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SENATE BILL 905

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING AND ENACTING SECTIONS OF
THE MOTOR VEHICLE CODE; RECONCILING MULTIPLE AMENDMENTS TO THE
SAME SECTION OF LAW IN LAWS 2005; PROVIDING PENALTIES;
REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 7-14-6 NMSA 1978 (being Laws 1988,
Chapter 73, Section 16, as amended) is amended to read:

"7-14-6. EXEMPTIONS FROM TAX.--

A. [~~Persons who acquire~~] A person who acquires a
vehicle out of state thirty or more days before establishing a
domicile in this state [~~are~~] is exempt from the tax if the
vehicle was acquired for personal use.

B. [~~Persons~~] A person applying for a certificate of
title for a vehicle registered in another state [~~are~~] is exempt

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1 from the tax if ~~[they have]~~ the person has previously
2 registered and titled the vehicle in New Mexico and ~~[have]~~ has
3 owned the vehicle continuously since that time.

4 C. ~~[Certificates]~~ A vehicle with a certificate of
5 title ~~[for all vehicles]~~ owned by this state or any political
6 subdivision ~~[are]~~ is exempt from the tax.

7 ~~[D. A vehicle subject to registration under Section~~
8 ~~66-3-16 NMSA 1978 is exempt from the tax.~~

9 ~~E. Persons who acquire]~~

10 D. A person is exempt from the tax if the person
11 has a disability at the time the person purchases a vehicle and
12 can prove to the motor vehicle division of the department or
13 its agent that modifications have been made to the vehicle that
14 are:

15 (1) due to that person's disability; and

16 (2) necessary to enable that person to drive
17 that vehicle or be transported in that vehicle.

18 E. A person is exempt from the tax if the person is
19 a bona fide resident of New Mexico who served in the armed
20 forces of the United States and who suffered, while serving in
21 the armed forces or from a service-connected cause, the loss or
22 complete and total loss of use of:

23 (1) one or both legs at or above the ankle; or

24 (2) one or both arms at or above the wrist.

25 F. A person who acquires a vehicle for subsequent

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1 lease shall be exempt from the tax if:

2 (1) the person does not use the vehicle in any
3 manner other than holding it for lease or sale or leasing or
4 selling it in the ordinary course of business;

5 (2) the lease is for a term of more than six
6 months;

7 (3) the receipts from the subsequent lease are
8 subject to the gross receipts tax; and

9 (4) the vehicle does not have a gross vehicle
10 weight of over twenty-six thousand pounds.

11 [~~F-~~] G. From July 1, 2004 through June 30, 2009,
12 vehicles that are gasoline-electric hybrid vehicles with a
13 United States environmental protection agency fuel economy
14 rating of at least twenty-seven and one-half miles per gallon
15 are eligible for a one-time exemption from the tax at the time
16 of the issuance of the original certificate of title for the
17 vehicle."

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

20 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
21 Code:

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

25 (1) to have been left unattended on either

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1 public or private property for at least thirty days;

2 (2) not to have been reported stolen;

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

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

7 B. "access aisle" means a space designed to allow a
8 person with [~~severe~~] a significant mobility [~~impairment~~]
9 limitation to safely exit and enter a motor vehicle [~~and~~] that
10 is immediately adjacent to a designated [~~disabled~~] parking
11 space for persons with significant mobility limitation and that
12 may be common to two such parking spaces of at least sixty
13 inches in width or, if the parking space is designed for van
14 accessibility, ninety-six inches in width, and clearly marked
15 with blue striping;

16 C. "actual empty weight" means the weight of a
17 vehicle without a load;

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

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

8 ~~[E-]~~ F. "authorized emergency vehicle" means any
9 fire department vehicle, police vehicle, ambulance and any
10 emergency vehicles of municipal departments or public utilities
11 that are designated or authorized as emergency vehicles by the
12 director of the New Mexico state police division of the
13 department of public safety or local authorities; and

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

20 Section 3. Section 66-1-4.3 NMSA 1978 (being Laws 1990,
21 Chapter 120, Section 4, as amended) is amended to read:

22 "66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "camping body" means a vehicle body primarily
25 designed or converted for use as temporary living quarters for

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1 recreational, camping or travel activities;

2 B. "camping trailer" means a camping body, mounted
3 on a chassis, or frame with wheels, designed to be drawn by
4 another vehicle and that has collapsible partial side walls
5 that fold for towing and unfold at the campsite;

6 C. "cancellation" means that a driver's license is
7 annulled and terminated because of some error or defect or
8 because the licensee is no longer entitled to the license, but
9 cancellation of a license is without prejudice, and application
10 for a new license may be made at any time after cancellation;

11 D. "casual sale" means the sale of a motor vehicle
12 by the registered owner of the vehicle if the owner has not
13 sold more than four vehicles in that calendar year;

14 E. "chassis" means the complete motor vehicle,
15 including standard factory equipment, exclusive of the body and
16 cab;

17 F. "collector" means a person who is the owner of
18 one or more vehicles of historic or special interest who
19 collects, purchases, acquires, trades or disposes of these
20 vehicles or parts thereof for the person's own use in order to
21 preserve, restore and maintain a similar vehicle for hobby
22 purposes;

23 G. "combination" means any connected assemblage of
24 a motor vehicle and one or more semitrailers, trailers or
25 semitrailers converted to trailers by means of a converter

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1 gear;

2 ~~[H. "combination gross vehicle weight" means the~~
3 ~~sum total of the gross vehicle weights of all units of a~~
4 ~~combination;~~

5 ~~F.]~~ H. "commerce" means the transportation of
6 persons, property or merchandise for hire, compensation, profit
7 or in the furtherance of a commercial enterprise in this state
8 or between New Mexico and a place outside New Mexico, including
9 a place outside the United States;

10 ~~[J.]~~ I. "commercial motor vehicle" means a
11 self-propelled or towed vehicle, other than special mobile
12 equipment, used on public highways in commerce to transport
13 passengers or property when the vehicle:

14 (1) is operated interstate and has a gross
15 vehicle weight rating or gross combination weight rating, or
16 gross vehicle weight or gross combination weight, of four
17 thousand five hundred thirty-six kilograms, or ten thousand one
18 pounds or more; or is operated only in intrastate commerce and
19 has a gross vehicle weight rating or gross combination weight
20 rating, or gross vehicle weight or gross combination weight, of
21 twenty-six thousand one or more pounds;

22 (2) is designed or used to transport more than
23 eight passengers, including the driver, and is used to
24 transport passengers for compensation;

25 (3) is designed or used to transport more than

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1 fifteen passengers, including the driver, and is not used to
2 transport passengers for compensation; or

3 (4) is used to transport hazardous materials
4 of the type or quantity requiring placarding under rules
5 prescribed by applicable federal or state law;

6 [~~K.~~] J. "controlled-access highway" means every
7 highway, street or roadway in respect to which owners or
8 occupants of abutting lands and other persons have no legal
9 right of access to or from the highway, street or roadway
10 except at those points only and in the manner as may be
11 determined by the public authority having jurisdiction over the
12 highway, street or roadway;

13 [~~L.~~] K. "controlled substance" means [~~any~~] a
14 substance defined in Section 30-31-2 NMSA 1978 as a controlled
15 substance;

16 [~~M.~~] L. "converter gear" means any assemblage of
17 one or more axles with a fifth wheel mounted thereon, designed
18 for use in a combination to support the front end of a
19 semitrailer but not permanently attached thereto. A converter
20 gear shall not be considered a vehicle, as that term is defined
21 in Section 66-1-4.19 NMSA 1978, but weight attributable thereto
22 shall be included in declared gross weight;

23 [~~N.~~] M. "conviction" means:

24 (1) an unvacated adjudication of guilt, or a
25 determination by a court of original jurisdiction that a person

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1 has violated or failed to comply with the law;

2 (2) an unvacated adjudication of guilt, or a
3 determination by an authorized administrative tribunal
4 authorized pursuant to the Implied Consent Act that a person
5 who holds a valid commercial driver's license has violated or
6 failed to comply with the law;

7 (3) an unvacated forfeiture of bail or
8 collateral deposited to secure the person's appearance in
9 court;

10 (4) a plea of guilty or nolo contendere
11 accepted by the court;

12 (5) the payment of a fine or court cost; or

13 (6) a violation of a condition of release
14 without bail, regardless of whether the payment is rebated,
15 suspended or probated;

16 [~~0.~~] N. "crosswalk" means:

17 (1) that part of a roadway at an intersection
18 included within the connections of the lateral lines of the
19 sidewalks on opposite sides of the highway measured from the
20 curbs or, in the absence of curbs, from the edges of the
21 traversable roadway; and

22 (2) any portion of a roadway at an
23 intersection or elsewhere distinctly indicated for pedestrian
24 crossing by lines or other markings on the surface; and

25 [~~P.~~] O. "curb cut" means a short ramp through a

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1 curb or built up to the curb."

2 Section 4. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
3 Chapter 120, Section 5, as amended) is amended to read:

4 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
5 Code:

6 A. "day" means calendar day, unless otherwise
7 provided in the Motor Vehicle Code;

8 B. "dealer", except as [~~herein~~] specifically
9 excluded, means any person who sells or solicits or advertises
10 the sale of new or used motor vehicles, manufactured homes or
11 trailers subject to registration in this state; "dealer" does
12 not include:

13 (1) receivers, trustees, administrators,
14 executors, guardians or other persons appointed by or acting
15 under judgment, decree or order of any court;

16 (2) public officers while performing their
17 duties as such officers;

18 (3) persons making casual sales of their own
19 vehicles;

20 (4) finance companies, banks and other lending
21 institutions making sales of repossessed vehicles; or

22 (5) licensed brokers under the Manufactured
23 Housing Act who, for a fee, commission or other valuable
24 consideration, engage in brokerage activities related to the
25 sale, exchange or lease purchase of pre-owned manufactured

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1 homes on a site installed for a consumer;

2 C. "declared gross weight" means the maximum gross
3 vehicle weight or [~~combination~~] gross combination vehicle
4 weight at which a vehicle or combination will be operated
5 during the registration period, as declared by the registrant
6 for registration and fee purposes; the vehicle or combination
7 shall have only one declared gross weight for all operating
8 considerations;

9 D. "department" means the taxation and revenue
10 department, the secretary of taxation and revenue or any
11 employee of the department exercising authority lawfully
12 delegated to that employee by the secretary;

13 E. "designated [~~disabled~~] accessible parking space
14 for persons with significant mobility limitation" means any
15 space, including an access aisle, that is marked and reserved
16 for the parking of a passenger vehicle that carries
17 registration plates or a parking placard [~~indicating~~
18 ~~disability~~] with the international symbol of access issued in
19 accordance with Section 66-3-16 NMSA 1978 and that is
20 designated by a conspicuously posted sign bearing the
21 international [~~disabled~~] symbol of [~~a wheelchair~~] access and,
22 if the parking space is paved, by a clearly visible depiction
23 of this symbol painted in blue on the pavement of the space;

24 F. "director" means the secretary;

25 G. "disqualification" means a prohibition against

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1 driving a commercial motor vehicle;

2 H. "distinguishing number" means the number
3 assigned by the department to a vehicle whose identifying
4 number has been destroyed or obliterated or the number assigned
5 by the department to a vehicle that has never had an
6 identifying number;

7 I. "distributor" means [~~any~~] a person who
8 distributes or sells new or used motor vehicles to dealers and
9 who is not a manufacturer;

10 J. "division", without further specification,
11 "division of motor vehicles" or "motor vehicle division" means
12 the department;

13 K. "driver" means every person who drives or is in
14 actual physical control of a motor vehicle, including a
15 motorcycle, upon a highway, who is exercising control over or
16 steering a vehicle being towed by a motor vehicle or who
17 operates or is in actual physical control of an off-highway
18 motor vehicle;

19 L. "driver's license" means a license or a class of
20 license issued by a state or other jurisdiction to an
21 individual that authorizes the individual to drive a motor
22 vehicle; and

23 M. "driveaway-towaway operation" means [~~any~~] an
24 operation in which any motor vehicle, new or used, is the item
25 being transported when one set or more of wheels of any such

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1 motor vehicle is on the roadway during the course of
2 transportation, whether or not the motor vehicle furnishes the
3 motive power."

4 Section 5. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
5 Chapter 120, Section 6, as amended) is amended to read:

6 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
7 Code:

8 A. "electric personal assistive mobility device"
9 means a self-balancing device having two nontandem wheels
10 designed to transport a single person by means of an electric
11 propulsion system with an average power of one horsepower and
12 with a maximum speed on a paved level surface of less than
13 twenty miles per hour when powered solely by its propulsion
14 system and while being ridden by an operator who weighs one
15 hundred seventy pounds;

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

22 [~~B.~~] C. "established place of business", for a
23 dealer or auto recycler, means a place:

24 (1) devoted exclusively to the business for
25 which the dealer or auto recycler is licensed and related

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1 business;

2 (2) identified by a prominently displayed sign
3 giving the dealer's or auto recycler's trade name used by the
4 business;

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

8 (4) on which there is located an enclosed
9 building on a permanent foundation, which building meets the
10 building requirements of the community and is large enough to
11 accommodate the office or offices of the dealer or auto
12 recycler and large enough to provide a safe place to keep the
13 books and records of the dealer or auto recycler;

14 (5) where the principal portion of the
15 business of the dealer or auto recycler is conducted and where
16 the books and records of the business are kept and maintained;
17 and

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

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1 percent of the gross sales of the business; and

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

12 Section 6. Section 66-1-4.7 NMSA 1978 (being Laws 1990,
13 Chapter 120, Section 8) is amended to read:

14 "66-1-4.7. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

16 ~~[A. "gross vehicle weight" means the weight of a
17 vehicle without load, plus the weight of any load thereon;~~

18 ~~B. "gross vehicle weight rating" means the value
19 specified by the manufacturer as the maximum loaded weight of a
20 vehicle or a vehicle combination, or registered gross weight,
21 whichever is greater; the "gross vehicle weight rating" of a
22 vehicle or a vehicle combination is the gross vehicle weight
23 rating of the power unit plus the gross vehicle weight rating
24 of the towed units; and~~

25 ~~C. "gross weight" means gross vehicle weight as~~

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1 ~~defined in this section]~~

2 A. "gross combination vehicle weight" means the
3 total of the gross vehicle weights of all units of a
4 combination;

5 B. "gross combination weight rating" means the
6 value specified by the manufacturer as the loaded weight of a
7 combination; however, in the absence of a value specified by
8 the manufacturer, the gross combination weight rating shall be
9 determined by adding the gross vehicle weight rating of the
10 power unit and the total weight of the towed unit or units and
11 the load on those units;

12 C. "gross factory shipping weight" means the weight
13 indicated on the manufacturer's certificate of origin;

14 D. "gross vehicle weight" means the weight of a
15 loaded vehicle; and

16 E. "gross vehicle weight rating" means the value
17 specified by the manufacturer as the loaded weight of a single
18 vehicle."

19 Section 7. Section 66-1-4.11 NMSA 1978 (being Laws 1990,
20 Chapter 120, Section 12, as amended) is amended to read:

21 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

23 A. "mail" means any item properly addressed with
24 postage prepaid delivered by the United States postal service
25 or any other public or private enterprise primarily engaged in

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1 the transport and delivery of letters, packages and other
2 parcels;

3 B. "manufactured home" means a movable or portable
4 housing structure that exceeds either a width of eight feet or
5 a length of forty feet, constructed to be towed on its own
6 chassis and designed to be installed with or without a
7 permanent foundation for human occupancy;

8 C. "manufacturer" means every person engaged in the
9 business of constructing or assembling vehicles of a type
10 required to be registered under the Motor Vehicle Code;

11 D. "manufacturer's certificate of origin" means a
12 certification, on a form supplied by or approved by the
13 department, signed by the manufacturer that the new vehicle or
14 boat described ~~[therein]~~ in the certificate has been
15 transferred to the New Mexico dealer or distributor named
16 ~~[therein]~~ in the certificate or to a dealer duly licensed or
17 recognized as such in another state, territory or possession of
18 the United States and that such transfer is the first transfer
19 of the vehicle or boat in ordinary trade and commerce; ~~[Every~~
20 ~~such certificate shall contain space for proper reassignment to~~
21 ~~a New Mexico dealer or to a dealer duly licensed or recognized~~
22 ~~as such in another state, territory or possession of the United~~
23 ~~States, and the certificate shall contain a description of the~~
24 ~~vehicle, the number of cylinders, type of body, engine number~~
25 ~~and the serial number or other standard identification number~~

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1 ~~provided by the manufacturer of the vehicle;~~

2 ~~E. "metal tire" means every tire of which the~~
3 ~~surface in contact with the highway is wholly or partly of~~
4 ~~metal or other hard nonresilient material, except that a snow~~
5 ~~tire with metal studs designed to increase traction on ice or~~
6 ~~snow is not considered a metal tire;~~

7 ~~F.]~~ E. "moped" means a two-wheeled or three-wheeled
8 vehicle with an automatic transmission and a motor having a
9 piston displacement of less than fifty cubic centimeters, that
10 is capable of propelling the vehicle at a maximum speed of not
11 more than thirty miles an hour on level ground, at sea level;

12 ~~[G.]~~ F. "motorcycle" means every motor vehicle
13 having a seat or saddle for the use of the rider and designed
14 to travel on not more than three wheels in contact with the
15 ground, excluding a tractor;

16 ~~[H.]~~ G. "motor home" means a camping body built on
17 a self-propelled motor vehicle chassis so designed that seating
18 for driver and passengers is within the body itself;

19 ~~[I.]~~ H. "motor vehicle" means every vehicle that is
20 self-propelled and every vehicle that is propelled by electric
21 power obtained from batteries or from overhead trolley wires,
22 but not operated upon rails; but for the purposes of the
23 Mandatory Financial Responsibility Act, "motor vehicle" does
24 not include "special mobile equipment"; and

25 ~~[J.]~~ I. "motor vehicle insurance policy" means a

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1 policy of vehicle insurance that covers self-propelled vehicles
2 of a kind required to be registered pursuant to New Mexico law
3 for use on the public streets and highways. A "motor vehicle
4 insurance policy":

5 (1) shall include:

6 (a) motor vehicle bodily injury and
7 property damage liability coverages in compliance with the
8 Mandatory Financial Responsibility Act; and

9 (b) uninsured motorist coverage, subject
10 to the provisions of Section 66-5-301 NMSA 1978 permitting the
11 insured to reject such coverage; and

12 (2) may include:

13 (a) physical damage coverage;

14 (b) medical payments coverage; and

15 (c) other coverages that the insured and
16 the insurer agree to include within the policy."

