

1 HOUSE BILL 496

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO EXECUTIVE REORGANIZATION; MOVING THE MOTOR VEHICLE
12 DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO THE
13 DEPARTMENT OF TRANSPORTATION; TRANSFERRING FUNCTIONS,
14 PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL
15 OBLIGATIONS AND STATUTORY REFERENCES.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 1-4-1.1 NMSA 1978 (being Laws 2015,
19 Chapter 145, Section 19) is amended to read:

20 "1-4-1.1. AUTHORIZATION TO VERIFY VOTER REGISTRATION
21 INFORMATION--INVESTIGATION AND RECONCILIATION.--

22 A. The secretary of state may:

23 (1) provide to the chief election officer of
24 another state or a consortium of chief election officers of
25 other states information that is requested, including social

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1 security numbers, dates of birth, driver's licenses and
2 identification card numbers and other information that the
3 secretary of state deems necessary for the chief election
4 officer of that state or for the consortium to maintain a voter
5 registration list, if the secretary of state is satisfied that
6 the information provided pursuant to this paragraph will be
7 used only for the maintenance of that voter registration list;
8 and

9 (2) request from the chief election officer of
10 another state or a consortium of chief election officers of
11 other states information that the secretary of state deems
12 necessary to maintain the statewide voter registration list.

13 B. The secretary of state may enter into a written
14 agreement with an agency or political subdivision of this state
15 or with a department of the federal government pursuant to
16 which the state agency, political subdivision or federal
17 department shall provide to the secretary of state information
18 that is in the possession of the state agency, political
19 subdivision or federal department and that the secretary of
20 state deems necessary to maintain the statewide voter
21 registration list.

22 C. The secretary of state may enter into a written
23 agreement with the secretary of [~~taxation and revenue~~]
24 transportation to match information in the database of the
25 voter registration electronic management system with

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1 information in the database of the motor vehicle division of
2 the ~~[taxation and revenue]~~ department of transportation to the
3 extent required to enable each official to verify the accuracy
4 of the information provided on applications for voter
5 registration. Upon the execution of the written agreement, the
6 secretary of ~~[taxation and revenue]~~ transportation shall enter
7 into an agreement with the federal commissioner of social
8 security pursuant to 42 U.S.C. Section 15483 (now 52 U.S.C.
9 Section 21083), for the purpose of verifying applicable
10 information.

11 D. The secretary of state shall provide to the
12 appropriate county clerk in this state and to no other person
13 necessary information or documentation received by the
14 secretary of state from or through an agency or political
15 subdivision of this state, a federal department, the chief
16 election officer of another state or a consortium of chief
17 election officers of other states that calls into question the
18 information provided on a certificate of registration; that
19 raises questions regarding the status of a person registered to
20 vote in this state; or that suggests that a voter may have
21 voted in two states during the same election. The county clerk
22 shall only disclose information received from the secretary of
23 state pursuant to this subsection to complete an investigation
24 pursuant to this section.

25 E. The county clerk shall investigate or reconcile

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1 the information received from the secretary of state. The
2 secretary of state shall develop and maintain a manual for
3 county clerks that describes best practices in investigating
4 and reconciling information that is derived from comparisons of
5 different databases, including safeguards to ensure that
6 eligible voters are not removed in error from the official list
7 of voters."

8 SECTION 2. Section 1-4-18.1 NMSA 1978 (being Laws 2013,
9 Chapter 91, Section 1, as amended) is amended to read:

10 "1-4-18.1. ONLINE VOTER REGISTRATION.--

11 A. A person may complete a certificate of
12 registration in person or by mail. In addition, the secretary
13 of state shall, not later than January 1, 2016, allow a voter
14 to submit an update to an existing certificate of registration
15 and, not later than July 1, 2017, allow a qualified elector to
16 submit a new certificate of registration form electronically
17 through a web site authorized by the secretary of state or
18 through any computer system maintained by a state agency for
19 electronic voter registration that is approved by the secretary
20 of state; provided that the person is qualified to register to
21 vote and has a current or expired New Mexico driver's license
22 or state identification card issued by the motor vehicle
23 division of the [~~taxation and revenue~~] department of
24 transportation.

