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HOUSE BILL 636

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO TRANSPORTATION; IMPOSING A MOTOR VEHICLE
REGISTRATION SURCHARGE; PROVIDING FOR A DISTRIBUTION TO THE
STATE ROAD FUND AND THE STATE TRANSIT FUND; CREATING THE STATE
TRANSIT FUND; MAKING AN APPROPRIATION.

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

Section 1. Section 66-6-2 NMSA 1978 (being Laws 1978,
Chapter 35, Section 337, as amended) is amended to read:

"66-6-2. PASSENGER VEHICLES--REGISTRATION FEES AND
SURCHARGES.--For the registration of motor vehicles other than
motorcycles, trucks, buses and tractors, the division shall
collect the following fees and surcharges for each twelve-month
registration period:

A. for a vehicle whose gross factory shipping
weight is not more than two thousand pounds:

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1 (1) a registration fee of twenty-seven dollars
2 (\$27.00); provided, however, that after five years of
3 registration, calculated from the date when the vehicle was
4 first registered in this or another state, the fee is twenty-
5 one dollars (\$21.00); and

6 (2) a registration surcharge of fifteen
7 dollars (\$15.00);

8 B. for a vehicle whose gross factory shipping
9 weight is more than two thousand but not more than three
10 thousand pounds:

11 (1) a registration fee of thirty-nine dollars
12 (\$39.00); provided, however, that after five years of
13 registration, calculated from the date when the vehicle was
14 first registered in this or another state, the fee is thirty-
15 one dollars (\$31.00); and

16 (2) a registration surcharge of twenty dollars
17 (\$20.00);

18 C. for a vehicle whose gross factory shipping
19 weight is more than three thousand pounds:

20 (1) a registration fee of fifty-six dollars
21 (\$56.00); provided, however, that after five years of
22 registration, calculated from the date when the vehicle was
23 first registered in this or another state, the fee is forty-
24 five dollars (\$45.00); and

25 (2) a registration surcharge of fifty-seven

1 dollars (\$57.00); and

2 D. for a vehicle registered pursuant to the
3 provisions of this section, a tire recycling fee of one dollar
4 fifty cents (\$1.50)."

5 Section 2. Section 66-6-4 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 339, as amended) is amended to read:

7 "66-6-4. REGISTRATION FEES AND SURCHARGES--TRUCKS, TRUCK
8 TRACTORS, ROAD TRACTORS AND BUSES.--

9 A. Within their respective jurisdictions, the motor
10 vehicle division and the motor transportation division of the
11 department of public safety shall charge registration fees and
12 surcharges for trucks, truck tractors, road tractors and buses,
13 except as otherwise provided by law, according to the
14 [~~schedule~~] schedules of [~~Subsection~~] Subsections B and C of
15 this section.

16	B. Declared Gross Weight	Fee
17	001 to 4,000	\$40
18	4,001 to 6,000	55
19	6,001 to 8,000	69
20	8,001 to 10,000	84
21	10,001 to 12,000	99
22	12,001 to 14,000	113
23	14,001 to 16,000	128
24	16,001 to 18,000	143
25	18,001 to 20,000	157

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1	20,001 to 22,000	172
2	22,001 to 24,000	187
3	24,001 to 26,000	201
4	26,001 to 48,000	118
5	48,001 and over	172.
6	<u>C. Declared Gross Weight</u>	<u>Surcharge</u>
7	<u>001 to 4,000</u>	<u>\$56</u>
8	<u>4,001 to 6,000</u>	<u>80</u>
9	<u>6,001 to 8,000</u>	<u>105</u>
10	<u>8,001 to 10,000</u>	<u>128</u>
11	<u>10,001 to 12,000</u>	<u>152</u>
12	<u>12,001 to 14,000</u>	<u>183</u>
13	<u>14,001 to 16,000</u>	<u>193</u>
14	<u>16,001 to 18,000</u>	<u>221</u>
15	<u>18,001 to 20,000</u>	<u>237</u>
16	<u>20,001 to 22,000</u>	<u>245</u>
17	<u>22,001 to 24,000</u>	<u>266</u>
18	<u>24,001 to 26,000</u>	<u>294</u>
19	<u>26,001 to 48,000</u>	<u>325</u>
20	<u>48,001 and over</u>	<u>400.</u>

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

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

6 ~~[E.]~~ F. 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 pole
9 trailer towed by a truck of such gross vehicle weight shall be
10 classified as a utility trailer for registration purposes
11 unless otherwise provided by law.