17 Section 8. Section 66-1-4.12 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 13, as amended) is amended to read:

19 "66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "neighborhood electric car" means a four-wheeled
22 electric motor vehicle that has a maximum speed of more than
23 twenty miles per hour but less than twenty-five miles per hour
24 and complies with the federal requirements specified in 49 CFR
25 571.500;

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1 ~~[A.]~~ B. "nonrepairable vehicle" means a vehicle of
2 a type otherwise subject to registration that:

3 (1) has no resale value except as a source of
4 parts or scrap metal or that the owner irreversibly designates
5 as a source of parts or scrap metal or for destruction;

6 (2) has been substantially stripped as a
7 result of theft or is missing all of the bolts on sheet metal
8 body panels, all of the doors and hatches, substantially all of
9 the interior components and substantially all of the grill and
10 light assemblies and has little or no resale value other than
11 its worth as a source of a vehicle identification number that
12 could be used illegally; or

13 (3) is a substantially burned vehicle that has
14 burned to the extent that there are no more usable or
15 repairable body or interior components, tires and wheels or
16 drive train components or that the owner irreversibly
17 designates for destruction or as having little or no resale
18 value other than its worth as a source of scrap metal or as a
19 source of a vehicle identification number that could be used
20 illegally;

21 ~~[B.]~~ C. "nonrepairable vehicle certificate" means a
22 vehicle ownership document conspicuously labeled
23 "NONREPAIRABLE" issued to the owner of the nonrepairable
24 vehicle;

25 ~~[C.]~~ D. "nonresident" means every person who is not

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1 a resident of this state;

2 [D-] E. "nonresident commercial driver's license"
3 means a commercial driver's license issued by [~~a state defined~~
4 ~~within "state" to an individual who resides in~~] another state
5 to a person domiciled in that state or by a foreign
6 [jurisdiction] country to a person domiciled in that country;
7 and

8 [E-] F. "nonresident's operating privilege" means
9 the privilege conferred upon a nonresident by the laws of this
10 state pertaining to the operation by the nonresident of a motor
11 vehicle, or the use of a motor vehicle owned by the
12 nonresident, in this state."

13 Section 9. Section 66-1-4.15 NMSA 1978 (being Laws 1990,
14 Chapter 120, Section 16, as amended) is amended to read:

15 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
16 Code:

17 A. "railroad" means a carrier of persons or
18 property upon cars operated upon stationary rails;

19 B. "railroad sign or signal" means any sign, signal
20 or device erected by authority of a public body or official or
21 by a railroad and intended to give notice of the presence of
22 railroad tracks or the approach of a railroad train;

23 C. "railroad train" means a steam engine, electric
24 or other motor, with or without cars coupled thereto, operated
25 upon rails;

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1 D. "reconstructed vehicle" means any vehicle
2 assembled or constructed largely by means of essential parts,
3 new or used, derived from other vehicles or which, if
4 originally otherwise assembled or constructed, has been
5 materially altered by the removal of essential parts, new or
6 used;

7 E. "recreational travel trailer" means a camping
8 body designed to be drawn by another vehicle;

9 F. "recreational vehicle" means a vehicle with a
10 camping body that has its own motive power, is affixed to or is
11 drawn by another vehicle and includes motor homes, travel
12 trailers and truck campers;

13 G. "registration" means registration certificates
14 and registration plates issued under the laws of New Mexico
15 pertaining to the registration of vehicles;

16 H. "registration number" means the number assigned
17 upon registration by the division to the owner of a vehicle or
18 motor vehicle required to be registered by the Motor Vehicle
19 Code;

20 I. "registration plate" means the plate, marker,
21 sticker or tag assigned by the division for the identification
22 of the registered vehicle;

23 J. "residence district" means the territory
24 contiguous to and including a highway not comprising a business
25 district when the property on the highway for a distance of

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1 three hundred feet or more is in the main improved with
2 residences or residences and buildings in use for business;

3 K. "revocation" means that the driver's license and
4 privilege to drive a motor vehicle on the public highways are
5 terminated and shall not be renewed or restored, except that an
6 application for a new license may be presented to and acted
7 upon by the division after the expiration of at least one year
8 after date of revocation;

9 L. "right of way" means the privilege of the
10 immediate use of the roadway;

11 M. "road tractor" means every motor vehicle
12 designed and used primarily for drawing other vehicles and [~~not~~
13 ~~so~~] constructed [~~as~~] not to carry [~~any~~] a significant load
14 [~~thereon~~] on the road tractor, either independently or as any
15 part of the weight of a vehicle or load [~~so~~] drawn; and

16 N. "roadway" means that portion of a street or
17 highway improved, designed or ordinarily used for vehicular
18 travel, exclusive of the berm or shoulder [~~and in the event~~];
19 when a highway includes two or more separate roadways, the term
20 "roadway" refers to [~~any such~~] each roadway separately but not
21 to all [~~such~~] of the roadways collectively."

22 Section 10. Section 66-1-4.17 NMSA 1978 (being Laws 1990,
23 Chapter 120, Section 18, as amended by Laws 2003, Chapter 141,
24 Section 1 and by Laws 2003, Chapter 164, Section 3) is amended
25 to read:

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1 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
2 Code:

3 A. "tank vehicle" means a motor vehicle that is
4 designed to transport any liquid or gaseous material within a
5 tank that is either permanently or temporarily attached to the
6 vehicle or the chassis and that has either a gross vehicle
7 weight rating of twenty-six thousand one or more pounds or is
8 used in the transportation of hazardous materials requiring
9 placarding of the vehicle under applicable law;

10 B. "taxicab" means a motor vehicle used for hire in
11 the transportation of persons, having a normal seating capacity
12 of not more than seven persons;

13 C. "temporary off-site location" means a location
14 other than a dealer's established or additional place of
15 business that is used exclusively for the display of vehicles
16 or vessels for sale or resale and for related business;

17 [~~G.~~] D. "through highway" means every highway or
18 portion [~~thereof~~] of a highway at the entrance to which
19 vehicular traffic from intersecting highways is required by law
20 to stop before entering or crossing it when stop signs are
21 erected as provided in the Motor Vehicle Code;

22 [~~D.~~] E. "title service company" means a person,
23 other than the department, an agent of the department, a
24 licensed dealer or the motor transportation division of the
25 department of public safety, who for consideration issues

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1 temporary registration plates or prepares and submits to the
2 department on behalf of others applications for registration of
3 or title to motor vehicles;

4 [E.] F. "traffic" means pedestrians, ridden or
5 herded animals, vehicles and other conveyances either singly or
6 together using any highway for purposes of travel;

7 [F.] G. "traffic-control signal" means any device,
8 whether manually, electrically or mechanically operated, by
9 which traffic is alternately directed to stop and to proceed;

10 [G.] H. "traffic safety bureau" means the traffic
11 safety bureau of the [~~state highway and~~] department of
12 transportation [~~department~~];

13 [H.] I. "trailer" means any vehicle without motive
14 power, designed for carrying persons or property and for being
15 drawn by a motor vehicle, and so constructed that no
16 significant part of its weight rests upon the towing vehicle;

17 J. "transaction" means all operations necessary at
18 one time with respect to one identification card, one driver,
19 one vessel or one vehicle;

20 [I.] K. "transportation inspector" means an
21 employee of the motor transportation division of the department
22 of public safety who has been certified by the director of the
23 division to enter upon and perform inspections of motor
24 carriers' vehicles in operation;

25 [J.] L. "transporter of manufactured homes" means a

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1 commercial motor vehicle operation engaged in the business of
2 transporting manufactured homes from the manufacturer's
3 location to the first dealer's location. A "transporter of
4 manufactured homes" may or may not be associated with or
5 affiliated with a particular manufacturer or dealer;

6 [~~K-~~] M. "travel trailer" means a trailer with a
7 camping body and includes recreational travel trailers and
8 camping trailers;

9 [~~L-~~] N. "trial court" means the magistrate,
10 municipal or district court that tries the case concerning an
11 alleged violation of a provision of the Motor Vehicle Code;

12 [~~L-~~] O. "tribal court" means a court created by a
13 tribe or a court of Indian offense created by the United States
14 secretary of the interior;

15 [~~M-~~] P. "tribe" means an Indian nation, tribe or
16 pueblo located wholly or partially in New Mexico;

17 [~~N-~~] Q. "truck" means every motor vehicle designed,
18 used or maintained primarily for the transportation of
19 property;

20 [~~O-~~] R. "truck camper" means a camping body
21 designed to be loaded onto, or affixed to, the bed or chassis
22 of a truck. A camping body, when combined with a truck or
23 truck cab and chassis, even though not attached permanently,
24 becomes a part of the motor vehicle, and together they are a
25 recreational unit to be known as a "truck camper"; there are

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1 three general types of truck campers:

2 (1) "slide-in camper" means a camping body
3 designed to be loaded onto and unloaded from the bed of a
4 pickup truck;

5 (2) "chassis-mount camper" means a camping
6 body designed to be affixed to a truck cab and chassis; and

7 (3) "pickup cover" or "camper shell" means a
8 camping body designed to provide an all-weather protective
9 enclosure over the bed of a pickup truck and to be affixed
10 ~~[thereto]~~ to the pickup truck; and

11 [P-] S. "truck tractor" means every motor vehicle
12 designed and used primarily for drawing other vehicles and ~~[not~~
13 ~~so]~~ constructed ~~[as]~~ to carry ~~[a load other than]~~ a part of the
14 weight of the vehicle and load ~~[so]~~ drawn."

15 Section 11. Section 66-2-3 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 7, as amended) is amended to read:

17 "66-2-3. POWERS AND DUTIES OF DEPARTMENT.--

18 A. The department is vested with the power and is
19 charged with the duty of observing, administering and enforcing
20 the Motor Vehicle Code in cooperation with state and local
21 agencies as provided by law and the provisions of law now
22 existing or hereinafter enacted ~~[that pertain to the licensing~~
23 ~~of drivers and that pertain to the financial responsibility of~~
24 ~~owners and drivers]~~.

25 B. The secretary may seek an injunction in any

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1 district court to require compliance with or prohibit violation
2 of the Motor Vehicle Code. [~~A request for an injunction may~~
3 ~~seek the prohibition of the buying, selling, exchanging or~~
4 ~~operation of vehicles of a type required to be registered under~~
5 ~~the Motor Vehicle Code.~~]

6 C. A person authorized to carry out the duties
7 imposed on the department by law is authorized to copy a record
8 or document, including a birth certificate, necessary to
9 establish that an applicant has met the requirements for
10 issuance of a document issued by the department."

11 Section 12. Section 66-2-15 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 19, as amended) is amended to read:

13 "66-2-15. AGENTS OR DEPARTMENT EMPLOYEES TO REMIT MONEY
14 RECEIVED--BONDS FOR AGENTS OR DEPARTMENT EMPLOYEES.--Agents or
15 department employees shall remit all money received by them in
16 the carrying out of the duty imposed upon them by the Motor
17 Vehicle Code, including [~~the agents'~~] administrative [~~service~~]
18 fees. The agents' reports are subject to audit and acceptance
19 by the department. Before undertaking [~~any~~] a duty [~~in~~] on
20 behalf of the director, the agents shall execute a surety bond,
21 in [~~such~~] an amount [~~as~~] required by the director [~~requires~~]
22 and in the form required of public officials by law [~~of public~~
23 ~~officials~~]. The department shall [~~have such~~] designate those
24 employees required to be covered by [~~such~~] a bond [~~as the~~
25 ~~department may designate~~]."

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1 Section 13. Section 66-2-16 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 20, as amended) is amended to read:

3 "66-2-16. ADMINISTRATIVE ~~[SERVICE]~~ FEES--COLLECTION--
4 REMITTANCE--PAYMENT--OPTIONAL ~~[SERVICE]~~ FEES--APPROPRIATION.--

5 A. ~~[The secretary is authorized to establish by~~
6 ~~regulation a schedule of administrative service fees to be~~
7 ~~collected by the]~~ The department and its agents ~~[or department]~~
8 shall collect an administrative fee to defray the department's
9 costs of operation ~~[of the agents' or department's offices]~~ and
10 of rendering service to the public. ~~[Fees]~~ The fee shall be
11 two dollars (\$2.00) for each transaction performed by ~~[the]~~ an
12 agent or the department ~~[for the secretary]~~ and shall be
13 collected in addition to all other fees and taxes imposed.

14 B. All sums collected by an agent or the department
15 as administrative ~~[service]~~ fees shall be remitted as provided
16 in Section 66-2-15 NMSA 1978.

17 C. Administrative ~~[service]~~ fees remitted by
18 department employees shall be deposited by the state treasurer
19 into the motor vehicle suspense fund and distributed in
20 accordance with Section 66-6-23 NMSA 1978.

21 D. Notwithstanding the provisions of Subsections A
22 through C of this section, a class A county with a population
23 exceeding three hundred thousand or municipality with a
24 population exceeding three hundred thousand within a class A
25 county designated as an agent pursuant to Section 66-2-14.1

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1 NMSA 1978 shall not be paid [~~an administrative service~~] the fee
2 provided in Subparagraph (b) of Paragraph (1) of Subsection A
3 of Section 66-6-23 NMSA 1978.

4 E. The secretary is authorized to establish by
5 [~~regulation~~] rule fees to cover the expense of providing
6 additional services for the convenience of the motoring public.
7 Any service established for which a fee is adopted pursuant to
8 this subsection shall be optional, with the fee not being
9 charged to any person not taking advantage of the service.
10 Amounts collected pursuant to this subsection are appropriated
11 to the department for the purpose of defraying the expense of
12 providing the service.

13 F. The secretary shall review, at the end of each
14 fiscal year, the aggregate total of motor vehicle transactions
15 performed by each municipality, county or fee agent operating a
16 motor vehicle field office, and identify each office exceeding
17 ten thousand aggregate transactions per year."

18 Section 14. Section 66-3-1 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 21, as amended) is amended to read:

20 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
21 EXCEPTIONS.--

22 A. Every motor vehicle, manufactured home, trailer,
23 semitrailer and pole trailer when driven or moved upon a
24 highway and every off-highway motor vehicle is subject to the
25 registration and certificate of title provisions of the Motor

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1 Vehicle Code except:

2 (1) any such vehicle driven or moved upon a
3 highway in conformance with the provisions of the Motor Vehicle
4 Code relating to manufacturers, dealers, lien-holders or
5 nonresidents;

6 (2) any such vehicle that is driven or moved
7 upon a highway only for the purpose of crossing the highway
8 from one property to another;

9 (3) [~~any~~] an implement of husbandry that is
10 only incidentally operated or moved upon a highway;

11 (4) [~~any~~] special mobile equipment;

12 (5) [~~any~~] a vehicle that is propelled
13 exclusively by electric power obtained from overhead trolley
14 wires though not operated upon rails;

15 (6) a freight [~~trailers~~] trailer if [~~they are~~]
16 it is:

17 (a) properly registered in another
18 state;

19 (b) identified by a proper base
20 registration plate that is properly displayed; and

21 (c) identified by other registration
22 documents that are in the possession of the operator and
23 exhibited at the request of a police officer;

24 (7) a freight [~~trailers~~] trailer or utility
25 [~~trailers~~] trailer owned and used by:

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1 (a) a nonresident solely for the
2 transportation of farm products purchased by the nonresident
3 from growers or producers of the farm products and transported
4 in the trailer out of the state;

5 (b) [~~farmers and ranchers~~] a farmer or a
6 rancher who [~~transport~~] transports to market only the produce,
7 animals or fowl produced by [~~them~~] that farmer or rancher or
8 who [~~transport~~] transports back to [~~their farms and ranches~~]
9 the farm or ranch supplies for use thereon; or

10 (c) [~~persons who transport~~] a person who
11 transports animals to and from fairs, rodeos or other places,
12 except racetracks, where the animals are exhibited or otherwise
13 take part in performances, in trailers drawn by a motor vehicle
14 or truck of less than ten thousand pounds gross vehicle weight
15 rating bearing a proper registration plate, but in no case
16 shall the owner of an unregistered trailer described in this
17 paragraph perform such uses for hire; [~~and~~]

18 (8) a moped;

19 (9) an electric personal assistive mobility
20 device;

21 [~~(8) any such~~] (10) a vehicle moved on a
22 highway by a towing service as defined in Section 59A-50-2 NMSA
23 1978; and

24 (11) an off-highway motor vehicle exempted
25 pursuant to Section 66-3-1005 NMSA 1978.

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1 B. ~~[No]~~ A certificate of title need not be obtained
2 for any vehicle of a type subject to registration owned by the
3 government of the United States.

4 ~~[G. Every manufactured home shall be subject to the~~
5 ~~registration and certificate of title provisions of the Motor~~
6 ~~Vehicle Code, and each manufactured home shall at all times~~
7 ~~bear a current registration plate.]"~~

8 Section 15. Section 66-3-2 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 22, as amended) is amended to read:

10 "66-3-2. REGISTRATION--TRAILERS, SEMITRAILERS, POLE
11 TRAILERS AND FREIGHT TRAILERS.--

12 A. The motor transportation division of the
13 department of public safety and the motor vehicle ~~[and motor~~
14 ~~transportation divisions]~~ division of the taxation and revenue
15 department, according to their appropriate jurisdictions, shall
16 grant permanent registration to freight trailers subject to
17 registration and may grant ~~[a]~~ permanent registration to
18 utility trailers not used in commerce whose gross vehicle
19 weight is less than six thousand one pounds upon application
20 and payment of the fee required by Section 66-6-3 NMSA 1978.
21 The registration shall expire, however, upon the transfer of
22 title or interest in the vehicle, at which time the vehicle
23 shall be reregistered.

24 B. In registering trailers, semitrailers and pole
25 trailers, the motor transportation division and the motor

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1 vehicle [~~and motor transportation divisions~~] division may
2 require such information and documents and may make such tests
3 and investigations as they deem necessary and practicable to
4 determine or to verify the empty weights and gross vehicle
5 weights and to ensure that the vehicles may be safely and
6 legally operated upon the highways of this state."

7 Section 16. Section 66-3-2.10 NMSA 1978 (being Laws 1972,
8 Chapter 7, Section 42) is amended to read:

9 "66-3-2.10. PROPORTIONAL REGISTRATION NOT EXCLUSIVE.--
10 Nothing contained in the Motor Transportation Act relating to
11 the proportional registration of fleet vehicles shall be
12 construed as requiring any vehicle to be proportionally
13 registered if it is otherwise registered in this state for the
14 operation in which it is engaged, including, but not by way of
15 limitation, [~~regular~~] registration, temporary registration
16 permit or trip permit [~~or registration~~]."

17 Section 17. Section 66-3-4 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 24, as amended) is amended to read:

19 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
20 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

21 A. Every owner of a vehicle of a type required to
22 be registered in this state shall make application to the
23 division for the registration and issuance of a certificate of
24 title for the vehicle. Applications shall be upon the
25 appropriate forms furnished by the division and shall bear the

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1 signature of the owner written with pen and ink. All
2 applications presented to the division shall contain:

3 (1) for a vehicle other than a recreational
4 vehicle, the name, bona fide New Mexico residence address and
5 mail address of the owner or, if the owner is a firm,
6 association or corporation, the name, bona fide New Mexico
7 business address and mail address of the firm, association or
8 corporation and for a recreational vehicle, the name, bona fide
9 residence address and mail address of the owner and proof of
10 delivery in New Mexico;

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

24 (3) a statement of the applicant's title and
25 of all liens or encumbrances upon the vehicle and the names and

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1 addresses of all persons having any interest therein and the
2 nature of every such interest and the name and address of the
3 person to whom the certificate of title shall be delivered by
4 the division;

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

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

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

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

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

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

16 D. Prior to the sale or disposal of a nonrepairable
17 vehicle, the owner, owner's agent or salvage pool shall obtain
18 a properly endorsed nonrepairable vehicle certificate from the
19 department and deliver it to the purchaser within twenty days
20 after payment in full for the nonrepairable vehicle and shall
21 also comply with Section 66-3-10.1 NMSA 1978. The department
22 shall accept the endorsed nonrepairable vehicle certificate in
23 lieu of the certificate of ownership or other evidence of
24 ownership when accompanied by an application and other
25 documents and fees as may be required by the department. A

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1 vehicle for which a nonrepairable vehicle certificate has been
2 issued shall not be titled or registered for use on the
3 highways of this state.

