

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

March 18, 2005

HOUSE FLOOR AMENDMENT number   1   to SENATE CORPORATIONS AND  
TRANSPORTATION COMMITTEE  
SUBSTITUTE FOR SENATE BILL  
441, as amended

Amendment sponsored by Representative George J. Hanosh

1. On page 1, line 11, after "VEHICLES;", insert "CREATING AN  
AUTO RECYCLER LICENSE TO REPLACE A WRECKER OF VEHICLES LICENSE;".

2. On page 1, between lines 16 and 17, insert the following  
new sections to read:

"Section 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,  
Chapter 120, Section 2, as amended) is amended to read:

"66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "abandoned vehicle" means a vehicle or motor vehicle  
that has been determined by a New Mexico law enforcement agency:

(1) to have been left unattended on either public or  
private property for at least thirty days;

(2) not to have been reported stolen;

(3) not to have been claimed by any person asserting  
ownership; and

(4) not to have been shown by normal record checking  
procedures to be owned by any person;

B. "access aisle" means a space designed to allow a person  
with severe mobility impairment to safely exit and enter a motor

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 2

vehicle and that is immediately adjacent to a designated disabled parking space and that may be common to two such parking spaces of at least sixty inches in width or, if the parking space is designed for van accessibility, ninety-six inches in width, and clearly marked with blue striping;

C. "additional place of business", for dealers and ~~[wreckers of vehicles]~~ auto recyclers, means locations in addition to an established place of business as defined in Section 66-1-4.5 NMSA 1978 and meeting all the requirements of an established place of business, except Paragraph (5) of Subsection B of Section 66-1-4.5 NMSA 1978, but "additional place of business" does not mean a location used solely for storage and that is not used for wrecking, dismantling, sale or resale of vehicles;

D. "alcoholic beverages" means any and all distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin, aromatic bitters or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half ~~[of one]~~ percent alcohol but excluding medicinal bitters; ~~[and]~~

E. "authorized emergency vehicle" means any fire department vehicle, police vehicle, ambulance and any emergency vehicles of municipal departments or public utilities that are designated or authorized as emergency vehicles by the director of the New Mexico state police division of the department of public safety or local authorities; and

F. "auto recycler" means a person engaged in this state in an established business that includes acquiring vehicles that are required to be registered under the Motor Vehicle Code for the purpose of dismantling, wrecking, shredding, compacting, crushing or otherwise destroying vehicles for reclaimable parts or scrap material to sell."

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 3

Section 2. Section 66-1-4.5 NMSA 1978 (being Laws 1990, Chapter 120, Section 6) is amended to read:

"66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "essential parts" means all integral and body parts of a vehicle of a type required to be registered by the provisions of the Motor Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation;

B. "established place of business", for a dealer or ~~[wrecker of vehicles]~~ auto recycler, means a place:

(1) devoted exclusively to the business for which the dealer or ~~[wrecker]~~ auto recycler is licensed and ~~[the]~~ related business ~~[incidental thereto]~~;

(2) identified by a prominently displayed sign giving the dealer's or ~~[wrecker's]~~ auto recycler's trade name used by the business;

(3) of sufficient size or space to permit the display of one or more vehicles or to permit the parking or storing of vehicles to be dismantled or wrecked for recycling;

(4) on which there is located an enclosed building on a permanent foundation, which building meets the building requirements of the community and is large enough to accommodate the office or offices of the dealer or ~~[wrecker]~~ auto recycler and large enough to provide a safe place to keep the books and records of the dealer or ~~[wrecker]~~ auto recycler;

(5) where the principal portion of the business of the dealer or ~~[wrecker]~~ auto recycler is conducted and where the

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 4

books and records of the business are kept and maintained; and

(6) where vehicle sales are of new vehicles only, such as a department store or a franchisee of a department store, as long as the department store or franchisee keeps the books and records of its vehicle business in a general office location at its place of business; as used in this paragraph, "department store" means a business that offers a variety of merchandise other than vehicles, and sales of the merchandise other than vehicles constitute at least eighty percent of the gross sales of the business; and