12 ~~[F.]~~ G. 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 Subsection B of this section and shall be
16 issued distinctive registration plates. "Farm vehicle" means a
17 vehicle owned by a person whose principal occupation is farming
18 or ranching and which vehicle is used principally in the
19 transportation of farm and ranch products to market and farm
20 and ranch supplies and livestock from the place of purchase to
21 farms and ranches in this state; provided that the vehicle is
22 not used for hire.

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

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

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

18 Section 3. Section 66-6-23 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 358, as amended) is amended to read:

20 "66-6-23. DISPOSITION OF FEES.--

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

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

3 (a) an amount equal to six dollars
4 (\$6.00) per driver's license and five dollars (\$5.00) per
5 identification card or motor vehicle or motorboat registration
6 or title transaction performed; and

7 (b) for each such agent determined by
8 the secretary pursuant to Section 66-2-16 NMSA 1978 to have
9 performed ten thousand or more transactions in the preceding
10 fiscal year, other than a class A county with a population
11 exceeding three hundred thousand or a municipality with a
12 population exceeding three hundred thousand that has been
13 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
14 an amount equal to one dollar (\$1.00) in addition to the amount
15 distributed pursuant to Subparagraph (a) of this paragraph for
16 each driver's license, identification card, motor vehicle
17 registration, motorboat registration or title transaction
18 performed;

19 (2) to each municipality or county, other than
20 a class A county with a population exceeding three hundred
21 thousand or a municipality with a population exceeding three
22 hundred thousand that has been designated as an agent pursuant
23 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
24 office, an amount equal to one dollar fifty cents (\$1.50) for
25 each administrative service fee remitted by that county or

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1 municipality to the department pursuant to the provisions of
2 Subsection A of Section 66-2-16 NMSA 1978;

3 (3) to the state road fund:

4 (a) an amount equal to the fees
5 collected pursuant to Sections 66-7-413 and 66-7-413.4 NMSA
6 1978;

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

9 (c) the remainder of each driver's
10 license fee collected by the department employees from an
11 applicant to whom a license is granted after deducting from the
12 driver's license fee the amount of the distribution authorized
13 in Paragraph (1) of this subsection with respect to that
14 collected driver's license fee; ~~and~~

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

17 (e) an amount equal to ninety percent of
18 the registration surcharges collected pursuant to Sections
19 66-6-2 and 66-6-4 NMSA 1978, which shall be used for
20 maintenance of state highways, as approved by the legislature
21 through the budget process;

22 (4) to the local governments road fund, the
23 amount of the fees collected pursuant to Subsection B of
24 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
25 collected pursuant to Subsection A of Section 66-5-408 NMSA

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1 1978;

2 (5) to the department:

3 (a) any amounts reimbursed to the
4 department pursuant to Subsection C of Section 66-2-14.1 NMSA
5 1978;

6 (b) an amount equal to two dollars
7 (\$2.00) of each motorcycle registration fee collected pursuant
8 to Section 66-6-1 NMSA 1978;

9 (c) an amount equal to the fees provided
10 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E
11 of Section 66-2-16 NMSA 1978, Subsections [~~J and~~] K and L of
12 Section 66-3-6 NMSA 1978 other than the administrative fee,
13 Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of
14 Section 66-5-408 NMSA 1978;

15 (d) the amounts due to the department
16 for the manufacture and issuance of a special registration
17 plate collected pursuant to the section of law authorizing the
18 issuance of the specialty plate;

19 (e) an amount equal to the registration
20 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the
21 purposes of enforcing the provisions of the Mandatory Financial
22 Responsibility Act and for creating and maintaining a
23 multilanguage noncommercial driver's license testing program;
24 and after those purposes are met, the balance of the
25 registration fees shall be distributed to the department to

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1 defray the costs of operating the motor vehicle division;

2 (f) an amount equal to fifty cents
3 (\$.50) for each administrative fee remitted to the department
4 by a county or municipality operating a motor vehicle field
5 office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