4 E. If an insurance company makes a total loss
5 settlement on a nonrepairable vehicle and takes possession of
6 that vehicle, either itself or through an agent or salvage
7 pool, the insurance company or an authorized agent of the
8 insurance company shall:

9 (1) stamp the face of the title or
10 manufacturer's certificate of origin with the word
11 "NONREPAIRABLE", in letters no less than one-half inch high, at
12 an angle of approximately forty-five degrees to the text of the
13 title or manufacturer's certificate of origin; and

14 (2) within twenty days after receipt of title
15 by the insurer, free and clear of all liens, submit a copy of
16 the branded title or manufacturer's certificate of title to the
17 department together with documents explaining the reason for
18 branding, and shall forward a properly endorsed certificate of
19 title or manufacturer's certificate of origin or other evidence
20 of ownership acceptable to the department together with the
21 proper fee to the department. The department, upon receipt of
22 the title or manufacturer's certificate of origin or other
23 evidence of ownership, shall issue a nonrepairable vehicle
24 certificate for the vehicle.

25 F. If an owner of a nonrepairable vehicle elects to

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1 retain possession of the vehicle, the insurance company shall
2 notify the department of the retention on a form prescribed by
3 the department. The insurance company shall also notify the
4 insured or owner of the insured's or owner's responsibility to
5 comply with this section. The owner shall, within twenty days
6 from the date of settlement of the loss, forward a properly
7 endorsed certificate of title or manufacturer's certificate of
8 origin or other evidence of ownership acceptable to the
9 department together with the proper fee to the department. The
10 department, upon receipt of the title or manufacturer's
11 certificate of origin or other evidence of ownership, shall
12 issue a nonrepairable vehicle certificate for the vehicle.

13 G. If a nonrepairable vehicle is not the subject of
14 an insurance settlement, the owner shall, within twenty days
15 from the date of the loss, forward a properly endorsed
16 certificate of title or manufacturer's certificate of origin or
17 other evidence of ownership acceptable to the department
18 together with the proper fee to the department. The
19 department, upon receipt of the title or manufacturer's
20 certificate of origin or other evidence of ownership, shall
21 issue a nonrepairable vehicle certificate for the vehicle.

22 H. The department shall not issue a new
23 registration card and certificate of ownership pursuant to
24 Subsection A, B or C of this section on a vehicle that has been
25 issued a nonrepairable vehicle certificate pursuant to

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1 Subsections E, F and G of this section."

2 Section 18. Section 66-3-6 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 26, as amended) is amended to read:

4 "66-3-6. TEMPORARY REGISTRATION PERMITS, [AND]
5 DEMONSTRATION [PLATES] PERMITS AND TRANSPORT PERMITS.--

6 A. The department may issue a temporary
7 registration permit to individuals to operate a vehicle pending
8 action by the department upon an application for registration
9 and certificate of title or renewal of registration when the
10 application is accompanied by the proper fees and taxes. The
11 temporary registration permit shall be valid for a period not
12 to exceed thirty business days from the day it is validated by
13 the department. Temporary registration permits shall not be
14 extended nor another issued except for good cause shown.

15 B. The department may issue a [~~temporary~~]
16 demonstration permit to individuals and financing institutions
17 to operate a vehicle for the purpose of demonstrating the
18 vehicle for resale. The [~~temporary~~] demonstration permit shall
19 be valid for a period not to exceed five business days from the
20 day it is validated by the department. [~~Temporary~~]
21 Demonstration permits shall not be extended nor another issued
22 except for good cause shown.

23 C. The department may issue a [~~temporary~~] transport
24 permit to a manufacturer of vehicles or transporter of
25 manufactured homes for the purpose of demonstrating or

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1 transporting the vehicle to a dealer's location. The
2 [~~temporary~~] transport permit shall be valid for a period not to
3 exceed ten business days, shall state the number of days for
4 which the transport permit is valid and shall be validated by
5 the signature of the manufacturer or transporter. [~~Temporary~~]
6 Transport permits shall not be extended nor another issued
7 except for good cause shown.

8 D. The department shall issue [~~or authorize the~~
9 ~~issuance of temporary transportation~~] transport permits to
10 dealers licensed pursuant to Section 66-4-1 NMSA 1978.
11 [~~Temporary transportation~~] Transport permits shall be used only
12 on vehicles held in the inventory of the dealer to whom the
13 transport permits are issued. The transport permits shall be
14 used only for importing vehicles into this state or for
15 transporting vehicles between dealers intrastate. Use of [~~the~~]
16 transport permits pursuant to this section shall be deemed
17 compliance with the requirements of Section 66-3-4 NMSA 1978.
18 The transport permits shall be valid for not more than five
19 [~~additional~~] business days from the date of validation.

20 [~~Temporary transportation~~] Transport permits shall:

- 21 (1) name the dealer to whom the transport
22 permits are issued;
- 23 (2) name the authorized driver of the vehicle;
- 24 (3) show the point of origin and termination
25 of the trip covered by the transport permit; and

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1 (4) be signed and dated by the dealer who
2 executed the transport permit.

3 E. The department shall issue [~~or authorize the~~
4 ~~issuance of~~] temporary [~~retail-sale~~] registration permits to
5 dealers licensed pursuant to Section 66-4-1 NMSA 1978.
6 Temporary [~~retail-sale~~] registration permits shall be used only
7 on vehicles sold at retail by the dealer to whom the temporary
8 registration permits are issued and shall not be extended nor
9 another issued for the same vehicle except for good cause
10 shown. Use of the temporary registration permits pursuant to
11 this section shall be deemed compliance with the provisions of
12 Section 66-3-4 NMSA 1978. The temporary registration permits
13 shall be valid for not more than thirty [~~additional~~] days from
14 the date of validation. Temporary [~~retail-sale~~] registration
15 permits shall:

16 (1) name the dealer to whom the temporary
17 registration permits are issued;

18 (2) name the person to whom the vehicle has
19 been sold; and

20 (3) be signed and dated by the dealer who
21 executed the temporary registration permit.

22 F. The department shall issue [~~or authorize the~~
23 ~~issuance of temporary~~] demonstration [~~plates~~] permits to
24 dealers licensed pursuant to Section 66-4-1 NMSA 1978.

25 [~~Temporary~~] Demonstration [~~plates~~] permits shall be used only

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1 on vehicles included in the inventory of the dealer to whom the
2 ~~[temporary plates]~~ demonstration permits are issued. The
3 ~~[temporary plates]~~ demonstration permits shall be used to allow
4 the operation of vehicles for the limited purposes of testing,
5 demonstrating or preparing a vehicle for sale or lease.

6 ~~[Temporary]~~ Demonstration ~~[plates]~~ permits may not be used on
7 work or service vehicles, as that term is defined in Section
8 66-3-401 NMSA 1978, that are owned, used or held in inventory
9 by a dealer. Use of the ~~[temporary plates]~~ demonstration
10 permits pursuant to this section shall be deemed compliance
11 with the provisions of Section 66-3-4 NMSA 1978. A ~~[temporary]~~
12 demonstration [plate] permit, after being affixed to a specific
13 vehicle, shall be valid for as long as the vehicle is held in
14 the dealer's inventory. ~~[dealer who uses temporary~~
15 ~~demonstration plates is required to maintain a list showing the~~
16 ~~plate assigned to each specific vehicle and make that list~~
17 ~~available to the department during normal business hours.~~

18 ~~Temporary]~~ A dealer who uses demonstration permits is required
19 to maintain a list showing the date on which the permit was
20 issued, the name of the person to whom it was issued, the name
21 of the employee by whom it was issued and a description of the
22 vehicle, including its make, model, model year and vehicle
23 identification number. A dealer shall maintain the list for
24 three years from the end of the year in which the dealer issued
25 the permit and must make it available to the department or its

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1 agents and to law enforcement officers during reasonable
2 business hours. When a vehicle is sold, the dealer shall keep
3 demonstration permits with other records of the sale. A
4 demonstration [plates] permit shall:

5 (1) name the dealer to whom the [~~plates are~~]
6 demonstration permit is issued; and

7 (2) display a unique identification number
8 assigned by the department.

9 G. [~~In lieu of issuing temporary transportation~~
10 ~~permits, temporary retail-sale permits or temporary~~
11 ~~demonstration plates to dealers~~] The department may authorize
12 in writing dealers licensed pursuant to Section 66-4-1 NMSA
13 1978 to print and use at their own cost [~~temporary~~]
14 demonstration permits [or plates to be used] in conformance
15 with the provisions of [~~Subsections D, E and~~] Subsection F of
16 this section, subject to reasonable requirements established by
17 the department.

18 H. The department may authorize agents of the
19 division, in writing, to print and issue demonstration permits
20 to be used by dealers in conformance with the provisions of
21 Subsection F of this section, subject to reasonable
22 requirements established by the department. Agents who issue
23 demonstration permits shall maintain a list showing the date on
24 which the permit was issued and the name of the dealer to whom
25 it was issued. Agents shall maintain the list for three years

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1 from the end of the year in which they issued the permit and
2 shall make it available to the department or its agents, and to
3 law enforcement officers, during reasonable business hours. A
4 demonstration permit shall:

5 (1) name the dealer to whom the permit is
6 issued; and

7 (2) display a unique identification number
8 assigned by the department.

9 ~~[H.]~~ I. The department shall prescribe the size,
10 shape and content of all temporary registration permits, ~~[and~~
11 ~~plates]~~ demonstration permits and transport permits authorized
12 by this section. ~~[Nø]~~ A temporary registration permit, [ø
13 ~~plate]~~ demonstration permit or transport permit is not valid
14 until affixed to the vehicle for which it is validated in a
15 manner prescribed by the department.

16 ~~[F.]~~ J. For the misuse of ~~[any]~~ a temporary
17 registration permit, [ø ~~plate]~~ demonstration permit or
18 transport permit authorized by this section by an individual,
19 financing institution, manufacturer of vehicles, transporter of
20 manufactured homes, dealer ~~[wrecker or dismantler]~~ or auto
21 recycler, the secretary may revoke or suspend ~~[their]~~ the use
22 of that type of permit after a hearing as provided in Section
23 66-2-17 NMSA 1978.

24 ~~[J.]~~ K. The department shall collect ~~[an]~~ the
25 administrative fee imposed in Section 66-2-16 NMSA 1978 of
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1 fifty cents (\$.50) in addition to the actual cost of the
2 temporary registration permit, [~~document or plate~~]
3 demonstration permit or transport permit for each [~~temporary~~]
4 permit [~~or plate~~] issued by the department pursuant to this
5 section to individuals, financial institutions, manufacturers,
6 transporters [~~wreckers or dealers pursuant to this section~~] or
7 auto recyclers.

8 [K.] L. The department may issue [~~temporary~~]
9 ~~transportation permits~~] temporary [~~retail-sale~~] registration
10 permits, [~~and temporary~~] demonstration [~~plates~~] permits and
11 transport permits to dealers in units of not less than one
12 hundred [~~permits~~] at a fee established by the department to
13 cover the actual cost of the [~~permit or plate documents. No~~]
14 permits. An administrative fee shall not be charged by the
15 department when [~~temporary~~] permits [~~or plates~~] are issued by
16 the department pursuant to the provisions of this subsection.

17 [L.] M. The fees authorized by Subsections [J] K
18 and [K] L of this section to cover the actual cost of the
19 [~~temporary permit document or plate~~] permits are appropriated
20 to the department to defray the costs of administering the
21 [~~temporary permit and plate~~] permits program. The department
22 shall remit the administrative fee revenues of this section to
23 the motor vehicle suspense fund to be distributed in accordance
24 with Section 66-6-23 NMSA 1978."

25 Section 19. Section 66-3-16 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 36, as amended) is amended to read:

2 "66-3-16. [~~SPECIAL~~] DISTINCTIVE REGISTRATION
3 PLATES--~~[DISABLED]~~ PERSONS WITH SIGNIFICANT MOBILITY
4 LIMITATION--PARKING PLACARD.--

5 A. The division shall issue distinctive
6 registration plates [~~to any disabled person~~] for use on motor
7 vehicles and motorcycles owned by a person with a significant
8 mobility limitation who [~~se~~] requests a distinctive
9 registration plate and who proves satisfactorily to the
10 division that [~~he has suffered the loss, or the complete and~~
11 ~~total loss of use of, one or both legs at or above the ankle or~~
12 ~~of one or both arms at or above the wrist for use on motor~~
13 ~~vehicles owned by the person~~] the person meets the standard
14 provided in Subsection I of this section. No fee in addition
15 to the regular registration fee, if any, applicable to the
16 motor vehicle or motorcycle shall be collected for issuance of
17 [~~special~~] distinctive registration plates pursuant to this
18 section.

19 B. No person shall falsely [~~represent himself to be~~
20 ~~disabled~~] claim to have a significant mobility limitation so as
21 to be eligible to be issued a [~~special~~] distinctive
22 registration plate or a parking placard pursuant to this
23 section when [~~he is in fact not disabled~~] the person does not
24 in fact have a significant mobility limitation. Upon notice
25 and opportunity to be heard, the division may revoke and demand

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1 return of any placard when:

2 (1) it was issued in error or with false
3 information;

4 (2) the person receiving the placard is no
5 longer eligible; or

6 (3) the placard is being used by ineligible
7 persons.

8 C. Upon written application to the division
9 accompanied by a medical statement by a licensed physician
10 attesting to the permanent [~~disability~~] significant mobility
11 limitation, a resident of the state who has a [~~disability that~~
12 ~~limits or impairs the ability to walk~~] significant mobility
13 limitation, as provided in [~~Subsection G of~~] this section, may
14 apply for and be [~~granted the issuance of~~] issued no more than
15 two parking placards for display upon a motor vehicle
16 registered to [~~him~~] the person or motor vehicle owned by
17 another person who is transporting [~~him~~] the person with a
18 significant mobility limitation. The physician shall provide
19 the division all information and records necessary to issue a
20 permanent parking placard. Once approved for use of a
21 permanent parking placard, a person with a significant mobility
22 limitation shall not be required to furnish further medical
23 information [~~about his mobility impairment~~].

24 D. A parking placard issued pursuant to this
25 section shall expire on the same date the person's license or

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1 identification card issued pursuant to Section 66-5-401 NMSA
2 1978 expires.

3 E. The division shall issue two-sided hanger-style
4 parking placards with the following characteristics:

5 (1) the international symbol of access shall
6 be displayed on both sides of the placard and shall be at least
7 three inches in height, centered on the placard and white on a
8 blue field;

9 (2) an identification number enabling the
10 division to identify the holder of each placard. The division
11 shall maintain this information in a readily retrievable
12 format, provide it to the governor's [~~committee on concerns of~~
13 ~~the handicapped~~] commission on disability and make it available
14 on demand to any law enforcement agency just as it provides
15 vehicle registration and driver's license information;

16 (3) the date of expiration; and

17 (4) the division seal or other identification
18 of the issuing authority.

19 F. The division may issue an identification card
20 containing a full-face photograph of the holder of the
21 registration plate or parking placard and the number of the
22 registration plate or parking placard issued to that person.

23 [~~F.~~] G. Upon written application to the division
24 accompanied by a medical statement from a licensed physician
25 attesting to a temporary [~~disability~~] significant mobility

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1 limitation, a person [~~who has a temporary disability that~~
2 ~~limits or impairs the ability to walk~~] may be issued a
3 temporary placard for no more than one year. The physician
4 shall provide the division all information and records
5 necessary to issue a temporary placard.

6 [G. ~~For the purpose of obtaining a placard, a~~
7 ~~person with a "severe mobility impairment" means the person:~~

8 (1) ~~cannot walk one hundred feet without~~
9 ~~stopping to rest;~~

10 (2) ~~cannot walk without the use of a brace, a~~
11 ~~cane, a crutch, assistance from another person, a prosthetic~~
12 ~~device, a wheelchair or another assistive device;~~

13 (3) ~~is restricted by lung disease to such an~~
14 ~~extent that the person's forced respiratory volume, when~~
15 ~~exhaling for one second, when measured by spirometry, is less~~
16 ~~than one liter or the arterial oxygen tension is less than~~
17 ~~sixty millimeters on room air at rest;~~

18 (4) ~~uses portable oxygen;~~

19 (5) ~~has a severe cardiac condition; or~~

20 (6) ~~is so severely limited in his ability to~~
21 ~~walk due to an arthritic, neurologic or orthopedic condition~~
22 ~~that the person cannot ascend or descend more than ten stair~~
23 ~~steps.]~~

24 H. [~~Special~~] Registration plates or parking
25 placards issued to a person with [~~severe~~] a significant

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1 mobility [~~impairment~~] limitation by another state or foreign
2 jurisdiction shall be honored until the motor vehicle or
3 motorcycle is registered or the parking placard holder
4 establishes residency in this state.

5 ~~[I. All parking placards issued on or after July 1,~~
6 ~~1999 shall be issued in accordance with the provisions of this~~
7 ~~section.]~~

8 I. A person with a significant mobility limitation
9 means a person who:

10 (1) cannot walk one hundred feet without
11 stopping to rest;

12 (2) cannot walk without the use of a brace,
13 cane or crutch or without assistance from another person, a
14 prosthetic device, a wheelchair or other assistive device;

15 (3) is restricted by lung disease to such an
16 extent that the person's forced respiratory volume, when
17 exhaling for one second, when measured by spirometry, is less
18 than one liter or the arterial oxygen tension is less than
19 sixty millimeters on room air at rest;

20 (4) uses portable oxygen;

21 (5) has a severe cardiac condition; or

22 (6) is so severely limited in the ability to
23 walk due to an arthritic, neurologic or orthopedic condition
24 that the person cannot ascend or descend more than ten stair
25 steps."

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1 Section 20. Section 66-3-16.1 NMSA 1978 (being Laws 1995,
2 Chapter 129, Section 2, as amended) is amended to read:

3 "66-3-16.1. PROHIBITED ACTS--PENALTIES.--

4 A. Any person who provides false information in
5 order to acquire, or who assists an unqualified person to
6 acquire, a special registration plate or parking placard as
7 provided in Section 66-3-16 NMSA 1978 is guilty of a
8 misdemeanor and shall be sentenced pursuant to the provisions
9 of Section 31-19-1 NMSA 1978.

10 B. Any person, other than the person to whom a
11 special registration plate or a parking placard was issued, who
12 in the absence of the holder of the plate or placard, parks in
13 a designated [~~disabled~~] accessible parking space for persons
14 with significant mobility limitation while displaying the plate
15 or placard, is guilty of a misdemeanor and upon conviction
16 shall be sentenced pursuant to the provisions of Section
17 31-19-1 NMSA 1978.

18 C. A special registration plate or parking placard
19 displayed on a vehicle parked in a designated [~~disabled~~]
20 accessible parking space for persons with significant mobility
21 limitation in the absence of the holder of that plate or
22 placard is subject to immediate seizure by a law enforcement
23 official and if seized shall be delivered to the division
24 within seventy-two hours. Failure to surrender the parking
25 placard on demand of a law enforcement officer is a petty

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1 misdemeanor and punishable by a fine not to exceed one hundred
2 dollars (\$100)."

3 Section 21. Section 66-3-18 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 38, as amended) is amended to read:

5 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY
6 REGISTRATION PERMITS [~~AND PLATES~~]~~--DISPLAYS PROHIBITED AND~~
7 ~~ALLOWED.--~~

8 A. The registration plate shall be attached to the
9 rear of the vehicle for which it is issued; however, the
10 registration plate shall be attached to the front of a road
11 tractor or truck tractor. The plate shall be securely fastened
12 at all times in a fixed horizontal position at a height of not
13 less than twelve inches from the ground, measuring from the
14 bottom of the plate. It shall be in a place and position so as
15 to be clearly visible, and it shall be maintained free from
16 foreign material and in a condition to be clearly legible.