C. "explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb."".

3. Renumber the succeeding sections accordingly.

4. On page 8, line 8, strike "wrecker of vehicles" and insert in lieu thereof "auto recycler".

5. On page 8, between lines 8 and 9, insert the following new sections to read:

"Section 6. Section 66-1-4.20 NMSA 1978 (being Laws 1990, Chapter 120, Section 21) is amended to read:

"66-1-4.20. DEFINITIONS.--As used in the Motor Vehicle Code:

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 5

A. "wholesaler" means any person, except a person making a casual sale of the person's own vehicle, who sells or offers for sale vehicles of a type subject to registration in this state, to a vehicle dealer who is licensed under the Motor Vehicle Code or who is franchised by a manufacturer, distributor or vehicle dealer; provided, however, that if any person except a person making a casual sale of the person's own vehicle also sells a vehicle at retail, that person shall be deemed to be a dealer and is subject to the dealer-licensing provisions of the Motor Vehicle Code; and

~~[B. "wrecker of vehicles" means every person actively engaged in the business of acquiring vehicles that are required to be registered under the Motor Vehicle Code for the purpose of dismantling such vehicles as scrap material or for the resale of reclaimable parts and who, for those purposes, maintains within this state an established place of business; and~~

~~G.]~~ B. "written clearance from a law enforcement agency" means any written statement signed by a full-time, salaried law enforcement officer stating that a check has been made of the law enforcement agency's records and the computerized records of the national crime information center and that the check of records indicates that the vehicle or motor vehicle in question has not been reported stolen."".

6. Renumber the succeeding sections accordingly.

7. On page 15, between lines 2 and 3, insert the following new sections to read:

"Section 9. Section 66-3-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 80, as amended) is amended to read:

"66-3-401. OPERATION OF VEHICLES UNDER SPECIAL DEALER PLATES.--

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 6

A. Any vehicle that is required to be registered pursuant to the Motor Vehicle Code and that is included in the inventory of [~~a wrecker of vehicles~~] an auto recycler or dealer may be operated or moved upon the highways for any purpose, provided that the vehicle display in the manner prescribed in Section 66-3-18 NMSA 1978 a special plate issued to the dealer or [~~wrecker of vehicles~~] auto recycler as provided in Section 66-3-402 NMSA 1978. This subsection shall not be construed as limiting the use of temporary permits issued to dealers pursuant to Section 66-3-6 NMSA 1978.

B. The provisions of this section do not apply to work or service vehicles used by [~~a wrecker of vehicles~~] an auto recycler or dealer. For the purposes of this subsection, "work or service vehicle" includes any vehicle used substantially as a:

- (1) parts or delivery vehicle;
- (2) vehicle used to tow another vehicle;
- (3) courtesy shuttle; or
- (4) vehicle loaned to customers for their convenience.

C. Each vehicle included in a dealer's inventory required to be registered pursuant to the provisions of Subsection A of this section must conform to the registration provisions of the Motor Vehicle Code, but is not required to be titled pursuant to the provisions of that code. When [~~any~~] a vehicle is no longer included in a dealer's inventory, and is not sold or leased to an unrelated entity, the dealer must title the vehicle and pay the motor vehicle excise tax that would have been due when the vehicle was first registered by the dealer.

D. In lieu of the use of special dealer plates pursuant to this section, a dealer or [~~wrecker~~] auto recycler may register and

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 7

title a vehicle included in a dealer's inventory in the name of the dealer or [~~wrecker~~] auto recycler upon payment of the registration fee applicable to that vehicle, but without payment of the motor vehicle excise tax, provided the vehicle is subsequently sold or leased in the ordinary course of business in a transaction subject to the motor vehicle excise tax or the leased vehicle gross receipts tax."

Section 10. Section 66-3-402 NMSA 1978 (being Laws 1978, Chapter 35, Section 81, as amended) is amended to read:

"66-3-402. APPLICATION FOR SPECIAL DEALER PLATES.--

A. [~~Any wrecker of vehicles~~] An auto recycler or dealer may apply to the department upon the appropriate form for one or more special dealer plates. The applicant shall submit proof of [~~his status as~~] being a bona fide [~~wrecker of vehicles~~] auto recycler or dealer as may reasonably be required by the department.