6 (g) an amount equal to one dollar
7 twenty-five cents (\$.25) for each administrative fee collected
8 by the department or any of its agents other than a county or
9 municipality operating a motor vehicle field office pursuant to
10 Subsection A of Section 66-2-16 NMSA 1978; and

11 (h) an amount equal to the royalties or
12 other consideration paid by commercial users of databases of
13 motor vehicle-related records of the department pursuant to
14 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of
15 defraying the costs of maintaining databases of motor vehicle-
16 related records of the department; and after that purpose is
17 met, the balance of the royalties and other consideration shall
18 be distributed to the department to defray the costs of
19 operating the motor vehicle division;

20 (6) to each New Mexico institution of higher
21 education, an amount equal to that part of the fees distributed
22 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
23 NMSA 1978 proportionate to the number of special registration
24 plates issued in the name of the institution to all such
25 special registration plates issued in the name of all

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1 institutions;

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

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

8 (9) to the department of transportation, an
9 amount equal to the fees collected pursuant to Section
10 66-5-35 NMSA 1978;

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

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

19 (12) to the recycling and illegal dumping
20 fund:

21 (a) fifty cents (\$.50) of the tire
22 recycling fee collected pursuant to the provisions of Section
23 66-6-1 NMSA 1978;

24 (b) fifty cents (\$.50) of each of the
25 tire recycling fees collected pursuant to the provisions of

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1 Sections 66-6-2 and 66-6-4 NMSA 1978; and

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

5 (13) to the highway infrastructure fund:

6 (a) fifty cents (\$.50) of the tire
7 recycling fee collected pursuant to the provisions of Section
8 66-6-1 NMSA 1978;

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

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

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

21 (15) to the litter control and beautification
22 fund, an amount equal to the fees collected pursuant to Section
23 66-6-6.2 NMSA 1978;

24 (16) to the local government division of the
25 department of finance and administration, an amount equal to
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1 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
2 distribution to each county to support animal control spaying
3 and neutering programs in an amount proportionate to the number
4 of residents of that county who have purchased pet care special
5 registration plates pursuant to Section 66-3-424.3 NMSA 1978;

6 [~~and~~]

7 (17) to the Cumbres and Toltec scenic railroad
8 commission, twenty-five dollars (\$25.00) collected pursuant to
9 the Cumbres and Toltec scenic railroad special registration
10 plate; and

11 (18) to the state transit fund, an amount
12 equal to ten percent of the registration surcharges collected
13 pursuant to Sections 66-6-2 and 66-6-4 NMSA 1978.

14 B. The balance, exclusive of unidentified
15 remittances, shall be distributed in accordance with Section
16 66-6-23.1 NMSA 1978.

17 C. If any of the paragraphs, subsections or
18 sections referred to in Subsection A of this section are
19 recompiled or otherwise redesignated without a corresponding
20 change to Subsection A of this section, the reference in
21 Subsection A of this section shall be construed to be the
22 recompiled or redesignated paragraph, subsection or section."

23 Section 4. [NEW MATERIAL] STATE TRANSIT FUND--CREATED--
24 PURPOSE--ADMINISTRATION.--

25 A. The "state transit fund" is created in the state

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1 treasury. The fund shall be administered by the department of
2 transportation. The fund consists of appropriations, gifts,
3 grants, donations and bequests and money distributed to the
4 fund.

5 B. Money in the fund shall be distributed to public
6 transit agencies in rural areas and public transit agencies in
7 New Mexico municipalities that are within another state's
8 urbanized area to match federal grant funds for general public
9 transit operations. The fund shall not provide more than fifty
10 percent of the required local match needed by a public transit
11 agency. No money in the fund shall be used for expenses
12 associated with commuter rail services.

13 C. Money in the fund shall be expended by warrant
14 signed by the secretary of finance and administration upon
15 vouchers signed by the secretary of transportation or the
16 secretary's designated representative.

17 D. Earnings on the fund shall be deposited to the
18 credit of the fund. Any unexpended or unencumbered balance
19 remaining at the end of a fiscal year shall not revert but
20 shall remain in the fund.

21 Section 5. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2009.