February 25, 2005

Mr. Speaker:

   Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 1087

has had it under consideration and reports same with
recommendation that it **DO PASS,** amended as follows:

   1. On page 4, between lines 5 and 6, insert the following new
section to read:

   "Section 3. Section 66-5-205.1 NMSA 1978 (being Laws 1989,
Chapter 214, Section 1, as amended) is amended to read:

   "66-5-205.1. UNINSURED MOTORIST CITATION--REQUIREMENTS TO BE
FOLLOWED AT TIME OF ACCIDENT--SUBSEQUENT PROCEDURES--INSURER
NOTIFICATION REQUIREMENTS--SUSPENSION PROCEDURES.--

      A. When a law enforcement officer issues a driver who is
involved in an accident a citation for failure to comply with the
provisions of the Mandatory Financial Responsibility Act, the law
enforcement officer shall at the same time:

         (1) issue to the driver cited a temporary operation
sticker, valid for thirty days after the date the sticker is issued,
and forward by mail or delivery to the department a duplicate of the
issued sticker; and

         (2) remove the license plate from the vehicle and
send it with the duplicate of the sticker to the department or, if
it cannot be removed, permanently deface the plate.

      B. The department shall return or replace, in its
discretion, a license plate removed under the provisions of
Paragraph (2) of Subsection A of this section or replace a license
plate defaced under that paragraph when the person cited for failure
to comply with the provisions of the Mandatory Financial
Responsibility Act furnishes proof of compliance to the department
and pays to the division [a] the reinstatement fee [of twenty-five
dollars ($25.00)] imposed pursuant to Section 66-5-33.1 NMSA 1978.
If a person to whom the temporary operation sticker is issued
furnishes to the department, within fifteen days after the issuance
of the sticker, evidence of financial responsibility in compliance
with the Mandatory Financial Responsibility Act and in effect on the

date and at the time of the issuance of the sticker, the department shall replace or return the license plate and waive the [~~twenty-five dollar ($25.00)~~] reinstatement fee <u>imposed pursuant to Section 66-5-33.1 NMSA 1978</u>.

C.   The secretary shall adopt and promulgate rules prescribing the form and use of the sticker required to be issued under Subsection A of this section.

D.   The secretary shall adopt and promulgate rules requiring insurance carriers to report canceled, terminated and newly issued motor vehicle insurance policies each month to the department.   Information pertaining to each motor vehicle shall be made a part of that vehicle file for one year.

E.   Within ten days of notification by the insurance carrier of a termination or cancellation of a motor vehicle insurance policy, the department shall demand satisfactory evidence from the owner of the motor vehicle that he meets the requirements of the Mandatory Financial Responsibility Act.   Failure to provide evidence of financial responsibility within twenty days after the department has mailed its demand for proof:

(1)   constitutes reasonable grounds to believe that a person is operating a motor vehicle in violation of the provisions of Section 66-5-205 NMSA 1978; and

(2)   requires the department to suspend the person's registration as provided in Section 66-5-236 NMSA 1978.

F.   The department shall notify the superintendent of insurance if an insurance carrier fails to provide monthly reports to the department regarding motor vehicle insurance policy information as required by Subsection D of this section."".

2.   Renumber the succeeding section accordingly.,

and thence referred to the **TAXATION AND REVENUE COMMITTEE.**

Respectfully submitted,

_____
Joseph Cervantes, Chairman

Adopted _____   Not Adopted _____
           (Chief Clerk)
                  (Chief Clerk)

                           Date _____

The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: Cervantes, Marquardt
Absent: None

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