B. The maximum number of special dealer plates for which a dealer of new or used motor vehicles or motorcycles may apply pursuant to this section shall be:

(1) for a dealer who sold in the previous calendar year five or more but fewer than fifty vehicles, one plate;

(2) for a dealer who sold in the previous calendar year more than fifty but fewer than one hundred vehicles, three plates;

(3) for a dealer who sold in the previous calendar year more than one hundred but fewer than five hundred vehicles, five plates; and

(4) for a dealer who sold in the previous calendar year five hundred or more vehicles, ten plates.

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 8

C. The maximum number of special dealer plates for which ~~[a wrecker or dismantler of new or used motor vehicles or motorcycles]~~ an auto recycler may apply pursuant to this section shall be:

(1) for ~~[a wrecker or dismantler]~~ an auto recycler who wrecked or dismantled three or more but fewer than fifty vehicles, one plate;

(2) for ~~[a wrecker or dismantler]~~ an auto recycler who wrecked or dismantled fifty or more but fewer than one hundred vehicles, three plates;

(3) for ~~[a wrecker or dismantler]~~ an auto recycler who wrecked or dismantled one hundred or more but fewer than five hundred vehicles, five plates; and

(4) for ~~[a wrecker or dismantler]~~ an auto recycler who wrecked or dismantled five hundred vehicles or more, ten plates.

D. ~~[Any]~~ A dealer or ~~[wrecker]~~ auto recycler shall be entitled to five plates in the first calendar year in which ~~[he]~~ it begins business. ~~[Any]~~ A dealer or ~~[wrecker]~~ auto recycler who is licensed pursuant to the provisions of Section 66-4-1 NMSA 1978 on or after August 1 of any calendar year shall also be entitled to five plates in the calendar year following the year in which ~~[he]~~ it is first licensed to do business.

E. The department upon granting ~~[any such]~~ application shall issue to the applicant a certificate containing the applicant's name and address and the numbers of the special dealer plates assigned to the applicant."

Section 11. Section 66-3-404 NMSA 1978 (being Laws 1978, Chapter 35, Section 83, as amended) is amended to read:



FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 9

"66-3-404. SPECIAL VEHICLE-BUSINESS PLATES NOT TRANSFERABLE.--

A. Special vehicle-business plates issued to a manufacturer, [~~a wrecker of vehicles~~] auto recycler or dealer are not transferable.

B. Whenever the holder of special vehicle-business plates ceases operation for any reason, the current special vehicle-business plates issued to him shall be surrendered to the division."

Section 12. Section 66-4-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 214, as amended) is amended to read:

"66-4-1. DEALERS, [~~WRECKERS~~] WHOLESALERS AND DISTRIBUTORS OF VEHICLES AND TITLE SERVICE COMPANIES MUST BE LICENSED--PRESUMPTION OF CONDUCTING BUSINESS.--

A. A person, unless licensed to do so by the department, shall not carry on or conduct the active trade or business of:

(1) a dealer in motor vehicles of a type subject to registration pursuant to the Motor Vehicle Code, including:

(a) trailers, but not trailers sold as kits;

(b) recreational vehicles designed to be towed;

and

(c) motorcycles over fifty-five cubic centimeters;

~~[(2) dismantling any vehicle for the resale of the parts. Any person possessing three or more wrecked, dismantled or partially wrecked or dismantled vehicles and selling or offering for sale a used vehicle part and who regularly sells or offers for sale used vehicles or used vehicle parts shall be presumed to be conducting the business of wrecking or dismantling a vehicle for the~~

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 10

~~resale of the parts;~~

~~(3)]~~ (2) wholesaling of vehicles. Any person who sells or offers for sale vehicles of a type subject to registration in this state, to a vehicle dealer licensed pursuant to the Motor Vehicle Code or who is franchised by a manufacturer, distributor or vehicle dealer to sell or promote the sale of vehicles dealt in by such manufacturer, distributor or vehicle dealer shall be presumed to be conducting the business of wholesaling;

~~[(4)]~~ (3) distributing of vehicles. Any person who distributes or sells new or used motor vehicles to dealers and who is not a manufacturer shall be presumed to be conducting the business of distributing vehicles; or

~~[(5)]~~ (4) a title service company. Any person who for consideration prepares or submits applications for the registration of or title to vehicles shall be presumed to be engaging in the business of a title service company.

