fund:

19 (a) fifty cents (\$.50) of the tire recycling  
20 fee collected pursuant to the provisions of Section 66-6-1 NMSA  
21 1978;

22 (b) one dollar (\$1.00) of each of the tire  
23 recycling fees collected pursuant to the provisions of Sections  
24 66-6-2 and 66-6-4 NMSA 1978; and

25 (c) twenty-five cents (\$.25) of each of the

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1 tire recycling fees collected pursuant to Sections 66-6-5 and  
2 66-6-8 NMSA 1978;

3 (14) to each county, an amount equal to fifty  
4 percent of the fees collected pursuant to Section 66-6-19 NMSA  
5 1978 multiplied by a fraction, the numerator of which is the  
6 total mileage of public roads maintained by the county and the  
7 denominator of which is the total mileage of public roads  
8 maintained by all counties in the state; [~~and~~]

9 (15) to the litter control and beautification  
10 fund, an amount equal to the fees collected pursuant to Section  
11 66-6-6.2 NMSA 1978; and

12 (16) to the local government division of the  
13 department of finance and administration, an amount equal to  
14 the fees collected pursuant to Section 66-3-424.1 NMSA 1978 for  
15 distribution to each county to support animal control spaying  
16 and neutering programs in an amount proportionate to the number  
17 of residents of that county who have purchased pet care special  
18 registration plates pursuant to Section 66-3-424.3 NMSA 1978.

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

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

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this section shall be construed to be the recompiled or  
redesignated paragraph, subsection or section. "

Section 23. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect immediately.