25 B. An online certificate of registration form shall

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1 contain all of the information that is required for a paper
2 form. The person shall also be required to provide the
3 person's full New Mexico driver's license number or state
4 identification card number.

5 C. When a person submits a new certificate of
6 registration or an update to an existing certificate of
7 registration, the person shall mark the box associated with the
8 following statement included as part of the electronic
9 certificate of registration form:

10 "By clicking the boxes below, I swear or affirm all of the
11 following:

12 I am the person whose name and identifying
13 information is provided on this form, and I desire to register
14 to vote in the state of New Mexico; and

15 all of the information that I have provided on
16 this form is true and correct as of the date I am submitting
17 this form."

18 D. Prior to January 1, 2016, the secretary of
19 state, in conjunction with the county clerks of the state,
20 shall adopt rules establishing a uniform and nondiscriminatory
21 process to match the information contained in the voter
22 registration election management system with the database of
23 the motor vehicle division of the [~~taxation and revenue~~]
24 department of transportation or the federal social security
25 administration for electronic certificates of registration

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1 updates completed pursuant to this section.

2 E. Prior to January 1, 2017, the secretary of
3 state, in conjunction with the county clerks of the state,
4 shall adopt rules establishing a uniform and nondiscriminatory
5 process to match the information contained in the voter
6 registration election management system with the database of
7 the motor vehicle division of the [~~taxation and revenue~~]
8 department of transportation or the federal social security
9 administration for all electronic certificates of registration
10 completed pursuant to this section.

11 F. Electronically submitted certificate of
12 registration application forms shall retain the dates of
13 submission by the qualified elector and of acceptance by the
14 county clerk.

15 G. For purposes of deadlines contained in the
16 Election Code, the time and date of the submission by the
17 qualified elector shall be considered the time and date when
18 the certificate of registration is received by the county
19 clerk.

20 H. The secretary of state shall ensure that the web
21 sites used for electronic voter registration are secure and
22 that the confidentiality of all users and the integrity of data
23 submitted are preserved."

24 **SECTION 3.** Section 1-4-47 NMSA 1978 (being Laws 1991,
25 Chapter 80, Section 4, as amended) is amended to read:

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1 "1-4-47. DRIVER'S LICENSE VOTER REGISTRATION.--

2 A. Every person who is a qualified elector and is
3 applying for a driver's license, to renew a driver's license or
4 for an identification card shall, if qualified to register to
5 vote, with the consent of the applicant be simultaneously
6 registered to vote.

7 B. The secretary of [~~taxation and revenue~~]
8 transportation shall select certain employees of the motor
9 vehicle division of the [~~taxation and revenue~~] department of of
10 transportation or employees of entities on contract to provide
11 field services to the motor vehicle division to provide
12 assistance to any applicant requesting voter registration
13 assistance.

14 C. Every motor vehicle division office, field
15 office or contract field office of the division shall display
16 within the offices clearly visible signs stating "voter
17 registration assistance available" and:

18 (1) personnel in each office shall advise each
19 person who is a qualified elector and an applicant for
20 licensure or renewal or for an identification card that initial
21 voter registration or a change of address for voter
22 registration may be made simultaneously with the motor vehicle
23 application;

24 (2) voter registration shall be conducted in a
25 manner such that the applicant completes the full certificate

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1 of registration electronically; and

2 (3) the applicant's digital signature shall be
3 affixed to the certificate of registration using an electronic
4 signature in conformance with the Electronic Authentication of
5 Documents Act and the Uniform Electronic Transactions Act.

6 D. A motor vehicle division employee or contractor
7 shall not intentionally influence the prospective registrant in
8 the selection of political party, or independent status, by
9 word or act. A motor vehicle division employee or contractor
10 shall not reveal the existence of or the nature of the voter
11 registration to anyone other than a registration officer.

12 E. Any voter registration made or accepted at a
13 motor vehicle division office or motor vehicle division field
14 office shall be transmitted to the secretary of state and the
15 appropriate registration officer within seven calendar days.