B. Application for a dealer, wholesaler, distributor [~~or wrecker of vehicles license~~] or [a] title service company license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant and, when the applicant is a partnership, the name and address of each partner or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated and the place where the business is to be conducted and the nature of the business and such other information as may be required by the department. Every application shall be verified by the oath or affirmation of the applicant, if an individual, or, in the event an applicant is a partnership or corporation, by a partner or officer of the partnership or corporation. Every application shall be accompanied by the fee required by law.

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 11

~~[C. A metal processor or dealer in scrap who dismantles, processes for scrap, shreds, compacts, crushes or otherwise destroys more than three vehicles within a period of one year shall be licensed pursuant to the provisions of Sections 66-4-1 through 66-4-9 NMSA 1978.~~

~~D.]~~ C. To ensure that a dealer, wholesaler, distributor [wrecker of vehicles] or title service company complies with this section, the secretary may apply to a district court of this state to have a person operating without a license as required by this section or operating without the bond required by Section 66-4-7 NMSA 1978 enjoined from engaging in business until that person complies with the requirements of licensing as provided by this section and the bonding requirements of Section 66-4-7 NMSA 1978.

~~[E.]~~ D. Upon application to a court for the issuance of an injunction against an unlicensed person, the court may issue an order temporarily restraining that person from doing business. The court shall hear the matter within three days and, upon a showing by the preponderance of the evidence that the person is operating without a license and that the person has been given notice of the hearing as required by law, the court may enjoin the person from engaging in business in New Mexico until the person ceases to be unlicensed. Upon issuing an injunction, the court may also order the business premises of the person to be sealed by the sheriff and may allow the person access thereto only upon approval of the court.

~~[F.]~~ E. A temporary restraining order shall not be issued against a person who has complied with the provisions of this section. Upon a showing to the court by a person against whom a temporary restraining order has been issued that [he] the person has a license in accordance with the provisions of this section, the court shall dissolve or set aside the temporary restraining order."

Section 13. A new section of the Motor Vehicle Code, Section 66-4-1.1 NMSA 1978, is enacted to read:

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FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 12

"66-4-1.1. [NEW MATERIAL] AUTO RECYCLER LICENSE--PRESUMPTION  
OF CONDUCTING BUSINESS.--

A. A person desiring to engage in the business of wrecking or dismantling vehicles for the purpose of reselling parts or scrap material shall apply to the department for an auto recycler license. A person possessing three or more wrecked, dismantled or partially wrecked or dismantled vehicles who regularly sells or offers for sale used vehicle parts or vehicle scrap material within the period of one year shall be presumed to be conducting business as an auto recycler.

B. An auto recycler licensee shall not sell motor vehicles of a type subject to registration pursuant to the Motor Vehicle Code.

C. Application for an auto recycler license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant and, when the applicant is a partnership, the name and address of each partner or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated and the place where the business is to be conducted and the nature of the business and such other information as may be required by the department. Every application shall be verified by the oath or affirmation of the applicant, if an individual, or, in the event an applicant is a partnership or corporation, by a partner or officer of the partnership or corporation. Every application shall be accompanied by the fee required by law.

D. To ensure that an auto recycler complies with this section, the secretary may apply to a district court of this state to have a person operating without a license as required by this section or operating without the bond required by Section 66-4-7 NMSA 1978 enjoined from engaging in business until that person complies with the requirements of licensing as provided by this

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 13

section and the bonding requirements of Section 66-4-7 NMSA 1978.