17 B. [~~Temporary~~] Demonstration [~~plates~~] permits and
18 temporary registration permits shall be firmly affixed to the
19 inside left rear window of the vehicle to which it is issued,
20 unless such display presents a safety hazard or the temporary
21 registration permit is not visible or readable from that
22 position, in which case, the temporary registration permit
23 shall be displayed in such a manner that it is clearly visible
24 from the rear or left side of the vehicle.

25 C. No vehicle while being operated on the highways

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1 of this state shall have displayed either on the front or the
2 rear of the vehicle any registration plate, including [~~tab or~~
3 validating sticker, other than one issued or validated for the
4 current registration period by the department or any other
5 licensing authority having jurisdiction over the vehicle. No
6 expired registration plate [~~tab~~] or validating sticker shall be
7 displayed on the vehicle other than an expired special
8 registration plate, which may be exhibited on the front of the
9 vehicle.

10 D. Nothing contained in this section shall be
11 construed as prohibiting the use of a promotional or
12 advertising plate on the front of the vehicle."

13 Section 22. Section 66-3-20.1 NMSA 1978 (being Laws
14 1988, Chapter 94, Section 1, as amended) is amended to read:

15 "66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS
16 FOR CERTAIN MOTOR VEHICLES--CREDIT FOR UNEXPIRED PORTION OF
17 FEE.--

18 A. [~~Registrations of~~] All vehicles, motorcycles
19 or trucks with a declared gross weight of twenty-six thousand
20 pounds or less may be registered for a period of [~~up to~~] two
21 years; provided the [~~extended~~] two-year registration period
22 shall begin on the first day of any month and expire on the
23 last day of any month.

24 B. The fee for [~~an extended~~] a two-year
25 registration [~~period~~] shall be twice the fee for a one-year

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1 registration. ~~[for one year divided by four and multiplied~~
2 ~~by the number of calendar quarters in the registration period~~
3 ~~with any fraction of a quarter year to be considered a full~~
4 ~~quarter.~~

5 ~~C. A refund shall not be permitted for the first~~
6 ~~year of registration. A refund shall be permitted during the~~
7 ~~second year of registration for a quarter during which a~~
8 ~~person applying for the refund did not own the vehicle for~~
9 ~~which the refund is requested.~~

10 ~~D.]~~ C. If the owner of a vehicle that is
11 registered for ~~[an extended registration period]~~ two years
12 sells, transfers or assigns title to or interest ~~[to]~~ in the
13 vehicle within the first year of registration and applies to
14 have the registration number assigned to another vehicle
15 pursuant to Section 66-3-101 NMSA 1978, upon assignment, ~~[a~~
16 ~~credit amount representing the unexpired portion]~~ the person
17 may apply for a refund of one-half of the two-
18 year registration fee ~~[plus an administrative fee to be~~
19 ~~determined by the department shall be applied, on a pro rata~~
20 ~~basis, to the registration fee for the vehicle to which the~~
21 ~~registration number is assigned]."~~

22 Section 23. Section 66-3-21 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 41) is amended to read:

24 "66-3-21. VEHICLE EXCEEDING DECLARED GROSS WEIGHT.--

25 A. Except as otherwise provided by law, a vehicle

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1 or combination shall not be operated upon the public highways
2 of this state when the gross vehicle weight or [~~combination~~]
3 gross combination vehicle weight exceeds the declared gross
4 weight. Any person violating the provisions of this section
5 shall be:

6 (1) assessed a penalty for the lapsed
7 portion of the registration period in an amount equal to the
8 difference between the fee for the declared gross weight and
9 the fee for the gross vehicle weight or [~~combination~~] gross
10 combination vehicle weight at which the vehicle or
11 combination was weighed; and

12 (2) required to register the vehicle or
13 combination at the higher declared gross weight in accordance
14 with the weight at the time of the violation for the
15 remainder of the registration period and to pay [~~the~~] that
16 fee [~~therefore~~].

17 B. Such registration shall not be construed to
18 authorize the movement of loads in violation of the state's
19 size and weight laws."

20 Section 24. Section 66-3-24 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 44, as amended) is amended to read:

22 "66-3-24. LOST OR DAMAGED CERTIFICATES, REGISTRATION
23 EVIDENCE OR PLATES.--

24 A. In the event any registration evidence or
25 registration plate is lost, mutilated or becomes illegible,

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1 the owner or legal representative or successor in interest of
2 the owner of the vehicle for which the registration evidence
3 or registration plate was issued as shown by the records of
4 the division shall immediately make application for and may
5 obtain a duplicate [~~or a substitute~~] or a new registration
6 under a new registration number as determined to be the most
7 advisable by the division upon the applicant furnishing
8 information satisfactory to the division.

9 B. In the event any certificate of title is lost,
10 mutilated or becomes illegible, the owner or legal
11 representative or successor in interest of the owner of the
12 boat required to be titled under the provisions of the Boat
13 Act or the vehicle for which the certificate of title was
14 issued as shown by the records of the division shall
15 immediately make application for and may obtain a duplicate
16 upon the applicant furnishing information satisfactory to the
17 division. In the event a lien or encumbrance is filed of
18 record with the division, the division shall require the
19 application for the duplicate certificate of title to be
20 signed by the holder of the lien or encumbrance. Upon
21 issuance of any duplicate certificate of title, the previous
22 certificate last issued is void.

23 C. In the absence of the regularly required
24 supporting evidence of ownership upon application for
25 certificate of title, registration or transfer of a boat

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1 required to be titled under the provisions of the Boat Act or
2 a vehicle, the division may accept an undertaking or surety
3 bond, in an amount double the value of the boat or vehicle,
4 which shall be conditioned to protect the department and all
5 officers and employees of the department and any subsequent
6 purchaser of the boat or vehicle, any person holding or
7 acquiring a lien or security interest on the boat or vehicle
8 or the successor in interest of the purchaser or person
9 against any loss or damage on account of any defect in or
10 undisclosed claim upon the right, title and interest of the
11 applicant or other person in and to the boat or vehicle. The
12 bond shall run to the true owner or the lienholder. The bond
13 shall expire three years after the date it became effective."

14 Section 25. Section 66-3-101 NMSA 1978 (being Laws
15 1978, Chapter 35, Section 48, as amended) is amended to read:

16 "66-3-101. TRANSFER BY OWNER--RECORDATION OF MILEAGE OF
17 VEHICLE--USE OF THE PLATE AND REGISTRATION NUMBER ON ANOTHER
18 VEHICLE.--

19 A. When the owner of a registered vehicle sells,
20 transfers or assigns [~~his~~] the owner's title to or interest
21 in, and delivers the possession of, the vehicle to another,
22 the registration of the vehicle shall expire [~~except as~~
23 ~~provided in Subsection B of this section~~]. The previous
24 owner shall notify the division of the sale or transfer
25 giving the date thereof, the name and address of the new

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1 owner and such description of the vehicle as may be required
2 in the appropriate form provided for such purpose by the
3 division. In the case of any transfer, including but not
4 limited to a transfer resulting from a sale, lease, gift or
5 auction of any vehicle, the person making the transfer shall
6 sign and shall record on the document evidencing the transfer
7 of the vehicle the actual mileage of the vehicle as indicated
8 by the vehicle's odometer at the time of the transfer.

9 B. When the owner of a registered vehicle sells,
10 transfers or assigns title to or interest in the vehicle, the
11 owner shall remove the registration plates from the vehicle,
12 except as provided in Subsection C of this section, and
13 ~~[within thirty days from the date of transfer]~~ either forward
14 the registration plates to the division or its authorized
15 agent to be destroyed or ~~[may]~~ apply to have the plate and
16 the registration number assigned to another vehicle ~~[as~~
17 ~~provided for in Section 66-3-104 NMSA 1978, upon the payment~~
18 ~~of the difference, if any, between the paid registration fee~~
19 ~~and the new registration fee less a credit amount, if~~
20 ~~applicable, representing the unexpired portion of the~~
21 ~~registration fee as provided in Section 66-3-20.1 NMSA~~
22 ~~1978 and the transfer fee provided by law and subject to the~~
23 ~~rules of the division]~~ of the same class. The division may
24 assign the plate and registration number to the newly
25 acquired vehicle of the same class only upon payment of the

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1 registration fee, if applicable, and only if the application
2 is made in the name of the original registered owner, unless
3 the owner's name has been changed by marriage, divorce or
4 court order.

5 C. When the owner of a vehicle bearing a current
6 registration plate of a foreign state, territory or country
7 transfers or assigns [~~his~~] the owner's title or interest in
8 the vehicle, the foreign registration plate shall be
9 delivered, together with the title to the vehicle and
10 evidence of registration, to the division or its authorized
11 agent at the time application is made for a New Mexico
12 registration plate, except when the assignment or transfer of
13 the title is to a bona fide resident of the foreign state,
14 territory or country in which the vehicle is registered.

15 D. The registration plate shall not be displayed
16 on the newly acquired vehicle until the registration of the
17 vehicle has been completed and a new registration certificate
18 issued. However, the temporary registration permit issued
19 for the vehicle by the dealer pursuant to the provisions of
20 Section 66-3-6 NMSA 1978 shall be displayed in accordance
21 with Subsection B of Section 66-3-18 NMSA 1978."

22 Section 26. Section 66-3-107 NMSA 1978 (being Laws
23 1978, Chapter 35, Section 54, as amended) is amended to read:

24 "66-3-107. DUTIES OF SELLER OR TRANSFEROR--ADDITIONAL
25 DUTIES OF DEALERS--APPLICATION FOR [~~TRANSFER~~] REGISTRATION--

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1 PENALTY--MILEAGE OF VEHICLE.--

2 A. Any seller or transferor, including a dealer,
3 of a vehicle required to be registered pursuant to the Motor
4 Vehicle Code shall furnish to the purchaser upon delivery the
5 necessary title properly assigned and shall inform the
6 purchaser that application for [~~transfer~~] registration must
7 be filed with the department within thirty days of the date
8 of sale. When a dealer licensed pursuant to Section 66-4-1
9 NMSA 1978 allows a vehicle to be purchased over a period of
10 time pursuant to an expressed or implied contract and elects
11 to retain a security interest in the vehicle, the dealer
12 shall collect the necessary [~~transfer~~] registration fees from
13 the purchaser upon delivery of the vehicle and shall, within
14 thirty days, pay all [~~transfer~~] registration fees due on the
15 vehicle to the department and shall give to the new purchaser
16 the new registration certificate in the purchaser's name.

17 B. Every dealer, upon transferring by sale, lease
18 or otherwise any vehicle, whether new or used, of a type
19 subject to registration pursuant to the Motor Vehicle Code
20 shall give written notice of the transfer to the department
21 upon an appropriate form provided by the department.

22 C. Except as otherwise provided in this
23 [~~subsection~~] section, the dealer shall indicate on the form
24 the actual mileage of the vehicle as indicated by the
25 vehicle's odometer at the time of the transfer.

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1 D. A sale shall be deemed completed and
2 consummated when the purchaser of that vehicle has paid the
3 purchase price or, in lieu thereof, has signed a purchase
4 contract or security agreement and taken physical possession
5 or delivery of that vehicle.

6 E. Failure to apply for [~~transfer~~] assignment of
7 registration and issuance of a new certificate of title
8 within thirty days from the date of sale, transfer or
9 assignment of a vehicle subjects the [~~transferee~~] owner of
10 the newly acquired vehicle to a penalty of twenty dollars
11 (\$20.00), which shall be collected by the department and
12 shall be in addition to other fees and penalties provided by
13 law."

14 Section 27. Section 66-3-118 NMSA 1978 (being Laws
15 1978, Chapter 35, Section 65) is amended to read:

16 "66-3-118. MANUFACTURER'S CERTIFICATE OF ORIGIN--
17 TRANSFER OF VEHICLE NOT PREVIOUSLY REGISTERED.--

18 A. Whenever a manufacturer or the agent or
19 distributor of [~~such~~] a manufacturer [~~shall transfer~~]
20 transfers a vehicle, not previously registered, to a dealer
21 in this state, the manufacturer, agent or distributor at the
22 time of transfer of the vehicle shall deliver to the dealer a
23 manufacturer's certificate of origin. [~~Such~~] The certificate
24 shall be signed by the manufacturer and shall specify that
25 the vehicle described [~~therein~~] has been transferred to the

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1 dealer named ~~[therein]~~ and that ~~[such]~~ the transfer is the
2 first transfer of the vehicle in ordinary trade and commerce.

3 B. The certificate shall contain a description of
4 the vehicle, number of cylinders, type of body, engine
5 number, serial number or other standard identification number
6 provided by the manufacturer of the vehicle and space for
7 proper reassignment to a New Mexico dealer or to a dealer
8 duly licensed or recognized as such in another state,
9 territory or possession of the United States.

10 ~~[B-]~~ C. Any dealer when transferring a vehicle,
11 not previously registered, to another dealer shall, at the
12 time of transfer, give the transferee the proper
13 manufacturer's certificate of origin fully assigned to the
14 transferee.

15 ~~[C-]~~ D. When a vehicle not previously registered
16 is transferred to a dealer who does not hold a franchise
17 granted by the manufacturer of the vehicle to sell that type
18 or model of vehicle, the transferee must obtain a
19 registration of the vehicle and certificate of title but
20 shall not be required to pay the excise tax imposed by
21 Section ~~[64-6-27 NMSA 1953]~~ 7-14-3 NMSA 1978."

22 Section 28. Section 66-3-302 NMSA 1978 (being Laws
23 1978, Chapter 35, Section 78, as amended) is amended to read:

24 "66-3-302. CARAVAN FEE.--

25 A. A person or an employee, agent or

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1 representative of that person shall not use the highways of
2 New Mexico for the transportation of any vehicle, regardless
3 of whether the vehicle is registered in another state or
4 whether the vehicle is transported on its own wheels or on
5 another vehicle or by being drawn or towed behind another, if
6 the vehicle is transported by any person or the agents or
7 employees of that person engaged in the business of
8 transporting vehicles or if the vehicle is being transported
9 for the purpose of delivery to any purchaser of the vehicle
10 on a sale or contract of sale previously made, unless the
11 vehicle carries:

12 (1) a valid New Mexico registration plate;

13 (2) a valid dealer's plate issued by the
14 department;

15 (3) a special permit for the use of the
16 highways of this state for the transportation of the vehicle
17 in the manner in which the vehicle is being transported,
18 which has first been obtained and the fee paid as specified
19 in this section; or

20 (4) a valid temporary transportation permit
21 issued under Subsection B of Section 66-3-6 NMSA 1978.

22 B. Special permits for the use of the highways of
23 this state for the transportation of such vehicles shall be
24 issued by the department of public safety upon application on
25 the form prescribed by the department of public safety and

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1 upon payment of a fee of ten dollars (\$10.00) for each
2 vehicle transported by use of its own power and a fee of
3 seven dollars (\$7.00) for each vehicle carried in or on
4 another vehicle or towed or drawn by another vehicle and not
5 transported in whole or in part by the use of its own power.
6 A fee imposed pursuant to this section may be referred to as
7 a "caravan fee". Every permit shall show upon its face the
8 registration number assigned to each vehicle, the name and
9 address of the owner, the manner of transportation authorized
10 and a description of the vehicle registered, including the
11 engine number. The permit shall be carried at all times by
12 the person in charge of the vehicle. A suitable tag or
13 placard for each vehicle may be issued by the department of
14 public safety and, if issued, shall be at all times displayed
15 on each vehicle being transported. The permit, tag or
16 placard shall not be used upon or in connection with the
17 transportation of any vehicle other than the one for which
18 the permit, tag or placard is issued.

19 C. A caravan fee shall not apply to the
20 transportation of vehicles carried on another vehicle for the
21 operation of which a weight distance tax is paid, nor shall
22 the vehicle transported be required to carry a registration
23 plate or temporary transportation permits. The motor
24 transportation [~~division of the department~~] and the New
25 Mexico state police divisions of the department of public

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1 safety are authorized to impound any vehicle transported in
2 violation of the Motor Transportation Act until a proper
3 permit has been secured and any fine levied has been paid."

4 Section 29. Section 66-3-401 NMSA 1978 (being Laws
5 1978, Chapter 35, Section 80, as amended) is amended to read:

6 "66-3-401. OPERATION OF VEHICLES UNDER [~~SPECIAL~~] DEALER
7 PLATES.--

8 A. Any vehicle that is required to be registered
9 pursuant to the Motor Vehicle Code and that is included in
10 the inventory of [~~an auto recycler or~~] a dealer may be
11 operated or moved upon the highways for any purpose, provided
12 that the vehicle display in the manner prescribed in Section
13 66-3-18 NMSA 1978 a [~~special~~] unique plate issued to the
14 dealer [~~or auto recycler~~] as provided in Section 66-3-402
15 NMSA 1978. This subsection shall not be construed as
16 limiting the use of temporary registration permits issued to
17 dealers pursuant to Section 66-3-6 NMSA 1978. Each dealer
18 plate shall be issued for a specific vehicle in a dealer's
19 inventory. If a dealer wishes to use the plate on a
20 different vehicle, the dealer must reregister that plate to
21 the different vehicle.

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

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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 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 auto recycler]~~ may register and title a vehicle included in a dealer's inventory in the name of the dealer ~~[or 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."

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1 Section 30. Section 66-3-401.1 NMSA 1978 (being Laws
2 1998, Chapter 48, Section 9, as amended) is amended to read:

3 "66-3-401.1. USE OF VEHICLES WITH ~~[SPECIAL]~~ DEALER
4 PLATES BY COACHES AND ATHLETIC DIRECTORS.--

5 A. Pursuant to Section 66-3-401 NMSA 1978, a
6 dealer may register a vehicle in the name of the dealer for
7 the purpose of providing the use of a vehicle from the
8 inventory of the dealer to a full-time coach or athletic
9 director at any state-supported four-year institution of
10 higher education in New Mexico.

11 B. A vehicle that a dealer elects to register
12 pursuant to Subsection A of this section is not required to
13 be titled pursuant to the provisions of the Motor Vehicle
14 Code, but the vehicle must be included in the driver's
15 inventory for Internal Revenue Code of 1986 purposes and
16 transferred to the full-time coach or athletic director under
17 conditions that require the dealer to report the value of the
18 use of the vehicle as income to the full-time coach or
19 athletic director.

20 C. The number of vehicles registered and used
21 pursuant to the provisions of this section shall be excluded
22 when determining compliance with the maximum number of
23 ~~[special]~~ dealer plates allowed pursuant to Subsection B of
24 Section 66-3-402 NMSA 1978."

25 Section 31. Section 66-3-402 NMSA 1978 (being Laws

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1 1978, Chapter 35, Section 81, as amended) is amended to read:

2 "66-3-402. APPLICATION FOR [SPECIAL] DEALER PLATES.--

3 A. [~~An auto recycler or~~] A dealer may apply to
4 the department [~~upon~~] on the appropriate form for one or more
5 [~~special~~] dealer plates. The applicant shall submit proof of
6 being a bona fide [~~auto recycler or~~] dealer as may reasonably
7 be required by the department.