16 F. The secretary of state shall work with the motor
17 vehicle division to:

18 (1) ensure compliance in the application of
19 the provisions of this section with the federal National Voter
20 Registration Act of 1993;

21 (2) ensure consistent implementation in the
22 various counties, based on county classification and developing
23 technology; and

24 (3) develop procedures to ensure that, once
25 voter registration information is transmitted to the

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1 appropriate registration officer, the voter's certificate of
2 registration is printed and placed in the county's register of
3 voters."

4 SECTION 4. Section 1-5-30 NMSA 1978 (being Laws 1989,
5 Chapter 298, Section 1, as amended) is amended to read:

6 "1-5-30. SECRETARY OF STATE--ESTABLISHMENT OF STATEWIDE
7 COMPUTERIZED VOTER REGISTRATION SYSTEM.--

8 A. The secretary of state shall develop, implement,
9 establish and supervise a statewide computerized voter
10 registration system that complies with the federal Help America
11 Vote Act of 2002 to facilitate voter registration and to
12 provide a central database containing voter registration
13 information for New Mexico.

14 B. The statewide computerized voter registration
15 system shall:

16 (1) provide for the establishment and
17 maintenance of a central database for all voter registration
18 information;

19 (2) permit the offices of all county clerks to
20 add, modify and delete county information from the system to
21 provide for accurate and up-to-date records;

22 (3) permit the offices of the county clerks
23 and the bureau of elections to have access to the central
24 database for review and search capabilities;

25 (4) provide security and protection for all

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1 information in the central database and monitor the central
2 database to ensure the prevention of unauthorized entry;

3 (5) provide procedures for the electronic
4 receipt of voter registration application and update
5 information, including digitized and electronic signatures,
6 photographs and other data provided by the motor vehicle
7 division of the [~~taxation and revenue~~] department of
8 transportation or the federal social security administration;

9 (6) provide procedures for entering data into
10 the central database; and

11 (7) provide a centralized system for each
12 county to enter the precinct to which a voter should be
13 assigned for voting purposes."

14 SECTION 5. Section 1-5-31 NMSA 1978 (being Laws 1989,
15 Chapter 298, Section 2, as amended) is amended to read:

16 "1-5-31. UNIFORM PROCEDURES FOR COUNTIES.--The secretary
17 of state shall:

18 A. assist county clerks by devising uniform
19 procedures and forms that are compatible with the voter
20 registration electronic management system;

21 B. provide to each county clerk the computer
22 software necessary for the use and maintenance of the voter
23 registration electronic management system;

24 C. provide to each county clerk, through an
25 agreement with the motor vehicle division of the [~~taxation and~~

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1 ~~revenue~~] department of transportation, access to the division's
2 driver's license database for the purpose of verifying voter
3 registrations, processing absentee ballots and qualifying
4 provisional ballots; and

5 D. adopt such rules as are necessary to establish
6 and administer the voter registration electronic management
7 system and to regulate the use of the driver's license database
8 by county clerks."

9 SECTION 6. Section 7-1B-9 NMSA 1978 (being Laws 2015,
10 Chapter 73, Section 9) is amended to read:

11 "7-1B-9. MOTOR VEHICLE ADMINISTRATIVE HEARINGS--
12 PROCEDURES.--

13 A. A person may dispute the denial of or failure to
14 either allow or deny a license, permit, placard or registration
15 provided for in the Motor Vehicle Code. Upon timely receipt of
16 a protest, the chief hearing officer shall promptly designate a
17 hearing officer to conduct a hearing and shall set a date for
18 the hearing. On that date, the hearing officer shall hear the
19 protest.

20 B. A person may appear at a hearing set pursuant to
21 the provisions of Subsection A of this section for the person's
22 self or be represented by a bona fide employee or an attorney.
23 A hearing shall not be open to the public except if held
24 pursuant to the provisions of the Implied Consent Act or upon
25 request of the person. A hearing officer may postpone or

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1 continue a hearing.