E. Upon application to a court for the issuance of an injunction against an unlicensed person, the court may issue an order temporarily restraining that person from doing business. The court shall hear the matter within three days and, upon a showing by the preponderance of the evidence that the person is operating without a license and that the person has been given notice of the hearing as required by law, the court may enjoin the person from engaging in business in New Mexico until the person ceases to be unlicensed. Upon issuing an injunction, the court may also order the business premises of the person to be sealed by the sheriff and may allow the person access to the premises only upon approval of the court.

F. A temporary restraining order shall not be issued against a person who has complied with the provisions of this section. Upon a showing to the court by a person against whom a temporary restraining order has been issued that the person has a license in accordance with the provisions of this section, the court shall dissolve or set aside the temporary restraining order."

Section 14. Section 66-4-2 NMSA 1978 (being Laws 1978, Chapter 35, Section 215, as amended) is amended to read:

"66-4-2. DEPARTMENT TO ISSUE LICENSE.--

A. The department, upon receiving application accompanied by the required fee and when satisfied that the applicant is of good character and, so far as can be ascertained, has complied with and will comply with the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of the Motor Vehicle Code, shall issue to the applicant a license ~~[which]~~ that entitles the licensee to carry on and conduct the business of a dealer, ~~[wrecker of vehicles]~~ auto recycler or title service company, as the case may be, during the period for

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 14

which the license is issued. The license shall expire on the last day of the period for which it is issued and may be renewed upon application and payment of the fee required by law.

B. ~~[Any]~~ A dealer or ~~[wrecker of vehicles]~~ auto recycler licensee, before moving any one or more of the licensee's places of business or opening any additional place of business, shall apply to the department for and obtain a supplemental license for which no fee shall be charged. No supplemental license shall be issued to a dealer, other than a dealer in motorcycles, for an additional place of business unless:

(1) the place of business is an established place of business; or

(2) the majority of dealers, other than dealers in motorcycles, in the county in which the proposed additional place of business would be located have been offered the opportunity, in documentation acceptable to the department, to offer vehicles for sale at the proposed additional place of business by the applicant; provided that the offer shall be for sale of vehicles at all times at which the applicant proposes to sell vehicles and shall not be conditioned upon the payment of any fee by any dealer to whom it is addressed greater than a fair share of the actual expenses incurred.

C. ~~[Any]~~ A person to whom the department has issued a license to conduct the business of a dealer in motorcycles is deemed a wrecker of motorcycles without additional license.

D. The department is authorized to establish a staggered system for licensing of dealers, wholesalers, distributors and ~~[wreckers of vehicles]~~ auto recyclers and of title service companies, provided that any license issued shall expire on the last day of a month. During the initial adjustment period of July 1, 1999 through December 31, 2000, the department may issue licenses for periods less than twelve months or up to twenty-one months to

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 15

establish a more uniform monthly pattern of expirations. For any license issued for a period other than twelve months during the initial adjustment period, the fee imposed pursuant to Section 66-6-18 NMSA 1978 shall be adjusted accordingly. After the initial adjustment period, licenses issued shall be issued for a period of twelve months.

E. On or after July 1, 2005, the holder of a wrecker of vehicles license desiring to renew the license shall apply for an auto recycler license, pursuant to the provisions of the Motor Vehicle Code, at the time the holder would have otherwise applied to renew the wrecker of vehicles license."

Section 15. Section 66-4-5 NMSA 1978 (being Laws 1978, Chapter 35, Section 218, as amended) is amended to read:

"66-4-5. RECORDS OF PURCHASES, OF SALES AND OF VEHICLES DISMANTLED.--

A. ~~[Every]~~ A dealer ~~[and wrecker of vehicles]~~ licensee shall maintain a record in a form ~~[as]~~ prescribed by the department of ~~[-1-]~~ every vehicle of a type subject to registration pursuant to the provisions of the Motor Vehicle Code that is bought, sold or exchanged by the licensee or received by the licensee for sale or exchange.