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

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

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

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

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

22 [~~C. The maximum number of special dealer plates~~
23 ~~for which an auto recycler may apply pursuant to this section~~
24 ~~shall be:~~

25 [~~(1) for an auto recycler who wrecked or~~

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1 ~~dismantled three or more but fewer than fifty vehicles, one~~
2 ~~plate;~~

3 ~~(2) for an auto recycler who wrecked or~~
4 ~~dismantled fifty or more but fewer than one hundred vehicles,~~
5 ~~three plates;~~

6 ~~(3) for an auto recycler who wrecked or~~
7 ~~dismantled one hundred or more but fewer than five hundred~~
8 ~~vehicles, five plates; and~~

9 ~~(4) for an auto recycler who wrecked or~~
10 ~~dismantled five hundred vehicles or more, ten plates.~~

11 ~~D.]~~ C. A dealer [~~or auto recycler~~] shall be
12 entitled to five plates in the first calendar year in which
13 it begins business. A dealer [~~or auto recycler~~] who is
14 licensed pursuant to the provisions of Section 66-4-1 NMSA
15 1978 on or after August 1 of any calendar year shall also be
16 entitled to five plates in the calendar year following the
17 year in which it is first licensed to do business.

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

22 Section 32. Section 66-3-403 NMSA 1978 (being Laws
23 1978, Chapter 35, Section 82, as amended) is amended to read:

24 "66-3-403. EXPIRATION OF [~~SPECIAL~~] DEALER PLATES.--
25 Every [~~special~~] dealer plate issued pursuant to Section

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1 66-3-402 NMSA 1978 expires at midnight on December 31 of each
2 year. Upon payment of the proper fee, the person to whom the
3 [~~special~~] dealer plate was issued may apply to the department
4 for a new plate or validating sticker for the ensuing year.
5 Renewal of all [~~special~~] dealer plates shall be on or before
6 December 31. It is a misdemeanor pursuant to the Motor
7 Vehicle Code to operate a vehicle with a [~~special~~] dealer
8 plate that has expired."

9 Section 33. Section 66-3-404 NMSA 1978 (being Laws
10 1978, Chapter 35, Section 83, as amended) is amended to read:

11 "66-3-404. [~~SPECIAL VEHICLE-BUSINESS~~] DEALER PLATES NOT
12 TRANSFERABLE.--

13 A. [~~Special vehicle-business~~] Dealer plates
14 [~~issued to a manufacturer, auto recycler or dealer~~] are not
15 transferable between dealers.

16 B. Whenever [~~the holder of special vehicle-~~
17 ~~business plates~~] a dealer ceases operation for any reason,
18 the [~~current special vehicle-business plates issued to him~~
19 ~~shall be surrendered to the division~~] dealer shall surrender
20 to the division any dealer plates issued to the dealer."

21 Section 34. Section 66-3-840 NMSA 1978 (being Laws
22 1978, Chapter 35, Section 146) is amended to read:

23 "66-3-840. BRAKES.--

24 A. Brake equipment is required as follows:

25 (1) every motor vehicle other than a

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1 motorcycle when operated upon a highway shall be equipped
2 with brakes adequate to control the movement of and to stop
3 and hold [~~such~~] the vehicle, including two separate means of
4 applying the brakes, each of which [~~means shall be~~] is
5 effective to apply the brakes to at least two wheels. If
6 these two separate means of applying the brakes are connected
7 in any way, they shall be so constructed that failure of any
8 one part of the operating mechanism [~~shall~~] does not leave
9 the motor vehicle without brakes on at least two wheels;

10 (2) every motorcycle when operated upon a
11 highway shall be equipped with at least two brakes [~~which~~]
12 that may be operated by hand or foot;

13 (3) every bus, truck, truck tractor, road
14 tractor, trailer and semitrailer and pole trailer shall be
15 equipped with brakes on all wheels in contact with road
16 surfaces except:

17 (a) trailers, semitrailers and pole
18 trailers of a gross vehicle weight of less than three
19 thousand pounds;

20 (b) any vehicle being towed in a
21 driveaway-towaway operation; provided, the combination of
22 vehicles is capable of complying with the performance
23 requirements of Subsection B of this section;

24 (c) trucks, truck tractors and road
25 tractors having three or more axles need not have brakes on

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1 the front wheels except when [~~such~~] the vehicles are equipped
2 with at least two steerable axles, the wheels of one [~~such~~]
3 axle need not be equipped with brakes;

4 (d) house-moving dollies subject to
5 regulations adopted by the secretary of transportation under
6 the Motor Transportation Act; and

7 (e) motor vehicles of the types named
8 in [~~this section hereinabove, heretofore~~] Paragraphs (1)
9 through (3) of this subsection manufactured prior to July 1,
10 1963;

11 (4) every house trailer of a gross vehicle
12 weight in excess of three thousand pounds registered in [~~the~~]
13 this state shall be equipped with brakes on at least two
14 wheels in contact with road surfaces. Every house trailer of
15 a gross vehicle weight of three thousand pounds or more when
16 operated upon a highway or roadway shall be equipped with
17 brakes adequate to control the movement of and to stop and to
18 hold [~~such~~] the vehicle and so designed as to be applied by
19 the driver of the towing motor vehicle;

20 (5) every bus, truck, road tractor or truck
21 tractor shall be equipped with parking brakes capable of
22 locking the rear driving wheels and adequate under any
23 condition of loading to hold, to the limit of traction of
24 [~~such~~] the braked wheels, [~~such~~] the vehicle or combination
25 of vehicles to which [~~such~~] the motor vehicle may be

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1 attached. The operating controls of [~~such~~] the parking
2 brakes shall be independent of the operating controls of the
3 service brakes;

4 (6) in any combination of motor-drawn
5 vehicles, means shall be provided for applying the rearmost
6 trailer brakes of any trailer equipped with brakes in
7 approximate synchronism with the brakes on the towing vehicle
8 and developing the required braking effort on the rearmost
9 wheels at the fastest rate, or means shall be provided for
10 applying braking effort first on the rearmost trailer
11 equipped with brakes, or both of the above means capable of
12 being used alternatively may be employed; and

13 (7) the brake shoes operating within or upon
14 the drums on the vehicle wheels of any motor vehicle may be
15 used for both service and hand operation.

16 B. Every motor vehicle or combination of motor-
17 drawn vehicles shall be capable at all times, and under all
18 conditions of loading, of being stopped on a dry, smooth,
19 level road, free from loose material, upon application of the
20 service brake within the distance specified [~~below~~] in this
21 subsection or shall be capable of being decelerated at a
22 sustained rate corresponding to these distances:

23	Feet to stop from	Deceleration
24	20 miles per	in feet per
25	hour	second

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1 Vehicles or combinations
2 of vehicles having brakes
3 on all wheels 30 14
4 Vehicles or combinations
5 of vehicles not having
6 brakes on all wheels 40 10.7.

7 C. All brakes shall be maintained in good working
8 order and shall be so adjusted as to operate as equally as
9 practicable with respect to the wheels on opposite sides of
10 the vehicle."

11 Section 35. Section 66-3-847 NMSA 1978 (being Laws
12 1978, Chapter 35, Section 153, as amended) is amended to
13 read:

14 "66-3-847. RESTRICTIONS AS TO TIRE EQUIPMENT.--

15 A. When ~~[the]~~ use ~~[thereof]~~ is permitted, every
16 solid rubber tire on a vehicle shall have rubber on its
17 entire traction surface at least one-inch thick above the
18 edge of the flange of the entire periphery.

19 B. A person shall not operate or move on a
20 highway a motor vehicle, trailer or semitrailer having any
21 ~~[metal]~~ tire surface in contact with the roadway that is
22 wholly or partly of metal or other hard nonresilient
23 material, except ~~[that for the purposes of the Motor Vehicle~~
24 ~~Code]~~ a snow tire with metal studs designed to increase
25 traction on ice or snow ~~[shall not be considered a metal~~

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1 ~~tire~~].

2 C. No tire on a vehicle moved on a highway shall
3 have on its periphery [~~any~~] a block, flange, cleat or spike
4 or any other protuberance of any material other than rubber
5 that projects beyond the tread of the traction surface of the
6 tire. [~~except that~~] However, it shall be permissible to use
7 farm machinery with tires having protuberances that will not
8 injure the highway and [~~except also that it shall be~~
9 ~~permissible to use~~] tire chains of reasonable proportions or
10 snow tires with metal studs designed to increase traction on
11 ice or snow upon any vehicle when required for safety because
12 of snow, ice or other conditions tending to cause a vehicle
13 to skid.

14 D. The state transportation commission and local
15 authorities, in their respective jurisdictions, may, in their
16 discretion, issue special permits authorizing the operation
17 upon a highway of traction engines or tractors having movable
18 tracks with transverse corrugations upon the periphery of the
19 movable tracks or farm tractors or other farm machinery [~~the~~
20 ~~operation of which upon a highway~~] that would otherwise be
21 prohibited under the Motor Vehicle Code.

22 E. A vehicle equipped with solid rubber or
23 cushion tires shall not be permitted upon any highway of this
24 state without special permission [~~first being granted by~~
25 from the state transportation commission or the local

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1 authority having jurisdiction over the highway affected, and
2 in no event may any such vehicle be operated at a speed in
3 excess of that specified by law."

4 Section 36. Section 66-3-1004 NMSA 1978 (being Laws
5 1978, Chapter 35, Section 200, as amended) is amended to
6 read:

7 "66-3-1004. REGISTRATION CERTIFICATE AND NONRESIDENT
8 PERMIT FEES--RENEWAL.--

9 A. The fees for registering an off-highway motor
10 vehicle are:

11 (1) seventeen dollars (\$17.00) for each
12 off-highway motor vehicle; and

13 (2) an amount determined by rule of the
14 tourism department not to exceed thirty dollars (\$30.00) for
15 an off-highway user fee for each off-highway motor vehicle.

16 B. Upon a change of ownership, the new owner
17 shall make application and pay registration fees of:

18 (1) seventeen dollars (\$17.00) in the same
19 manner as provided by rules of the division for original
20 registration; and

21 (2) an amount determined by rule of the
22 tourism department not to exceed thirty dollars (\$30.00) for
23 an off-highway user fee for each off-highway motor vehicle.

24 C. The fees for a nonresident permit of an
25 off-highway motor vehicle are either:

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1 (1) seventeen dollars (\$17.00) for each
2 off-highway motor vehicle that is not registered in another
3 state; and

4 (2) an amount determined by rule of the
5 tourism department not to exceed thirty dollars (\$30.00) for
6 an off-highway user fee for each off-highway motor vehicle
7 that is not currently in compliance with a similar
8 off-highway user fee law or rule in another state; or

9 (3) seventeen dollars (\$17.00) for a
10 ninety-day permit to include both the off-highway motor
11 vehicle not otherwise registered and the off-highway user
12 fee.

13 D. Except as provided in Paragraph (3) of
14 Subsection C of this section, each registration certificate
15 and nonresident permit shall be:

16 (1) good for two years after the month in
17 which the off-highway motor vehicle is registered or the
18 permit is issued; and

19 (2) renewed every two years.

20 E. The off-highway user fee for each off-highway
21 motor vehicle shall be paid upon obtaining and renewing each
22 registration certificate or nonresident permit.

23 F. Duplicate registration certificates and
24 nonresident permits shall be issued upon payment of a
25 seven-dollar-fifty-cent (\$7.50) fee.

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1 G. A fee of one dollar (\$1.00) on registration
2 certificates and nonresident permits shall be collected for
3 the [~~New Mexico clean and beautiful program~~] litter control
4 and beautification fund.

5 H. The tourism department, in [~~conjunction~~]
6 conjunction with the division and the department of game and
7 fish, may establish and maintain sites to collect fees and
8 issue permits for residents and nonresidents."

9 Section 37. Section 66-3-1004.1 NMSA 1978 (being Laws
10 2005, Chapter 325, Section 4) is amended to read:

11 "66-3-1004.1. FEES--DISPOSITION.--

12 A. Except as provided in Subsection B of this
13 section, fees collected pursuant to Section 66-3-1004 NMSA
14 1978 shall be distributed as follows:

15 (1) of each seventeen dollars (\$17.00)
16 collected pursuant to Paragraph (1) of Subsection A,
17 Paragraph (1) of Subsection B or Paragraph (1) of Subsection
18 C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) is
19 appropriated to the division [~~and the money is appropriated~~
20 ~~to the division~~] to defray the cost of making and issuing
21 registration certificates, validating stickers and
22 nonresident permits for off-highway motor vehicles. The
23 remaining twelve dollars (\$12.00) shall be deposited in the
24 motor vehicle suspense fund for distribution pursuant to
25 Section 66-6-23 NMSA 1978;

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1 (2) fees collected pursuant to Paragraph (2)
2 of Subsection A, Paragraph (2) of Subsection B or Paragraph
3 (2) of Subsection C of Section 66-3-1004 NMSA 1978 to the
4 fund;

5 (3) fees collected pursuant to Subsection F
6 of Section 66-3-1004 NMSA 1978 are appropriated to the
7 division [~~and the money is appropriated to the division~~] to
8 defray the cost of making and issuing duplicate registration
9 certificates and nonresident permits for off-highway motor
10 vehicles;

11 (4) of each seventeen dollars (\$17.00)
12 collected pursuant to Paragraph (3) of Subsection C of
13 Section 66-3-1004 NMSA 1978, five dollars (\$5.00) is
14 appropriated to the division [~~and the money is appropriated~~
15 ~~to the division~~] to defray the costs of making and issuing
16 nonresident permits. The remaining twelve dollars (\$12.00)
17 shall be deposited in the fund; and

18 (5) fees collected pursuant to Subsection G
19 of Section 66-3-1004 NMSA 1978 to the tourism department for
20 the [~~New Mexico clean and beautiful program~~] litter control
21 and beautification fund.

22 B. If fees are collected by the department of
23 game and fish pursuant to Paragraph (1) of Subsection A,
24 Paragraph (1) of Subsection B or Paragraphs (1) and (3) of
25 Subsection C of Section 66-3-1004 NMSA 1978, seven dollars

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1 (\$7.00) shall be deposited in the game protection fund, five
2 dollars (\$5.00) [~~to the division, and the money is~~
3 ~~appropriated to the division to defray the cost of making and~~
4 ~~issuing registration certificates, validating stickers and~~
5 ~~nonresident permits for off-highway motor vehicles, and the~~
6 ~~remaining five dollars (\$5.00)] shall be deposited in the
7 motor vehicle suspense fund for distribution pursuant to
8 Section 66-6-23 NMSA 1978 and the remaining five dollars
9 (\$5.00) is appropriated to the division to defray the cost of
10 making and issuing registration certificates, validating
11 stickers and nonresident permits for off-highway motor
12 vehicles."~~

13 Section 38. Section 66-3-1102 NMSA 1978 (being Laws
14 2002, Chapter 38, Section 1) is amended to read:

15 "66-3-1102. ELECTRIC PERSONAL ASSISTIVE MOBILITY
16 DEVICES--STANDARDS--OPERATOR REQUIREMENTS--APPLICABILITY--
17 PENALTIES.--

18 [~~A. As used in this section, "electric personal~~
19 ~~assistive mobility device" means a self-balancing device~~
20 ~~having two nontandem wheels designed to transport a single~~
21 ~~person by means of an electric propulsion system with an~~
22 ~~average power of one horsepower and with a maximum speed on a~~
23 ~~paved level surface of less than twenty miles per hour when~~
24 ~~powered solely by its propulsion system and while being~~
25 ~~ridden by an operator who weighs one hundred seventy pounds.~~

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1 ~~B.~~ A. An electric personal assistive mobility
2 device shall be equipped with:

3 (1) front, rear and side reflectors;

4 (2) a braking system that enables the
5 operator to bring the device to a controlled stop; and

6 (3) if operated at any time from one-half
7 hour after sunset to one-half hour before sunrise, a lamp
8 that emits a white light that sufficiently illuminates the
9 area in front of the device.

10 ~~G.~~ B. The ~~[director]~~ secretary shall by rule
11 prescribe motor vehicle safety standards applicable to
12 electric personal assistive mobility devices.

13 ~~D.~~ C. An operator of an electric personal
14 assistive mobility device traveling on a sidewalk, roadway or
15 bicycle path shall have the rights and duties of a pedestrian
16 and shall exercise due care to avoid colliding with
17 pedestrians. An operator shall yield the right of way to
18 pedestrians.

19 ~~E.~~ D. Except as provided in this section, no
20 other provisions of the Motor Vehicle Code shall apply to
21 electric personal assistive mobility devices.

22 ~~F.~~ E. An operator who violates a provision of
23 ~~[Subsection B, C or D of]~~ this section shall receive a
24 warning for the first offense. For a second offense, the
25 operator shall be punished by a fine of ten dollars (\$10.00).

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1 For a third or subsequent offense, in addition to the fine,
2 the electric personal assistive mobility device shall be
3 impounded for up to thirty days.

4 ~~[G.]~~ F. This section does not apply to personal
5 assistive mobility devices used by persons with
6 disabilities."

7 Section 39. Section 66-3-1103 NMSA 1978 (being Laws
8 2004, Chapter 7, Section 1 and Laws 2004, Chapter 96, Section
9 1) is amended to read:

10 "66-3-1103. NEIGHBORHOOD ELECTRIC CARS.--

11 A. ~~[As used in this section]~~ A neighborhood
12 electric car ~~[means a four-wheeled electric motor vehicle~~
13 ~~that:~~

14 ~~(1) has a maximum speed of more than twenty~~
15 ~~miles per hour but less than twenty-five miles per hour;~~

16 ~~(2) complies with the federal requirements~~
17 ~~specified in 49 CFR 571.500; and~~

18 ~~(3) is]~~ shall be equipped with head lamps,
19 stop lamps, front and rear turn signal lamps, tail lamps,
20 reflex reflectors, a parking brake, at least one interior and
21 one exterior rear view mirror, a windshield, windshield
22 wipers, a speedometer, an odometer, braking for each wheel,
23 seat belts and a vehicle identification number.

24 B. Except as provided in Subsection C or D of
25 this section, a neighborhood electric car, properly

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1 registered pursuant to the provisions of the Motor Vehicle
2 Code, in compliance with the Mandatory Financial
3 Responsibility Act and driven by an individual with a valid
4 driver's license, may be operated on any street, roadway or
5 highway under the jurisdiction of either the state or a local
6 authority if the posted maximum speed limit is thirty-five
7 miles per hour or less; provided, a neighborhood electric car
8 may cross at an intersection or permitted crossing point at
9 any street, roadway or highway that has a posted maximum
10 speed limit higher than thirty-five miles per hour.

11 C. A local authority may prohibit the operation
12 of neighborhood electric cars on any road under its
13 jurisdiction if the governing body of the local authority
14 determines that the prohibition is necessary in the interest
15 of safety.

16 D. The department of transportation may prohibit
17 the operation of neighborhood electric cars on any road under
18 its jurisdiction if it determines that the prohibition is
19 necessary in the interest of safety.

20 E. Neighborhood electric cars are exempt from the
21 following provisions:

22 (1) the emblems or flashing lights
23 requirement for slow-moving vehicles in Section 66-3-887 NMSA
24 1978;

25 (2) any requirement for vehicle emission

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1 inspections adopted by a local authority pursuant to
2 Subsection C of Section 74-2-4 NMSA 1978; and

3 (3) the minimum motor displacement
4 requirement of Paragraph (2) of Subsection A of Section
5 66-7-405 NMSA 1978."