2 C. At the beginning of the hearing, the hearing
3 officer shall inform the person of the person's right to
4 representation. Within thirty days after the hearing, the
5 hearing officer shall inform the protestant in writing of the
6 decision and of the protestant's right to, and the requirements
7 for perfection of, an appeal from the decision to the district
8 court and of the consequences of a failure to appeal. The
9 written decision shall embody an order granting or denying the
10 relief requested or granting such part of the relief requested,
11 as appropriate.

12 D. If the protestant or the secretary of [~~taxation~~
13 ~~and revenue~~] transportation is dissatisfied with the decision
14 and order of the hearing officer, the party may appeal pursuant
15 to the provisions of Section 39-3-1.1 NMSA 1978.

16 E. No court of this state has jurisdiction to
17 entertain a proceeding by any person in which the person calls
18 into question the application to that person of any provision
19 of the Motor Vehicle Code, except as a consequence of the
20 appeal by that person to the district court from the action and
21 order of the hearing officer as provided for in this section.

22 F. Nothing in this section shall be construed to
23 authorize a criminal proceeding or to authorize an
24 administrative protest of the issuance of a subpoena or
25 summons."

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1 SECTION 7. Section 7-24A-6.1 NMSA 1978 (being Laws 1986,
2 Chapter 74, Section 1, as amended) is amended to read:

3 "7-24A-6.1. COUNTY-WIDE GASOLINE TAX--AUTHORIZATION--
4 IMPOSITION--RATE--ELECTION.--

5 A. A county-wide gasoline tax may be imposed on
6 each gallon of gasoline sold at retail within the county in
7 increments of one cent (\$.01) per gallon up to a maximum of two
8 cents (\$.02) per gallon for the purpose of funding a vehicle
9 emissions inspection program and other programs as specified in
10 Subsection D of this section when the governing bodies of a
11 county and a municipality adopt identical ordinances submitting
12 the question to the qualified electors in the county in a joint
13 election.

14 B. The procedures of the County and Municipal
15 Gasoline Tax Act shall apply unless otherwise provided in this
16 section.

17 C. The ordinance shall not go into effect until
18 after a joint election is held pursuant to Section 7-24A-21
19 NMSA 1978 and a simple majority of the qualified electors of
20 the county voting on the issue vote in favor of imposing a
21 county-wide gasoline tax. If the ordinance is approved by a
22 majority of the qualified electors of the county voting on the
23 issue, the gasoline tax shall be imposed county-wide, both
24 within and outside the boundaries of any municipality within
25 the county.

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1 D. If the qualified electors of the county vote in
2 favor of an ordinance imposing a county-wide gasoline tax
3 pursuant to Subsection C of Section 7-24A-21 NMSA 1978 and any
4 proceeds of the tax are dedicated by the ordinance to a vehicle
5 emissions inspection program, then the proceeds of the tax
6 imposed shall be used first for the vehicle emissions
7 inspection program and the balance shall be used for other
8 environmental programs such as water quality or air quality
9 programs. That balance shall be distributed to the
10 municipality and the county based on the proportions that the
11 population of the municipality and the population of the county
12 outside the boundaries of the municipality bear to the total
13 population of the county. The municipality and county shall
14 reimburse the motor vehicle division of the [~~taxation and~~
15 ~~revenue~~] department of transportation for actual costs incurred
16 in administering any plan that involves the motor vehicle
17 division in the enforcement of denial of motor vehicle
18 registration for noncompliance with a vehicle emissions
19 inspection program. The costs reimbursed are appropriated to
20 the motor vehicle division for that purpose."

21 **SECTION 8.** Section 11-6A-6 NMSA 1978 (being Laws 1997,
22 Chapter 182, Section 2, as amended) is amended to read:

23 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
24 FUNDS--APPROVAL OF PROGRAMS.--

25 A. An amount equal to the liquor excise tax

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1 revenues distributed to the local DWI grant fund for the fiscal
2 year less five million six hundred thousand dollars
3 (\$5,600,000) shall be available for distribution in accordance
4 with the formula in Subsection B of this section to each county
5 for council-approved DWI programs, services or activities;
6 provided that each county shall receive a minimum distribution
7 of at least one-half percent of the money available for
8 distribution.