B. An auto recycler licensee shall maintain a record in a form prescribed by the department of:

(1) every vehicle of a type subject to registration pursuant to the provisions of the Motor Vehicle Code that is bought, exchanged or received and dismantled or otherwise destroyed by the licensee; and

(2) every motor vehicle body, chassis or engine [which] that is sold or otherwise disposed of [and] by the licensee.

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 16

~~[(3) every such vehicle which is bought or otherwise acquired and dismantled by the licensee.]~~

~~B.]~~ C. Every record required to be maintained pursuant to Subsection A of this section shall state the name and address of the person from whom the vehicle was purchased or acquired and the date of the purchase and the name and address of the person to whom the vehicle or the motor vehicle body, chassis or engine was sold or otherwise disposed of and the date of the sale or disposition and a sufficient description of every vehicle or motor vehicle body, chassis or engine by name and identifying numbers sufficient to identify the vehicle or motor vehicle body, chassis or engine.

~~[C. Every]~~ D. A title service company licensee shall maintain a record of:

- (1) every temporary registration plate issued;
- (2) every title and registration application accepted for processing; and
- (3) any other information prescribed by the department.

~~[D.]~~ E. Every record required to be maintained pursuant to the provisions of this section shall be retained for a period of three years from the end of the year in which the record was created and shall be open to inspection by any peace officer or officer of the department during reasonable business hours. If the licensee fails to maintain the records required or to permit their inspection during reasonable business hours, the license becomes invalid."

Section 16. Section 66-4-6 NMSA 1978 (being Laws 1978, Chapter 35, Section 219, as amended) is amended to read:

"66-4-6. PLACE OF BUSINESS.--



FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 17

A. No license shall be issued to a dealer or [~~wrecker of vehicles~~] auto recycler unless an established place of business as defined in the Motor Vehicle Code is maintained by the dealer or [~~wrecker of vehicles~~] auto recycler. Each license to carry on or conduct the business of a dealer or [~~wrecker of vehicles~~] auto recycler becomes invalid when the licensee fails to maintain an established place of business as defined in the Motor Vehicle Code.

B. No license shall be issued to a title service company unless that company maintains a physical place of business accessible to the public and provides the department with the physical address of that place of business. [~~Each such~~] A place of business shall be open to inspection by a peace officer or the department during reasonable business hours. The license of the title service company may be suspended or canceled if the title service company fails to maintain a place of business accessible to the public or does not allow inspection during reasonable business hours by a peace officer or the department."

Section 17. Section 66-4-7 NMSA 1978 (being Laws 1978, Chapter 35, Section 220, as amended) is amended to read:

"66-4-7. DEALERS, WHOLESALERS, DISTRIBUTORS AND [~~WRECKERS OF VEHICLES~~] AUTO RECYCLERS--TITLE SERVICE COMPANIES--DEALERS OF MOTORCYCLES ONLY--BOND.--

A. Before issuance of any dealer's license, wholesaler's license, distributor's license, [~~wrecker of vehicles~~] auto recycler's license or title service company license, the applicant shall procure and file with the department a corporate surety bond in the amount of fifty thousand dollars (\$50,000). An applicant for a dealer's license for motorcycles only shall procure and file with the department a corporate surety bond in the amount of twelve thousand five hundred dollars (\$12,500). The corporate surety shall be licensed by the public regulation commission or a successor entity to do business in this state as a surety and the form of the

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 18

bond shall be approved by the attorney general. The bond shall be payable to the state for the use and benefit of the purchaser and ~~[his]~~ the purchaser's vendees, conditioned upon payment of any loss, damage and expense sustained by the purchaser or ~~[his]~~ the purchaser's vendees, or both, by reason of failure of the title of the vendor, by any fraudulent misrepresentations or by any breach of warranty as to freedom from liens on the motor vehicle or motorcycle sold by the dealer, wholesaler, distributor, dealer of motorcycles only or ~~[wrecker of vehicles]~~ auto recycler. The bond shall be continuous in form and limited to the payment of fifty thousand dollars (\$50,000) in total aggregate liability on a dealer's license, wholesaler's license, distributor's license, ~~[wrecker of vehicles]~~ auto recycler's license or a title service company license and twelve thousand five hundred dollars (\$12,500) on a dealer's license for motorcycles only.