6 Section 40. Section 66-4-2 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 215, as amended by Laws 2005, Chapter 15,
8 Section 1 and by Laws 2005, Chapter 324, Section 14) is
9 amended to read:

10 "66-4-2. DEPARTMENT TO ISSUE LICENSE.--

11 A. Except for recreational vehicles, the
12 department, upon receiving application accompanied by the
13 required fee and when satisfied that the applicant is of good
14 character and complies with the laws of this state with
15 reference to the registration of vehicles and certificates of
16 title and the provisions of the Motor Vehicle Code, shall
17 issue to the applicant a license that entitles the licensee
18 to conduct the business of a dealer, auto recycler or title
19 service company. The license may be renewed upon application
20 and payment of the fee required by law. A licensee shall not
21 lease, loan, transfer or sell its license to another person,
22 and no person shall use the license of another person for any
23 purpose.

24 B. A dealer or auto recycler licensee, before
25 moving any [~~one or more~~] of the licensee's places of business

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1 or opening any additional place of business, shall apply to
2 the department for and obtain a supplemental license for
3 which no fee shall be charged. No supplemental license shall
4 be issued to a dealer, other than a dealer in motorcycles
5 only, for an additional place of business unless

6 ~~[(1) the place of business is an established~~
7 ~~place of business; or~~

8 ~~(2) the majority of dealers, other than~~
9 ~~dealers in motorcycles, in the county in which the proposed~~
10 ~~additional place of business would be located have been~~
11 ~~offered the opportunity, in documentation acceptable to the~~
12 ~~department, to offer vehicles for sale at the proposed~~
13 ~~additional place of business by the applicant; provided that~~
14 ~~the offer shall be for sale of vehicles at all times at which~~
15 ~~the applicant proposes to sell vehicles and shall not be~~
16 ~~conditioned upon the payment of any fee by any dealer to whom~~
17 ~~it is addressed greater than a fair share of the actual~~
18 ~~expenses incurred] the business already has an established~~
19 ~~place of business.~~

20 C. A person to whom the department has issued a
21 license to conduct the business of a dealer in motorcycles
22 only is also deemed a ~~[wrecker]~~ recycler of motorcycles
23 without additional license.

24 ~~[D. The department is authorized to establish a~~
25 ~~staggered system for licensing of dealers, wholesalers,~~

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1 ~~distributors and auto recyclers and of title service~~
2 ~~companies, provided that any license issued shall expire on~~
3 ~~the last day of a month. Licenses issued shall be issued for~~
4 ~~a period of twelve months.~~

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

11 Section 41. A new section of the Motor Vehicle Code,
12 Section 66-4-2.2 NMSA 1978, is enacted to read:

13 "66-4-2.2. [NEW MATERIAL] OFF-SITE SALES.--

14 A. A New Mexico licensed dealer, before offering
15 a vehicle or vessel for sale at a temporary off-site
16 location, shall apply to the department for and obtain an
17 off-site permit. No off-site permit shall be issued to a New
18 Mexico licensed dealer, other than a dealer in motorcycles
19 only, for a temporary off-site location unless the dealer:

20 (1) documents to the satisfaction of the
21 department that the dealer has offered the majority of
22 dealers, other than dealers in motorcycles only, in the
23 county in which the proposed temporary off-site location
24 would be located, the opportunity to offer vehicles or
25 vessels for sale at the proposed temporary off-site location;

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1 provided that the offer shall be for sale of vehicles or
2 vessels at all times during which the applicant proposes to
3 sell vehicles or vessels and shall not be conditioned upon
4 the payment of a fee by a dealer to whom the off-site permit
5 is addressed that is greater than a fair share of the actual
6 expenses; and

7 (2) obtains either an original rider to the
8 dealer's existing corporate surety bond or an original
9 corporate surety bond in compliance with the provisions of
10 Section 66-4-7 NMSA 1978 to cover the proposed temporary off-
11 site location and dates of sale.

12 B. All temporary off-site locations shall be
13 identified by prominently displayed signs identifying the
14 names of the New Mexico licensed dealers selling vehicles or
15 vessels at the temporary off-site location and shall be of
16 sufficient size or space to permit the safe display of the
17 vehicles or vessels offered for sale."

18 Section 42. Section 66-4-3 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 216, as amended) is amended to read:

20 "66-4-3. REFUSAL TO ISSUE LICENSE--CANCELLATION OR
21 SUSPENSION OF LICENSE OR USE OF TEMPORARY PERMITS--HEARING--
22 APPEAL.--

23 A. The department may refuse to issue a license
24 for just cause and may cancel or suspend a license or use of
25 a temporary [permits] registration permit, demonstration

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1 permit or transport permit for violation of the Motor Vehicle
2 Code. The department shall take the action authorized in
3 this section only after hearing. Notice of hearing shall be
4 given the party concerned as provided in Section 66-2-11 NMSA
5 1978. The notice shall state the proposed action of the
6 department and the reason for the proposed action.

7 B. The department shall prepare rules for the
8 conduct of the hearing. At the hearing, the technical rules
9 of evidence do not apply, and a party has the right to be
10 represented by counsel, to call witnesses in [~~his~~] the
11 party's own behalf and to cross-examine the witnesses of
12 other parties.

13 C. The secretary or [~~his~~] the secretary's
14 designated agent shall conduct the hearing for the department
15 and shall cause a record of hearing to be made.

16 D. Within ten days after completion of the
17 hearing, the secretary shall cause to be served upon all
18 parties, in the manner provided in Section 66-2-11 NMSA 1978,
19 [~~his~~] the secretary's findings and decision. The decision
20 shall be:

21 (1) granting a license or refusing to grant
22 a license;

23 (2) continuing a license, canceling a
24 license or suspending a license for a time stated; or

25 (3) continuing use of dealer plates and

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1 temporary registration permits, demonstration permits or
2 transport permits, canceling dealer plates and temporary
3 registration permits, demonstration permits or transport
4 permits or suspending use of temporary registration permits,
5 demonstration permits or transport permits for a time stated.

6 E. A party aggrieved by the secretary's decision
7 may file an appeal in the district court pursuant to the
8 provisions of Section 39-3-1.1 NMSA 1978."

9 Section 43. Section 66-4-5 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 218, as amended) is amended to read:

11 "66-4-5. RECORDS OF PURCHASES, OF SALES AND OF VEHICLES
12 DISMANTLED.--

13 A. A dealer licensee shall maintain a record in a
14 form prescribed by the department of every vehicle of a type
15 subject to registration pursuant to the provisions of the
16 Motor Vehicle Code that is bought, sold or exchanged by the
17 licensee or received by the licensee for sale or exchange.

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

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

24 (2) every motor vehicle body, chassis or
25 engine that is sold or otherwise disposed of by the licensee.

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1 C. Every record required to be maintained
2 pursuant to Subsection A or B of this section shall state the
3 name and address of the person from whom the vehicle was
4 purchased or acquired and the date of the purchase [~~and~~]; the
5 name and address of the person to whom the vehicle or the
6 motor vehicle body, chassis or engine was sold or otherwise
7 disposed of and the date of the sale or disposition; and a
8 sufficient description of every vehicle or motor vehicle
9 body, chassis or engine by name and identifying numbers
10 sufficient to identify the vehicle or motor vehicle body,
11 chassis or engine.

12 D. A title service company licensee shall
13 maintain a record of:

14 (1) every temporary registration plate
15 issued;

16 (2) every title and registration application
17 accepted for processing; and

18 (3) any other information prescribed by the
19 department.

20 E. Every record required to be maintained
21 pursuant to the provisions of this section shall be retained
22 for a period of three years from the end of the year in which
23 the record was created and shall be open to inspection by any
24 peace officer or officer of the department during reasonable
25 business hours. If the licensee fails to maintain the

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1 records required or to permit their inspection during
2 reasonable business hours, the license becomes invalid."

3 Section 44. Section 66-5-2 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 224, as amended) is amended to read:

5 "66-5-2. DRIVERS MUST BE LICENSED.--

6 A. Except those expressly exempted from the Motor
7 Vehicle Code, no person shall drive any motor vehicle,
8 neighborhood electric car or moped upon a highway in this
9 state unless [~~he~~] the person:

10 (1) holds a valid license issued under the
11 provisions of the Motor Vehicle Code; and

12 (2) has surrendered to the division any
13 other license previously issued to [~~him~~] the person by this
14 state or by another state or country or has filed an
15 affidavit with the division that [~~he~~] the person does not
16 possess such other license; however, the applicant need not
17 surrender a motorcycle license duly obtained under Paragraph
18 (3) of Subsection A of Section 66-5-5 NMSA 1978.

19 B. Any person licensed under the provisions of
20 the Motor Vehicle Code or expressly exempted from licensure
21 may exercise the privilege granted upon all streets and
22 highways in this state and shall not be required to obtain
23 any other license to exercise the privilege by any county,
24 municipality or any other local body having authority to
25 adopt local police regulations."

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1 Section 45. Section 66-5-4 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 226, as amended) is amended to read:

3 "66-5-4. PERSONS EXEMPT FROM LICENSURE.--The following
4 persons are exempt from licensure under the Motor Vehicle
5 Code:

6 ~~[A. any employee of the United States while
7 driving a motor vehicle owned by or leased to the United
8 States and being driven on official business]~~

9 A. active duty military personnel; members of the
10 military reserves; members of the national guard on active
11 duty, including personnel on full-time national guard duty,
12 personnel on part-time national guard training and national
13 guard military technicians; and active duty United States
14 coast guard personnel who operate commercial motor vehicles
15 for military purposes; but not United States reserve
16 technicians; provided that for the purposes of this
17 subsection, "national guard military technician" means a
18 civilian who is required to wear a military uniform;

19 B. [any] a person who is at least fifteen years
20 of age and who has in [his] immediate possession a valid
21 driver's license issued to [him] the person in [his] the
22 person's home state or country may drive a motor vehicle in
23 this state, except that the person shall obtain a license
24 upon becoming a resident and before [he] the person is
25 employed for compensation by another for the purpose of

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1 driving a motor vehicle;

2 C. ~~[any]~~ a nonresident who is at least eighteen
3 years of age whose home state or country does not require the
4 licensing of drivers may drive a motor vehicle for a period
5 of not more than one hundred eighty days in any calendar year
6 if the motor vehicle driven is duly registered in the home
7 state or country of the nonresident;

8 D. ~~[any]~~ a driver of a farm tractor or implement
9 of husbandry temporarily drawn, moved or propelled on the
10 highway; ~~[and]~~

11 E. ~~[any]~~ a driver of an off-highway motor vehicle
12 or off-highway motorcycle; and

13 F. an operator of an electric personal assistive
14 mobility device."

15 Section 46. Section 66-5-19 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 241, as amended) is amended to read:

17 "66-5-19. RESTRICTED LICENSES.--

18 A. The division, upon issuing a driver's license
19 or a provisional license, has authority, whenever good cause
20 appears, to impose restrictions, including the shortening of
21 the licensure period suitable to the licensee's driving
22 ability with respect to the type of or special mechanical
23 control devices required on a motor vehicle that the licensee
24 may operate or such other restrictions applicable to the
25 licensee as the division ~~[may determine]~~ determines to be

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1 appropriate to [~~assure~~] ensure the safe operation of a motor
2 vehicle by the licensee.

3 B. At age seventy-five and thereafter, the
4 applicant shall renew the applicant's license on a yearly
5 basis at no cost to the applicant.

6 [~~B.~~] C. The division may either issue a special
7 restricted license or may set forth such restrictions upon
8 the usual license form.

9 [~~C.~~] D. The division may issue a restricted
10 license or a restricted provisional license for driving
11 during daylight hours only to some visually [~~handicapped~~]
12 impaired persons who fail the usual eyesight test. The
13 health standards advisory board created pursuant to the
14 provisions of Section 66-5-6 NMSA 1978 shall evaluate the
15 extent of the visual [~~handicap~~] impairment and its effect on
16 the driving ability of the applicant and, based on its
17 recommendations, the director may issue a restricted license
18 under the following conditions:

19 (1) the applicant has no record of moving
20 violations;

21 (2) the necessity of the license is shown to
22 the satisfaction of the director; and

23 (3) the applicant satisfies the provisions
24 of Section 66-5-206 NMSA 1978 relating to proof of financial
25 responsibility.

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1 ~~[D-]~~ E. The division may, upon receiving
2 satisfactory evidence of any violation of the restrictions of
3 the license, suspend the license, but the licensee is
4 entitled to a hearing as upon a suspension under Sections
5 66-5-1 through 66-5-47 NMSA 1978.

6 ~~[E-]~~ F. It is a misdemeanor for any person to
7 operate a motor vehicle in any manner in violation of the
8 restrictions imposed in a restricted license issued to the
9 person."

10 Section 47. Section 66-5-29 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 251, as amended by Laws 2005, Chapter
12 241, Section 2 and by Laws 2005, Chapter 269, Section 2) is
13 amended to read:

14 "66-5-29. MANDATORY REVOCATION OF LICENSE BY
15 DIVISION.--

16 A. The division shall immediately revoke the
17 ~~[instruction permit]~~ driving privilege or driver's license
18 ~~[or provisional license]~~ of a driver upon receiving a record
19 of the driver's adjudication as a delinquent for or
20 conviction of any of the following offenses, whether the
21 offense is under any state law or local ordinance, when the
22 conviction or adjudication has become final:

- 23 (1) manslaughter or negligent homicide
24 resulting from the operation of a motor vehicle;
25 (2) any offense rendering a person a "first

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1 offender" as defined in the Motor Vehicle Code;

2 (3) any offense rendering a person a
3 "subsequent offender" as defined in the Motor Vehicle Code;

4 (4) any felony in the commission of which a
5 motor vehicle is used;

6 (5) failure to stop and render aid as
7 required under the laws of this state in the event of a motor
8 vehicle accident resulting in the death or personal injury of
9 another;

10 (6) perjury or the making of a false
11 affidavit or statement under oath to the division under the
12 Motor Vehicle Code or under any other law relating to the
13 ownership or operation of motor vehicles; or

14 (7) conviction or forfeiture of bail not
15 vacated upon three charges of reckless driving committed
16 within a period of twelve months.

17 B. Except as provided in the Ignition Interlock
18 Licensing Act and in Subsection C, D or E of this section, a
19 person whose driving privilege or driver's license has been
20 revoked under this section shall not be entitled to apply for
21 or receive a new license until one year from the date that
22 the conviction is final and all rights to an appeal have been
23 exhausted.

24 C. A person who upon adjudication as a delinquent
25 for driving while under the influence of intoxicating liquor

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1 or drugs or a conviction pursuant to Section 66-8-102 NMSA
2 1978 is subject to [~~license~~] revocation of the driving
3 privilege or driver's license under this section for an
4 offense pursuant to which the person was also subject to
5 [~~license~~] revocation of the driving privilege or driver's
6 license pursuant to Section 66-8-111 NMSA 1978 shall have
7 [~~his~~] the person's driving privilege or driver's license
8 revoked for that offense for a combined period of time equal
9 to:

10 (1) one year for a first offender; or

11 (2) for a subsequent offender:

12 (a) two years for a second conviction;

13 (b) three years for a third

14 conviction; or

15 (c) the remainder of the offender's

16 life for a fourth or subsequent conviction, subject to a

17 five-year review, as provided in Sections 66-5-5 and 66-8-102
18 NMSA 1978.

19 D. Upon receipt of an order from a court pursuant
20 to Section 32A-2-19 NMSA 1978 or Subsection G of Section
21 32A-2-22 NMSA 1978, the division shall revoke the driver's
22 license or driving privileges for a period of time in
23 accordance with these provisions.

24 E. Upon receipt from a district court of a record
25 of conviction for the offense of shooting at or from a motor

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1 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978
2 or of a conviction for a conspiracy or an attempt to commit
3 that offense, the division shall revoke the driver's license
4 or driving privileges of the convicted person. A person
5 whose driver's license or driving privilege has been revoked
6 pursuant to the provisions of this subsection shall not be
7 entitled to apply for or receive any new driver's license or
8 driving privilege until one year from the date that the
9 conviction is final and all rights to an appeal have been
10 exhausted."

11 Section 48. Section 66-5-35 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 257, as amended by Laws 2005, Chapter
13 241, Section 4 and by Laws 2005, Chapter 269, Section 4) is
14 amended to read:

15 "66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR
16 REVOCATION [~~HEARING--REVIEW~~].--

17 A. Upon suspension or revocation of a person's
18 driving privilege or driver's license following conviction or
19 adjudication as a delinquent under any law, ordinance or rule
20 relating to motor vehicles, [~~a~~] the person may apply to the
21 department for a driver's license, provisional license or
22 instruction permit to drive, limited to use allowing the
23 person to engage in gainful employment, to attend school or
24 to attend a court-ordered treatment program, except that the
25 person shall not be eligible to apply:

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1 (1) for a limited commercial driver's
2 license or an ignition interlock license in lieu of a revoked
3 or suspended commercial driver's license;

4 (2) for a limited license when the person's
5 driver's license was revoked pursuant to the provisions of
6 the Implied Consent Act, except as provided in the Ignition
7 Interlock Licensing Act;

8 (3) for a limited license when the person's
9 driver's license was revoked pursuant to the provisions of
10 Section 66-8-102 NMSA 1978, except as provided in the
11 Ignition Interlock Licensing Act;

12 (4) for a limited license when the person's
13 driver's license is denied pursuant to the provisions of
14 Subsection D of Section 66-5-5 NMSA 1978, except as provided
15 in the Ignition Interlock Licensing Act; or

16 (5) for a limited license when the person's
17 driver's license was revoked pursuant to a conviction for
18 committing homicide by vehicle or great bodily injury by
19 vehicle, as provided in Section 66-8-101 NMSA 1978.

20 B. Upon receipt of a fully completed application
21 that complies with statutes and rules for a limited license
22 or an ignition interlock license and payment of the fee
23 specified in this subsection, the department shall issue a
24 limited license, ignition interlock license or permit to the
25 applicant showing the limitations specified in the approved

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1 application. For each limited license, ignition interlock
2 license or permit to drive, the applicant shall pay to the
3 department a fee of forty-five dollars (\$45.00), which shall
4 be transferred to the department of transportation. All
5 money collected under this subsection shall be used for DWI
6 prevention and education programs for elementary and
7 secondary school students. The department of transportation
8 shall coordinate with the department of health to ensure that
9 there is no program duplication. The limited license or
10 permit to drive may be suspended as provided in Section
11 66-5-30 NMSA 1978.