9 B. Each county shall be eligible for a DWI program
10 distribution in an amount derived by multiplying the total
11 amount of money available for distribution by a percentage that
12 is the average of the following two percentages:

13 (1) a percentage equal to a fraction, the
14 numerator of which is the retail trade gross receipts in the
15 county and the denominator of which is the total retail trade
16 gross receipts in the state; and

17 (2) a percentage equal to a fraction, the
18 numerator of which is the number of alcohol-related injury
19 crashes in the county and the denominator of which is the total
20 alcohol-related injury crashes in the state.

21 C. A county shall be eligible to receive the
22 distribution determined pursuant to Subsection B of this
23 section if the board of county commissioners has submitted to
24 the council a request to use the distribution for the operation
25 of one or more DWI programs, services or activities in the

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1 county and the request has been approved by the council. The
2 request shall also comply with local DWI grant program rules
3 and guidelines.

4 D. No later than April 1 each year, each board of
5 county commissioners seeking approval for the DWI program
6 distribution pursuant to this section shall make application to
7 the division for review and approval by the council for one or
8 more local DWI programs, services or activities in the county.
9 Application shall be made on a form and in a manner determined
10 by the division. The council shall approve the programs
11 eligible for a distribution no later than July 1 of each year.
12 The division shall make the annual distribution to each county
13 in quarterly installments on or before each September 10,
14 December 10, March 10 and June 10, beginning in September 2004.
15 The amount available for distribution quarterly to each county
16 shall be the amount determined by applying the formula in
17 Subsection B of this section to the amount of liquor excise tax
18 revenues in the local DWI grant fund at the end of the month
19 prior to the quarterly installment due date and after one
20 million three hundred twenty-five thousand dollars (\$1,325,000)
21 has been set aside for the DWI grant program and after the
22 appropriations and distributions pursuant to Subsections D and
23 E of Section 11-6A-3 NMSA 1978.

24 E. If a county does not have a council-approved DWI
25 program, service or activity or does not need the full amount

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1 of the available distribution, the unused money shall revert to
2 the local DWI grant fund and may be used by the council for the
3 local DWI grant program.

4 F. As used in this section:

5 (1) "alcohol-related injury crashes" means the
6 average annual number of alcohol-related injury crashes during
7 the period from January 1, 2000 through December 31, 2002, as
8 determined by the traffic safety bureau of the [~~state highway~~
9 ~~and transportation~~] department of transportation; and

10 (2) "retail trade gross receipts" means the
11 total reported gross receipts attributable to taxpayers
12 reporting under the retail trade industry sector of the state
13 for the most recent fiscal year as determined by the taxation
14 and revenue department."

15 SECTION 9. Section 15-8-5 NMSA 1978 (being Laws 1994,
16 Chapter 119, Section 5, as amended) is amended to read:

17 "15-8-5. DIVISION--GENERAL POWERS AND DUTIES.--The
18 division shall:

19 A. have control over state vehicles owned or leased
20 by the division;

21 B. regulate the use of the state vehicles owned or
22 leased by the division;

23 C. register all state vehicles owned or leased by
24 the division;

25 D. control the issuance of state government plates

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1 assigned to a state agency and ensure that state government
2 plates are used only on state vehicles;

3 E. maintain a complete and accurate inventory of
4 state vehicles owned or leased by the division and the location
5 of those vehicles;

6 F. establish and enforce maintenance standards for
7 state vehicles owned or leased by the division;

8 G. require periodic use and maintenance reports
9 from state agencies that have custody of state vehicles owned
10 or leased by the division;

11 H. purchase or lease, through the state purchasing
12 agent, state vehicles to be owned or leased by the division and
13 assign their use;

14 I. perform periodic announced and unannounced
15 inspections of state vehicles owned or leased by the division
16 in the custody of state agencies;