B. No applicant for a dealer's license, wholesaler's license, distributor's license or dealer's license for motorcycles only who files bond in the amount and form specified in Subsection A of this section shall be required to file any additional bond to conduct a business of wrecking or dismantling motor vehicles or motorcycles. Conversely, no applicant for ~~[a wrecker of vehicles]~~ an auto recycler's license who files bond in the amount and form specified in Subsection A of this section shall be required to file any additional bond to conduct a business of dealer, distributor, wholesaler or dealer of motorcycles only.

C. In lieu of the bond required in this section, the dealer, wholesaler, distributor, ~~[wrecker of vehicles]~~ auto recycler or dealer of motorcycles only may elect to file with the department the equivalent amount of cash or bonds of the United States or New Mexico or of any political subdivision of the state.

D. The license of a dealer, wholesaler, distributor or ~~[wrecker of vehicles]~~ auto recycler or of a title service company may be suspended or canceled if the dealer, wholesaler, distributor,

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 19

~~[wrecker of vehicles]~~ auto recycler or title service company fails to have in effect the required bond or other security."

Section 18. Section 66-6-17 NMSA 1978 (being Laws 1978, Chapter 35, Section 352, as amended) is amended to read:

"66-6-17. SPECIAL DEALER PLATE FEES.--

A. Except as provided otherwise in Subsection C of this section, every dealer or ~~[wrecker of vehicles]~~ auto recycler, except a dealer in motorcycles only, shall pay each license year fifty dollars (\$50.00) for each special dealer plate issued pursuant to Section 66-3-402 NMSA 1978 to the dealer or ~~[wrecker]~~ auto recycler for that license year.

B. Except as provided otherwise in Subsection C of this section, every dealer in motorcycles only shall pay each license year ten dollars (\$10.00) for each special dealer plate issued pursuant to Section 66-3-402 NMSA 1978 to the dealer for that license year.

C. In the event ~~[any]~~ a special dealer plate is lost, mutilated or becomes illegible, a dealer, ~~[wrecker of vehicles]~~ auto recycler or dealer in motorcycles only shall obtain a replacement plate pursuant to the provisions of Section 66-3-24 NMSA 1978. The fee for a replacement special dealer plate shall be fifty dollars (\$50.00) for a dealer or ~~[wrecker of vehicles]~~ auto recycler and ten dollars (\$10.00) for a dealer in motorcycles only."

Section 19. Section 66-6-18 NMSA 1978 (being Laws 1978, Chapter 35, Section 353, as amended) is amended to read:

"66-6-18. LICENSE FEE FOR DEALERS, WHOLESALERS, DISTRIBUTORS, ~~[AND WRECKERS OF VEHICLES]~~ AUTO RECYCLERS AND TITLE SERVICE COMPANIES.--For a license to do business as a dealer, wholesaler, distributor ~~[or wrecker of vehicles]~~ or any combination of the

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION

HF1/SCORC/SB 441, aa

Page 20

foregoing or as an auto recycler or as a title service company, there shall be paid a fee of fifty dollars (\$50.00) for each license year or portion thereof."

Section 20. Section 66-8-5 NMSA 1978 (being Laws 1978, Chapter 35, Section 503) is amended to read:

"66-8-5. SUSPENDING OR REVOKING CERTIFICATE OR SPECIAL PLATES OF A MANUFACTURER, DEALER OR [~~WRECKER OR VEHICLES~~] AUTO RECYCLER.-- The division may suspend or revoke a certificate or the special plate issued to a manufacturer, dealer or [~~wrecker of vehicles~~] auto recycler upon determining that [~~any said~~] the person is not lawfully entitled thereto or has made or knowingly permitted any illegal use of such plate or has committed fraud in the registration of vehicles."".

8. Renumber the succeeding section accordingly.

\_\_\_\_\_  
George J. Hanosh

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_