12 ~~[G. The department, within twenty days of denial~~
13 ~~of an application for a limited driver's license or permit~~
14 ~~pursuant to this section, shall afford the applicant a~~
15 ~~hearing in the county in which the applicant resides, unless~~
16 ~~the department and the licensee agree that the hearing may be~~
17 ~~held in some other county. The department may extend the~~
18 ~~twenty-day period, provided that the extension is in writing~~
19 ~~and made no later than fifteen days after receipt of an~~
20 ~~application. Upon hearing, the hearing officer designated by~~
21 ~~the department may administer oaths and may issue subpoenas~~
22 ~~for the attendance of witnesses and the production of~~
23 ~~relevant books and papers. The hearing officer shall make~~
24 ~~specific findings as to whether the applicant has shown proof~~
25 ~~of financial responsibility for the future and enrollment in~~

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1 ~~an approved DWI school and an approved alcohol screening~~
2 ~~program and meets established uniform criteria for limited~~
3 ~~driving privileges adopted by rule of the department. The~~
4 ~~hearing officer shall enter an order either approving or~~
5 ~~denying the applicant's request for a limited license or~~
6 ~~permit to drive. If any of the specific findings set forth~~
7 ~~in this subsection are not found by the hearing officer, the~~
8 ~~applicant's request for a limited license or permit shall not~~
9 ~~be approved.~~

10 ~~D. A person adversely affected by an order of the~~
11 ~~hearing officer may seek review within thirty days in the~~
12 ~~district court in the county in which the person resides. On~~
13 ~~review, it is for the court to determine only whether the~~
14 ~~applicant met the requirements in this section for issuance~~
15 ~~of a limited license or permit to drive.]"~~

16 Section 49. Section 66-5-54 NMSA 1978 (being Laws 1989,
17 Chapter 14, Section 3, as amended) is amended to read:

18 "66-5-54. DEFINITIONS.--As used in the New Mexico
19 Commercial Driver's License Act:

20 A. "commerce" means:

21 (1) trade, traffic or transportation within
22 the jurisdiction of the United States between a place in New
23 Mexico and a place outside of New Mexico, including a place
24 outside of the United States; and

25 (2) trade, traffic or transportation in the

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

3 B. "commercial driver's license information
4 system" means the information system created pursuant to the
5 federal Commercial Motor Vehicle Safety Act of 1986 that
6 contains information pertaining to operators of commercial
7 motor vehicles;

8 C. "commercial motor vehicle" means a motor
9 vehicle or combination of motor vehicles used in commerce to
10 transport passengers or property if the motor vehicle:

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

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

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

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

22 D. "director" means the director of the motor
23 vehicle division of the department;

24 E. "disqualification" means:

25 (1) a suspension, revocation or cancellation

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1 of a commercial driver's license by the state or jurisdiction
2 that 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
6 law relating to motor vehicle control other than a parking,
7 vehicle weight or vehicle defect violation; and

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

11 F. "division" means the motor vehicle division of
12 the department;

13 G. "driving a commercial motor vehicle while
14 under the influence of alcohol" means:

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

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

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

22 H. "employee" means an operator of a commercial
23 motor vehicle, including full-time, regularly employed
24 drivers; casual, intermittent or occasional drivers; leased
25 drivers; and independent owner-operator contractors, while in

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1 the course of operating a commercial motor vehicle, who is
2 either directly employed by or under lease to an employer;

3 I. "employer" means a person, including the
4 United States, a state and a political subdivision of a state
5 or their agencies or instrumentalities, that owns or leases a
6 commercial motor vehicle or assigns employees to operate such
7 a vehicle;

8 J. "fatality" means the death of a person as a
9 result of a motor vehicle accident;

10 K. "gross combination weight rating" ~~[means the~~
11 ~~value specified by the manufacturer as the loaded weight of a~~
12 ~~combination vehicle. In the absence of a value specified by~~
13 ~~the manufacturer, gross combination weight rating shall be~~
14 ~~determined by adding the gross vehicle weight rating of the~~
15 ~~power unit and the total weight of the towed unit or units~~
16 ~~and any load thereon]~~ has the meaning set forth in Section
17 66-1-4.7 NMSA 1978;

18 L. "gross vehicle weight rating" ~~[means the value~~
19 ~~specified by the manufacturer as the loaded weight of a~~
20 ~~single vehicle]~~ has the meaning set forth in Section 66-1-4.7
21 NMSA 1978;

22 M. "imminent hazard" means a condition that
23 presents a substantial likelihood that death, serious
24 illness, severe personal injury or a substantial endangerment
25 to health, property or the environment will occur before the

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1 reasonable foreseeable completion date of a formal proceeding
2 to lessen the risk of that death, illness, injury or
3 endangerment;

4 N. "noncommercial motor vehicle" means a motor
5 vehicle or combination of motor vehicles that is not a
6 commercial motor vehicle;

7 ~~[O. "nonresident commercial driver's license"~~
8 ~~means a commercial driver's license issued by another state~~
9 ~~to a person domiciled in that state or by a foreign country~~
10 ~~to a person domiciled in that country;~~

11 P.] O. "out-of-service order" means a declaration
12 by an authorized enforcement officer of a federal, state,
13 Canadian, Mexican or local jurisdiction that a driver, a
14 commercial motor vehicle or a motor carrier operation is
15 temporarily prohibited from operating;

16 ~~[Q.]~~ P. "railroad-highway grade crossing
17 violation" means a violation of a provision of Section
18 66-7-341 or 66-7-343 NMSA 1978 or a violation of federal or
19 local law or rule pertaining to stopping at or crossing a
20 railroad-highway grade crossing; ~~[and~~

21 ~~R.]~~ Q. "serious traffic violation" means
22 conviction of any of the following if committed when
23 operating a motor vehicle:

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

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

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

6 (4) injury to pregnant woman by vehicle as
7 defined in Section 66-8-101.1 NMSA 1978 or a municipal
8 ordinance or the law of another state;

9 (5) any other violation of law relating to
10 motor vehicle traffic control, other than a parking
11 violation, that the secretary determines by [~~regulation~~] rule
12 to be a serious traffic violation. "Serious traffic
13 violation" does not include a vehicle weight or vehicle
14 defect violation;

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

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

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

23 (9) driving a commercial motor vehicle
24 without possession of a commercial driver's license in
25 violation of Section 66-5-59 NMSA 1978;

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1 (10) driving a commercial motor vehicle
2 without the proper class of commercial driver's license and
3 endorsements pursuant to Section 66-5-65 NMSA 1978 and the
4 Motor Carrier Safety Act for the specific vehicle group
5 operated or for the passengers or type of cargo transported;
6 or

7 (11) driving a commercial motor vehicle
8 without obtaining a commercial driver's license in violation
9 of Section 66-5-59 NMSA 1978; and

10 R. "state of domicile" means the state where a
11 person maintains a true, fixed and permanent home and
12 principal residence to which the person intends to return
13 whenever the person is absent."

14 Section 50. Section 66-5-502 NMSA 1978 (being Laws
15 2003, Chapter 239, Section 2, as amended) is amended to read:

16 "66-5-502. DEFINITIONS.--As used in the Ignition
17 Interlock Licensing Act:

18 A. "denied" means [~~having an instructor's~~] the
19 division has refused to issue an instruction permit, driver's
20 license or provisional license [~~denied for driving while~~
21 ~~under the influence of intoxicating liquor or drugs~~] pursuant
22 to the provisions of Subsection D of Section 66-5-5 NMSA
23 1978;

24 B. "ignition interlock device" means a device,
25 approved by the traffic safety bureau, that prevents the

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1 operation of a motor vehicle by an intoxicated or impaired
2 person;

3 C. "ignition interlock license" means a driver's
4 license issued to a person by the division that allows that
5 person to operate a motor vehicle with an ignition interlock
6 device after that person's [~~instructor's permit~~] driving
7 privilege or driver's license [~~or provisional license~~] has
8 been revoked or denied. The division shall clearly mark an
9 ignition interlock license to distinguish it from other
10 driver's licenses; and

11 D. "revoked" means [~~having an instructor's~~
12 ~~permit~~] the division, pursuant to the provisions of Section
13 66-5-29 or 66-8-111 NMSA 1978, has terminated a person's
14 driving privilege or driver's license [~~or provisional license~~
15 ~~revoked~~] for driving while under the influence of
16 intoxicating liquor or drugs [~~pursuant to the provisions of~~
17 ~~Section 66-8-102 or 66-8-111 NMSA 1978~~]."

18 Section 51. Section 66-5-503 NMSA 1978 (being Laws
19 2003, Chapter 239, Section 3) is amended to read:

20 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
21 EXCLUSIONS.--

22 A. A person whose [~~instructor's permit~~] driving
23 privilege or driver's license [~~or provisional license~~] has
24 been revoked or denied may apply for an ignition interlock
25 license from the division.

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1 B. An applicant for an ignition interlock license
2 shall:

3 (1) provide proof of installation of the
4 ignition interlock device by a traffic safety bureau-approved
5 ignition interlock installer on any vehicle the applicant
6 drives; and

7 (2) sign an affidavit acknowledging that:

8 (a) operation by the applicant of any
9 vehicle that is not equipped with an ignition interlock
10 device is subject to penalties for driving with a revoked
11 license; and

12 (b) the applicant shall maintain the
13 ignition interlock device and keep up-to-date records in the
14 motor vehicle showing required service and calibrations and
15 be able to provide the records upon request.

16 C. A person who has been convicted of homicide by
17 vehicle or great bodily injury by vehicle while under the
18 influence of intoxicating liquor or drugs, as provided in
19 Section 66-8-101 NMSA 1978, shall not be issued an ignition
20 interlock license."

21 Section 52. Section 66-6-3 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 338, as amended) is amended to read:

23 "66-6-3. TRAILERS--REGISTRATION FEES.--

24 ~~[A. For the registration of freight trailers and~~
25 ~~utility trailers, the following fees shall be collected:~~

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1 ~~(1) for the permanent registration or~~
2 ~~reregistration of freight trailers, thirteen dollars~~
3 ~~(\$13.00);]~~

4 A. For freight trailers, the division shall
5 collect thirteen dollars (\$13.00) for permanent registration
6 or re-registration after sale or transfer.

7 B. For utility trailers, the division shall
8 collect:

9 ~~[(2)]~~ (1) for the annual registration of
10 each utility trailer not permanently registered, seven
11 dollars (\$7.00) plus one dollar (\$1.00) for each one hundred
12 pounds or major fraction thereof of actual empty weight over
13 five hundred pounds; ~~[actual empty weight; except that in the~~
14 ~~case of travel trailers, actual empty weight shall be one-~~
15 ~~half of the gross factory shipping weight or, if gross~~
16 ~~factory shipping weight is not available, then actual empty~~
17 ~~weight shall be one-half of actual gross vehicle weight; and~~

18 ~~(3)]~~ (2) for the permanent registration of
19 utility trailers not used in commerce that have a gross
20 vehicle weight of less than six thousand one pounds, thirty-
21 three dollars (\$33.00) plus seven dollars (\$7.00) for each
22 one hundred pounds or major fraction thereof of actual empty
23 weight over five hundred pounds ~~[actual empty weight; except~~
24 ~~that in the case of travel trailers, actual empty weight~~
25 ~~shall be one-half of the gross factory shipping weight or, if~~

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1 ~~gross factory shipping weight is not available, then actual~~
2 ~~empty weight shall be one half of actual gross vehicle weight~~
3 ~~and for the reregistration of such utility trailers upon~~
4 ~~their sale or transfer, seven dollars (\$7.00)]; and~~

5 (3) for the re-registration of permanently
6 registered utility trailers after sale or transfer, seven
7 dollars (\$7.00).

8 C. For travel trailers, the division shall
9 collect:

10 (1) for the annual registration of each
11 travel trailer that is not permanently registered, seven
12 dollars (\$7.00) plus fifty cents (\$.50) for each one hundred
13 pounds or major fraction thereof of gross factory shipping
14 weight over five hundred pounds or, if gross factory shipping
15 weight is not available, of actual empty weight over five
16 hundred pounds;

17 (2) for the permanent registration of travel
18 trailers, thirty-three dollars (\$33.00) plus three dollars
19 fifty cents (\$3.50) for each one hundred pounds or major
20 fraction thereof of gross factory shipping weight over five
21 hundred pounds or, if the gross factory shipping weight is
22 not available, of actual empty weight over five hundred
23 pounds; and

24 (3) for the re-registration of permanently
25 registered travel trailers after sale or transfer, seven

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1 dollars (\$7.00).

2 ~~[B-]~~ D. At the option of the owner of a fleet of
3 fifty or more utility trailers wishing to register them in
4 New Mexico, the division shall issue a registration and
5 registration plate for each trailer in the fleet, the
6 registration and registration plate to expire on the last day
7 of the final month of a five-year period. Registrations and
8 registration plates shall be issued for five years only if
9 the owner of the trailers meets the following requirements:

10 (1) application is made on forms prescribed
11 by the division and payment of the proper fee is made;

12 (2) upon the option of the director,
13 presentation is made at the time of registration of a surety
14 bond, certificate of deposit or of other financial security;
15 and

16 (3) payment is made by the fleet owner of
17 all registration fees due each year prior to the expiration
18 date. If such fees are not paid, all registrations and
19 registration plates in the fleet shall be canceled."

20 Section 53. Section 66-6-4 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 339, as amended) is amended to read:

22 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS,
23 ROAD TRACTORS AND BUSES.--

24 A. Within their respective jurisdictions, the
25 motor vehicle division and the motor transportation division

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1 of the department of public safety shall charge registration
2 fees for trucks, truck tractors, road tractors and buses,
3 except as otherwise provided by law, according to the
4 schedule of Subsection B of this section.

5	B. Declared Gross Weight	Fee
6	001 to 4,000	\$40
7	4,001 to 6,000	55
8	6,001 to 8,000	69
9	8,001 to 10,000	84
10	10,001 to 12,000	99
11	12,001 to 14,000	113
12	14,001 to 16,000	128
13	16,001 to 18,000	143
14	18,001 to 20,000	157
15	20,001 to 22,000	172
16	22,001 to 24,000	187
17	24,001 to 26,000	201
18	26,001 to 48,000	118
19	48,001 and over	172.

20 C. All trucks whose declared gross weight or
21 whose gross vehicle weight is less than twenty-six thousand
22 pounds, after five years of registration, calculated from the
23 date when the vehicle was first registered in this or another
24 state, shall be charged registration fees at eighty percent
25 of the rate set out in Subsection B of this section.

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1 D. All trucks with a gross vehicle weight of more
2 than twenty-six thousand pounds and all truck tractors and
3 road tractors used to tow freight trailers shall be
4 registered on the basis of [~~combination~~] gross combination
5 vehicle weight.

6 E. All trucks with a gross vehicle weight of
7 twenty-six thousand pounds or less shall be registered on the
8 basis of gross vehicle weight. A trailer, semitrailer or
9 pole trailer towed by a truck of such gross vehicle weight
10 shall be classified as a utility trailer for registration
11 purposes unless otherwise provided by law.

12 F. All farm vehicles having a declared gross
13 weight of more than six thousand pounds shall be charged
14 registration fees of two-thirds of the rate of the respective
15 fees provided in this section and shall be issued distinctive
16 registration plates. "Farm vehicle" means a vehicle owned by
17 a person whose principal occupation is farming or ranching
18 and which vehicle is used principally in the transportation
19 of farm and ranch products to market and farm and ranch
20 supplies and livestock from the place of purchase to farms
21 and ranches in this state; provided that the vehicle is not
22 used for hire.

23 G. In addition to other registration fees imposed
24 by this section, beginning July 1, 1994, [~~there is imposed at~~
25 ~~the time of registration~~] an annual tire recycling fee of one
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1 dollar fifty cents (\$1.50) is imposed at the time of
2 registration on each vehicle subject to a registration fee
3 pursuant to this section, except for vehicles with a declared
4 gross weight of greater than twenty-six thousand pounds upon
5 which registration fees are imposed by Subsection B of this
6 section.

7 H. Three percent of registration fees of trucks
8 having from twenty-six thousand one pounds to forty-eight
9 thousand pounds declared gross vehicle weight is to be
10 transferred to the [~~tire~~] recycling and illegal dumping fund
11 pursuant to the provisions of Section 66-6-23 NMSA 1978.

12 I. Three and seventy-five hundredths percent of
13 registration fees of trucks in excess of forty-eight thousand
14 pounds declared gross vehicle weight is to be transferred to
15 the [~~tire~~] recycling and illegal dumping fund pursuant to the
16 provisions of Section 66-6-23 NMSA 1978."

17 Section 54. Section 66-6-11 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 346) is amended to read:

19 "66-6-11. COMPUTATION OF WEIGHT.--The weight for
20 determining registration fees [~~shall be as follows:~~

21 ~~A. for trucks, truck tractors, road tractors and~~
22 ~~buses, the declared gross weight;~~

23 ~~B. for freight trailers, irrespective of their~~
24 ~~weight, a flat fee for permanent registration shall be~~
25 ~~charged as provided by law;~~

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1 ~~C. for utility trailers, the actual empty weight~~
2 ~~except that in the case of travel trailers, the weights to be~~
3 ~~used are those specified in Section 64-6-3 NMSA 1953; and~~

4 ~~D. for all other vehicles except as otherwise~~
5 ~~provided by law, the gross factory shipping weight]~~ for all
6 vehicles shall be the gross factory shipping weight, or if
7 the gross factory shipping weight is unavailable, the actual
8 empty weight of the vehicle, except as otherwise provided by
9 law for trucks, truck tractors, road tractors, buses, freight
10 trailers, utility trailers and travel trailers."

11 Section 55. Section 66-6-16 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 351) is amended to read:

13 "66-6-16. EXEMPTION FOR ARMED FORCES AMPUTEES [~~AND~~
14 ~~THOSE]~~ WHO HAVE LOST USE OF LIMBS [~~EXEMPTED]~~.--~~[A. For the~~
15 ~~purpose of this section, "veteran" means]~~ A person who is a
16 bona fide resident of New Mexico, who served in the armed
17 forces of the United States [~~between September 14, 1940 and~~
18 ~~July 1, 1946 or who served in such armed forces after June 1,~~
19 ~~1950]~~, who was honorably discharged and who suffered the loss
20 or complete and total loss of use of one or both legs at or
21 above the ankle or one or both arms at or above the wrist
22 while so serving or from a service-connected cause [~~B. A~~
23 ~~veteran]~~ shall be exempt from payment of any motor vehicle
24 registration fees to the state on one vehicle a year owned by
25 [~~said veteran]~~ the person."

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1 Section 56. Section 66-6-17 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 352, as amended) is amended to read:

3 "66-6-17. [~~SPECIAL~~] DEALER PLATE FEES.--

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

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

15 C. In the event a [~~special~~] dealer plate is lost,
16 mutilated or becomes illegible, a dealer, [~~auto recycler or~~]
17 including a dealer in motorcycles only, shall obtain a
18 replacement plate pursuant to the provisions of Section
19 66-3-24 NMSA 1978. The fee for a replacement [~~special~~]
20 dealer plate shall be fifty dollars (\$50.00) for a dealer or
21 [~~auto recycler and~~] ten dollars (\$10.00) for a dealer in
22 motorcycles only."

23 Section 57. Section 66-6-19 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 354) is amended to read:

25 "66-6-19. VEHICLE TRANSACTION FEES.--

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1 A. For any transaction concerning the initial
2 issuance, transfer or revocation of a title or registration,
3 including filing and recording documents, releasing liens and
4 certifying copies, the division shall charge three dollars
5 (\$3.00). As used in this subsection, "transaction" means all
6 operations necessary at one time with respect to one vehicle,
7 including the inspection required by Section [~~64-3-4 NMSA~~
8 ~~1953~~] 66-3-4 NMSA 1978.

9 B. No fee shall be charged by the division for
10 the correction of documents or the issuance of documents in
11 cases in which the division made errors in the original
12 issuance of the documents."

13 Section 58. Section 66-6-22.1 NMSA 1978 (being Laws
14 1990, Chapter 120, Section 34, as amended) is amended to
15 read:

16 "66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--
17 RECEIPTS--DISBURSEMENTS.--

18 A. There is created in the state treasury a fund
19 to be known as the "motor vehicle suspense fund".

20 B. The fees collected under the provisions of
21 Sections 66-1-1 through 66-6-19 NMSA 1978 shall be paid to
22 the state treasurer for the credit of the motor vehicle
23 suspense fund not later than the close of the second business
24 day after their receipt, except as otherwise provided by the
25 Off-Highway Motor Vehicle Act.

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1 C. Money deposited to the credit of or disbursed
2 from the motor vehicle suspense fund by the department shall
3 be accounted for as provided by law ~~[or]~~, rule or procedure
4 of the secretary of finance and administration.