17 J. establish a motor pool and provide a fleet of
18 state vehicles for use by state agencies;

19 K. establish and enforce standards for drivers of
20 state vehicles, including revoking driver privileges;

21 L. have access to individual state employee driver
22 records maintained by the [~~taxation and revenue~~] motor vehicle
23 division of the department of transportation in order to ensure
24 that drivers of state vehicles hold a current valid driver's
25 license as defined by the rules of the division;

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1 M. maintain a record of all accident reports and
2 insurance claims for vehicles owned or leased by the division;

3 N. maintain a history of state vehicles owned or
4 leased by the division, including purchases, maintenance and
5 sales;

6 O. carry out the provisions of the Alternative Fuel
7 Acquisition Act as it applies to vehicles owned or leased by
8 the division;

9 P. have the power to sell or otherwise dispose of
10 vehicles owned or leased by the division pursuant to the
11 provisions of Sections 13-6-1 and 13-6-2 NMSA 1978 after
12 approval of the secretary; and

13 Q. administer the state's state and federal surplus
14 property programs."

15 SECTION 10. Section 15-8-6 NMSA 1978 (being Laws 1994,
16 Chapter 119, Section 6, as amended) is amended to read:

17 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE GOVERNMENT
18 PLATES.--

19 A. The division shall adopt rules governing the use
20 of vehicles used by state agencies or by other persons pursuant
21 to Subsection I of this section, including driver requirements
22 and responsibilities, under what circumstances someone can be
23 assigned a state vehicle on a permanent or semipermanent basis
24 and when custody of a state vehicle can be vested in another
25 state agency.

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1 B. The division may determine that it is
2 impractical to retain custody of certain state vehicles, and it
3 may provide that custody reside in another state agency in the
4 following cases:

5 (1) the state vehicle is used for emergency or
6 law enforcement purposes; or

7 (2) the state vehicle is a department of
8 transportation, energy, minerals and natural resources
9 department, department of game and fish or homeland security
10 and emergency management department passenger vehicle, truck or
11 tractor or heavy road equipment.

12 C. Except as provided in Subsections F, G and H of
13 this section, all state vehicles shall be marked as state
14 vehicles. Each side of the vehicle shall be marked, in letters
15 not less than two inches in height, with the following
16 designation of ownership: "State of New Mexico,
17 Department" or "State of New Mexico Department of"
18 and naming the department using the vehicle.

19 D. Except as provided in Subsections F, G and H of
20 this section, all state vehicles shall have specially designed
21 government registration plates.

22 E. Except as provided in Subsections F, G and H of
23 this section, all state vehicles owned or in the custody of
24 state agencies that have law enforcement functions shall be
25 marked and have state government registration plates.

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1 F. State vehicles used for legitimate undercover
2 law enforcement purposes are exempt from the requirements of
3 Subsections C, D and E of this section and may be issued an
4 undercover license plate when it is determined by the division
5 that issuance of such a license plate is necessary to protect
6 legitimate undercover law enforcement activities.

7 G. State vehicles used for sensitive activities
8 other than legitimate undercover law enforcement purposes are
9 exempt from the requirements of Subsections C, D and E of this
10 section and may be issued a protective license plate when it is
11 determined by the division that issuance of such a license
12 plate is necessary to protect the health, safety or welfare of
13 a state employee using a state-owned vehicle for sensitive
14 activities. The standards for the issuance of a protective
15 license plate pursuant to this subsection shall be determined
16 by rule jointly promulgated by the division and the motor
17 vehicle division of the [~~taxation and revenue~~] department of
18 transportation.

19 H. A state agency may seek custody of state
20 vehicles as an exception to Subsection B of this section or an
21 exemption to the provisions of Subsection C of this section by
22 making a written request to the director, specifying the
23 reasons for the proposed custody or exemption. The director
24 may approve the custody or exemption, in writing, indicating
25 the duration and any conditions of the custody or exemption.

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1 I. The division shall adopt rules permitting
2 individuals enrolled in the state's adaptive driving program to
3 use special-use state vehicles for evaluation and training
4 purposes in that program."