5 ~~[Disbursements from the motor vehicle suspense fund shall be~~
6 ~~made by the department of finance and administration upon~~
7 ~~request and certification of their appropriateness by the~~
8 ~~secretary of finance and administration or the secretary's~~
9 ~~delegate.]~~

10 D. The balance of the motor vehicle suspense fund
11 is appropriated for the purpose of making refunds,
12 distributions and other disbursements authorized or required
13 by law to be made from the motor vehicle suspense fund,
14 provided that no distribution shall be made to a
15 municipality, county or fee agent operating a motor vehicle
16 field office with respect to money collected and remitted to
17 the department by that municipality, county or fee agent
18 until the report of the municipality, county or fee agent is
19 audited and accepted by the department."

20 Section 59. A new section of the Motor Vehicle Code,
21 Section 66-6-22.2 NMSA 1978, is enacted to read:

22 "66-6-22.2. [NEW MATERIAL] ADJUSTMENTS OF DISBURSEMENTS
23 FROM THE MOTOR VEHICLE SUSPENSE FUND.--

24 A. The provisions of this section apply to
25 disbursements from the motor vehicle suspense fund.

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1 B. If the secretary determines that a prior
2 disbursement from the fund is erroneous, the secretary shall,
3 pursuant to law, rules or procedures of the department of
4 finance and administration, adjust future disbursements by
5 the amount necessary to correct the error.

6 C. The secretary may, in lieu of recovering the
7 entire erroneous amount from the next disbursement, recover
8 an excess disbursement of one thousand dollars (\$1,000) or
9 more in installments from current and future disbursements
10 pursuant to a written agreement whenever the amount of the
11 disbursement decrease exceeds ten percent of the average
12 disbursement amount for that recipient for the twelve months
13 preceding the month in which the secretary's determination is
14 made; provided that, for the purposes of this subsection, the
15 "average disbursement amount" shall be the arithmetic mean of
16 the disbursement amounts within the twelve months immediately
17 preceding the month in which the determination is made.

18 D. Except for the provisions of this section, if
19 the amount by which a disbursement would be adjusted pursuant
20 to Subsection B of this section is one thousand dollars
21 (\$1,000) or less, no adjustment shall be made.

22 E. In the event an adjustment authorized by this
23 section requires a disbursement for which there is no equal
24 offsetting receipt, the general fund disbursement shall be
25 reduced by the difference between the offsetting receipt and

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1 the adjustment."

2 Section 60. Section 66-7-314 NMSA 1978 (being Laws
3 1978, Chapter 35, Section 418, as amended) is amended to
4 read:

5 "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT TO BE
6 FURNISHED.--

7 A. When, in the judgment of the motor
8 transportation division of the department of public safety or
9 local authorities with respect to highways under their
10 jurisdiction, the movement of any vehicle is deemed a hazard
11 to traffic upon a highway over which the vehicle is to
12 travel, the granting of permission for the movement of the
13 vehicle may be conditioned upon a special escort accompanying
14 the hazardous vehicle.

15 B. The chief of the New Mexico state police, upon
16 request from the proper authority, shall furnish a special
17 police car escort to safeguard traffic during the movement of
18 the hazardous vehicle. [~~There shall be paid by the applicant~~
19 ~~to move such vehicle, the sum of~~] An applicant shall pay
20 three hundred dollars (\$300) to move the vehicle for each
21 police car for each day police escort is required. All sums
22 so paid are appropriated to the New Mexico state police
23 division."

24 Section 61. Section 66-7-352.1 NMSA 1978 (being Laws
25 1983, Chapter 45, Section 1, as amended) is amended to read:

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1 "66-7-352.1. SHORT TITLE.--Sections 66-7-352.1 through
2 66-7-352.6 NMSA 1978 may be cited as the "[~~Disabled~~]
3 Accessible Parking Standards and Enforcement Act"."

4 Section 62. Section 66-7-352.2 NMSA 1978 (being Laws
5 1983, Chapter 45, Section 2) is amended to read:

6 "66-7-352.2. LEGISLATIVE INTENT.--The policy and intent
7 of this legislature is declared to be as follows:

8 A. that this legislature finds there is a
9 significant safety hazard for [~~mobility-impaired~~] persons
10 with significant mobility limitation crossing through parking
11 lots and that this hazard is greatly reduced when parking is
12 provided adjacent to a building entrance;

13 B. that [~~many~~] commercial and governmental
14 establishments [~~now~~] provide reserved parking for [~~disabled~~]
15 persons with significant mobility limitation, thus ensuring
16 full and equal opportunity for [~~the disabled~~] those persons
17 to maintain independence and self-respect; and

18 C. that ultimately society will benefit from the
19 increased interaction of [~~the disabled~~] persons with
20 significant mobility limitation with the mainstream that
21 these parking spaces will provide."

22 Section 63. Section 66-7-352.4 NMSA 1978 (being Laws
23 1983, Chapter 45, Section 4, as amended) is amended to read:

24 "66-7-352.4. PARKING LOTS--STANDARDS.--

25 A. Every parking lot coming under the provisions

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1 of the ~~[Disabled]~~ Accessible Parking Standards and
2 Enforcement Act shall have designated ~~[disabled]~~ accessible
3 parking spaces for persons with significant mobility
4 limitation as provided in Subsection B of this section. No
5 building permit shall be issued by any local government for
6 the construction or substantial renovation of a commercial
7 building inviting public access unless the parking lot has
8 designated ~~[disabled]~~ accessible parking spaces for persons
9 with significant mobility limitation as delineated in
10 Subsection B of this section.

11 B. The minimum numbers of designated ~~[disabled]~~
12 accessible parking spaces for persons with significant
13 mobility limitation are as follows:

14	TOTAL <u>PARKING</u> SPACES IN	[MINIMUM DESIGNATED DISABLED
15	[PARKING] LOT	PARKING SPACES]
16		<u>REQUIRED MINIMUM NUMBER OF</u>
17		<u>PARKING SPACES FOR PERSONS</u>
18		<u>WITH SIGNIFICANT MOBILITY</u>
19		<u>LIMITATION</u>
20	1 to 25	1
21	26 to [35] <u>50</u>	2
22	[36 to 50] <u>51 to 75</u>	3
23	[51] <u>76 to 100</u>	4
24	101 to [300] <u>150</u>	[8] <u>5</u>
25	[301 to 500] <u>151 to 200</u>	[12] <u>6</u>

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1	[501 to 800] <u>201 to 300</u>	[16] <u>7</u>
2	[801 to 1,000] <u>301 to 400</u>	[20] <u>8</u>
3	[more than 1,000]	[20, plus 1 for
4		each
5		100 over 1,000.]
6	<u>401 to 500</u>	<u>9</u>
7	<u>501 to 1,000</u>	<u>2 percent of</u>
8		<u>total spaces</u>
9	<u>1,001 and over</u>	<u>20, plus 1 for</u>
10		<u>each 100 spaces</u>
11		<u>over 1,000.</u>

12 The designated ~~[disabled]~~ accessible parking spaces for
13 persons with significant mobility limitation shall be located
14 so as to provide the most convenient access to entranceways
15 or to the nearest curb cut. Every parking lot shall have at
16 least one designated ~~[disabled]~~ accessible parking space for
17 persons with significant mobility limitation designed to
18 accommodate a motor vehicle passenger van, and there shall be
19 a minimum of one such space for every eight designated
20 ~~[disabled]~~ accessible parking spaces for persons with
21 significant mobility limitation."

22 Section 64. Section 66-7-352.5 NMSA 1978 (being Laws
23 1983, Chapter 45, Section 5, as amended) is amended to read:

24 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

25 A. It is unlawful for any person to park a motor

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1 vehicle not displaying a special registration plate or a
2 parking placard issued pursuant to Section 66-3-16 NMSA 1978
3 in a designated [~~disabled~~] accessible parking space for
4 persons with significant mobility limitation.

5 B. It is unlawful for any person to park a motor
6 vehicle in such a manner so as to block access to any part of
7 a curb cut designed for access by persons with [~~severe~~
8 ~~mobility impairment~~] significant mobility limitation.

9 C. [~~Any~~] A person convicted of violating
10 Subsection A or B of this section is subject to a fine of not
11 less than two hundred fifty dollars (\$250) or more than five
12 hundred dollars (\$500). Failure to properly display a
13 parking placard or special registration plate issued pursuant
14 to Section 66-3-16 NMSA 1978 is not a defense against a
15 charge of violation of Subsection A or B of this section.

16 D. A vehicle parked in violation of Subsection A
17 or B of this section is subject to being towed at the expense
18 of the vehicle owner upon authorization by law enforcement
19 personnel or by the property owner or manager of a parking
20 lot."

21 Section 65. Section 66-7-404 NMSA 1978 (being Laws
22 1978, Chapter 35, Section 475, as amended) is amended to
23 read:

24 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

25 A. [~~No~~] A vehicle shall not exceed a height of
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1 fourteen feet.

2 B. [~~Ne~~] A vehicle shall not exceed a length of
3 forty feet extreme overall dimension and [~~ne~~] a motor home
4 shall not exceed a length of forty-five feet extreme overall
5 dimension, exclusive of front and rear bumpers, except when
6 operated in combination with another vehicle as provided in
7 this section. [~~Ne~~] A combination of vehicles, unless
8 otherwise exempted in this section, shall not exceed an
9 overall length of sixty-five feet, exclusive of front and
10 rear bumpers.

11 C. [~~Ne~~] A combination of vehicles [~~coupled~~
12 ~~together~~] shall not consist of more than two units, except:

13 (1) a truck tractor and semitrailer shall
14 be permitted to pull one trailer;

15 (2) a vehicle shall be permitted to pull
16 two units, provided that the middle unit is equipped with
17 brakes and has a weight equal to or greater than the last
18 unit and the total combined gross weight of the towed units
19 does not exceed the manufacturer's stated gross vehicle
20 weight of the towing units;

21 (3) a double or triple saddle-mount or
22 fifth wheel mount of vehicles in transit by driveaway-towaway
23 methods shall be permitted;

24 (4) vehicles and trailers operated by or
25 under contract for municipal refuse systems;

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1 (5) farm trailers, implements of husbandry
2 and fertilizer trailers operated by or under contract to a
3 farmer or rancher in [~~his~~] farming or ranching operations;
4 and

5 (6) as provided in Subsections D and E of
6 this section.

7 D. Exclusive of safety and energy conservation
8 devices, refrigeration units and other devices such as
9 coupling devices, vehicles operating a truck tractor
10 semitrailer or truck tractor semitrailer-trailer combinations
11 on the interstate highway system and those qualifying federal
12 aid primary system highways designated by the secretary of
13 the United States department of transportation, pursuant to
14 the [~~United States~~] federal Surface Transportation Assistance
15 Act of 1982, Public Law 97-424, Section 411, and on those
16 highways designated by the department by rule [~~or regulation~~]
17 with the concurrence of the [~~state highway and~~
18 ~~transportation~~] New Mexico department of transportation may
19 exceed an overall length limitation of sixty-five feet,
20 provided that the length of the semitrailer in a truck
21 tractor semitrailer combination does not exceed fifty-seven
22 feet six inches and the length of the semitrailer or trailer
23 in a truck tractor semitrailer-trailer combination does not
24 exceed twenty-eight feet six inches. The department shall
25 adopt rules [~~and regulations~~] granting reasonable access to

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1 terminals, facilities for food, fuel, repairs and rest and
2 points of loading and unloading for household goods carriers
3 to vehicles operating in combination pursuant to this
4 subsection. As used in this subsection, "truck tractor"
5 means a non-cargo carrying power unit designed to operate in
6 combination with a semitrailer or trailer, except that a
7 truck tractor and semitrailer engaged in the transportation
8 of automobiles may transport motor vehicles on part of the
9 truck tractor.

10 E. Notwithstanding any other subsection of this
11 section, any trailer or semitrailer combination of such
12 dimensions as those that were in actual and lawful use in
13 this state on December 1, 1982 may be lawfully operated on
14 the highways of this state."

15 Section 66. Section 66-7-411 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 482, as amended) is amended to
17 read:

18 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
19 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

20 A. [~~Any~~] A police officer with the motor
21 transportation division or the New Mexico state police
22 division of the department of public safety, having reason to
23 believe that the weight of a vehicle and load is unlawful,
24 may require the driver to stop and submit to weighing of the
25 vehicle and load by means of either portable or stationary

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1 scales and may require the vehicle to be driven to the
2 nearest scales approved by the department of public safety if
3 the scales are within five miles.

4 B. When a police officer with the motor
5 transportation division or the New Mexico state police
6 division of the department of [~~the~~] public safety or a
7 transportation inspector, upon weighing a vehicle or
8 combination, determines that the gross vehicle weight or
9 [~~combination~~] gross combination vehicle weight exceeds the
10 maximum authorized by Sections 66-7-409 and 66-7-410 NMSA
11 1978, the officer or inspector shall require the driver or
12 owner of the vehicle or combination to unload that portion of
13 the load necessary to decrease the gross vehicle weight or
14 [~~combination~~] gross combination vehicle weight to the
15 authorized maximum.

16 C. [~~Any~~] A driver of a vehicle who fails or
17 refuses to stop and submit the vehicle and load to weighing
18 or who fails or refuses, when directed by a duly authorized
19 police officer with the motor transportation division or the
20 New Mexico state police division of the department of public
21 safety or a transportation inspector, upon a weighing of the
22 vehicle, to unload the vehicle and otherwise comply with the
23 provisions of this section is guilty of a misdemeanor.

24 D. [~~Any~~] A shipper or any other person loading
25 the vehicle who intentionally overloads a vehicle [~~which he~~]

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1 that the shipper or other person has reason to believe will
2 travel in that condition upon a public highway is guilty of a
3 misdemeanor and shall be fined in accordance with Subsection
4 E of this section.

5 E. In all cases of violations of weight
6 limitations, the penalties shall be assessed and imposed in
7 accordance with the following schedule:

8 WEIGHT OF EXCESS

9 LOAD IN POUNDS

AMOUNT OF FINE

10 1 to 3,000	twenty-five dollars (\$25.00)
11 3,001 to 4,000	forty dollars (\$40.00)
12 4,001 to 5,000	seventy-five dollars (\$75.00)
13 5,001 to 6,000	one hundred twenty-five dollars (\$125)
14 6,001 to 7,000	two hundred dollars (\$200)
15 7,001 to 8,000	two hundred seventy-five dollars (\$275)
16 8,001 to 9,000	three hundred fifty dollars (\$350)
17 9,001 to 10,000	four hundred twenty-five dollars (\$425)
18 over 10,000	five hundred dollars (\$500)."

19 Section 67. Section 66-7-505 NMSA 1978 (being Laws
20 1978, Chapter 35, Section 492, as amended) is amended to
21 read:

22 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
23 TERMS.--

24 A. There is created a five-member advisory
25 committee to the bureau. The chief is, ex officio, the

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1 [chairman] chair and a voting member of the committee. The
2 governor shall appoint three members, to terms coterminous
3 with [~~his~~] the governor's tenure, who shall have the
4 following qualifications:

5 (1) one member who is representative of the
6 law enforcement agencies of this state;

7 (2) one member who is representative of the
8 school bus transportation function of the [~~state department~~
9 ~~of~~] public education department; and

10 (3) one member who is representative of the
11 motor transportation division of the [~~taxation and revenue~~
12 ~~department~~] of public safety.

13 B. Appointees who are public officers or public
14 employees shall be compensated for attendance at meetings
15 according to the Per Diem and Mileage Act. Appointees who
16 are not public officers or employees shall be compensated for
17 attendance at meetings in commensurate amount."

18 Section 68. Section 66-7-513 NMSA 1978 (being Laws
19 2003, Chapter 148, Section 2) is amended to read:

20 "66-7-513. SAFE ROUTES TO SCHOOL PROGRAM.--

21 A. The "safe routes to school program" is created
22 within the department to increase and make safer a student's
23 ability to walk or ride a bicycle to school.

24 B. The program may be established to:

25 (1) provide assistance to the state,

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1 counties and municipalities to identify school route hazards
2 and implement engineering improvements, including:

- 3 (a) installing sidewalks;
4 (b) painting crosswalks and other
5 street and sidewalk areas;
6 (c) installing traffic signals;
7 (d) making street improvements;
8 (e) providing lighting;
9 (f) providing bus shelters,
10 particularly in isolated or rural areas;
11 (g) cutting curbs for [~~handicapped~~]
12 access for persons with significant mobility limitation; and
13 (h) other safety improvements;

14 (2) develop criteria, in conjunction with
15 the department's bicycle, pedestrian and equestrian
16 committee, school districts and law enforcement agencies and
17 with input from parents, teachers and school administrators,
18 to be used in evaluating the applications of the program; and

19 (3) include information about the safe
20 routes to school program in public awareness campaigns about
21 traffic safety."

22 Section 69. Section 66-8-124 NMSA 1978 (being Laws
23 1961, Chapter 213, Section 3, as amended) is amended to read:

24 "66-8-124. ARRESTING OFFICER TO BE IN UNIFORM.--

25 A. No person shall be arrested for violating the

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1 Motor Vehicle Code or other law relating to motor vehicles
2 punishable as a misdemeanor except by a commissioned,
3 salaried peace officer who, at the time of arrest, is wearing
4 a uniform clearly indicating [~~his~~] the peace officer's
5 official status.

6 B. Notwithstanding the provisions of Subsection A
7 of this section, a municipality may provide by ordinance that
8 uniformed private security guards may be commissioned by the
9 local police agency to issue parking citations for violations
10 of clearly and properly marked fire zones and [~~handicapped~~]
11 access zones for persons with significant mobility
12 limitation. Prior to the commissioning of any security
13 guard, the employer of the security guard shall agree in
14 writing with the local police agency to [~~said~~] the
15 commissioning of the employer's security guard. The employer
16 of any security guard commissioned under the provisions of
17 this section shall be liable for the actions of that security
18 guard in carrying out [~~his~~] the security guard's duties
19 pursuant to that commission. Notwithstanding the provisions
20 of the Tort Claims Act, private security guards commissioned
21 under this section shall not be deemed public employees under
22 that act."

23 Section 70. A new section of the Motor Vehicle Code is
24 enacted to read:

25 "[NEW MATERIAL] FRAUD IN OBTAINING DOCUMENTS ISSUED BY

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1 THE DIVISION--PENALTY.--

2 A. It is a felony for a person to:

3 (1) knowingly issue an identification card,
4 driver's license, vehicle or vessel registration or vehicle
5 or vessel title to a person who is not lawfully entitled to
6 issuance of that document;

7 (2) knowingly accept and use fraudulent
8 documents as a basis for issuing an identification card,
9 driver's license, vehicle or vessel registration or vehicle
10 or vessel title;

11 (3) knowingly alter a record of an
12 identification card, driver's license, vehicle or vessel
13 registration or vehicle or vessel title without legal
14 justification; or

15 (4) solicit or accept, directly or
16 indirectly, anything of value with the intent to influence a
17 decision or action on an identification card, a driver's
18 license, a vehicle or vessel registration or a vehicle or
19 vessel title.

20 B. A person convicted of violating this section
21 is guilty of a third degree felony and shall be sentenced
22 pursuant to the provisions of Section 31-18-15 NMSA 1978."

23 Section 71. REPEAL.--Sections 66-3-15.1, 66-3-104 and
24 74-4F-1 through 74-4F-8 NMSA 1978 (being Laws 2001, Chapter
25 180, Section 1, Laws 1978, Chapter 35, Section 51 and Laws
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1 1996, Chapter 37, Sections 1 through 8, as amended) are
2 repealed.

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