5 SECTION 11. Section 24-6B-14 NMSA 1978 (being Laws 2007,
6 Chapter 323, Section 14) is amended to read:

7 "24-6B-14. RIGHTS AND DUTIES OF PROCUREMENT ORGANIZATION
8 AND OTHERS.--

9 A. When a hospital refers [~~an individual~~] a person
10 at or near death to a procurement organization, the
11 organization shall make a reasonable search of the records of
12 the motor vehicle division of the [~~taxation and revenue~~]
13 department of transportation and any donor registry that it
14 knows exists for the geographical area in which the
15 [~~individual~~] person resides to ascertain whether the
16 [~~individual~~] person has made an anatomical gift.

17 B. A procurement organization shall be allowed
18 reasonable access to information in the records of the motor
19 vehicle division of the [~~taxation and revenue~~] department of
20 transportation to ascertain whether [~~an individual~~] a person at
21 or near death is a donor.

22 C. When a hospital refers [~~an individual~~] a person
23 at or near death to a procurement organization, the
24 organization may conduct any reasonable examination necessary
25 to ensure the medical suitability of a part that is or could be

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1 the subject of an anatomical gift for transplantation, therapy,
2 research or education from a donor or a prospective donor.
3 During the examination period, measures necessary to ensure the
4 medical suitability of the part may not be withdrawn unless the
5 hospital or procurement organization knows that the
6 [~~individual~~] person expressed a contrary intent.

7 D. Unless prohibited by law other than the Jonathan
8 Spradling Revised Uniform Anatomical Gift Act, at any time
9 after a donor's death, the person to which a part passes
10 pursuant to Section [~~11 of that act~~] 24-6B-11 NMSA 1978 may
11 conduct any reasonable examination necessary to ensure the
12 medical suitability of the body or part for its intended
13 purpose.

14 E. Unless prohibited by law other than the Jonathan
15 Spradling Revised Uniform Anatomical Gift Act, an examination
16 pursuant to Subsection C or D of this section may include an
17 examination of all medical and dental records of the donor or
18 prospective donor.

19 F. Upon the death of a minor who was a donor or had
20 signed a refusal, unless a procurement organization knows the
21 minor is emancipated, the procurement organization shall
22 conduct a reasonable search for the parents of the minor and
23 provide the parents with an opportunity to revoke or amend the
24 anatomical gift or revoke the refusal.

25 G. Upon referral by a hospital pursuant to

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1 Subsection A of this section, a procurement organization shall
2 make a reasonable search for any person listed in Section ~~[9 of~~
3 ~~the Jonathan Spradling Revised Uniform Anatomical Gift Act]~~
4 24-6B-9 NMSA 1978 having priority to make an anatomical gift on
5 behalf of a prospective donor. If a procurement organization
6 receives information that an anatomical gift to any other
7 person was made, amended or revoked, it shall promptly advise
8 the other person of all relevant information.

9 H. Subject to the provisions of Subsection I of
10 Section ~~[11 and Section 23 of the Jonathan Spradling Revised~~
11 ~~Uniform Anatomical Gift Act]~~ 24-6B-11 NMSA 1978 and Section
12 24-6B-23 NMSA 1978, the rights of the person to which a part
13 passes pursuant to Section ~~[11 of that act]~~ 24-6B-11 NMSA 1978
14 are superior to the rights of all others with respect to the
15 part. The person may accept or reject an anatomical gift in
16 whole or in part. Subject to the terms of the document of gift
17 and the Jonathan Spradling Revised Uniform Anatomical Gift Act,
18 a person that accepts an anatomical gift of an entire body may
19 allow embalming, burial or cremation, and use of remains in a
20 funeral service. If the gift is of a part, the person to which
21 the part passes pursuant to Section ~~[11 of the Jonathan~~
22 ~~Spradling Revised Uniform Anatomical Gift Act]~~ 24-6B-11 NMSA
23 1978, upon the death of the donor and before embalming, burial
24 or cremation, shall cause the part to be removed without
25 unnecessary mutilation.

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1 I. Neither the physician who attends the decedent
2 at death nor the physician who determines the time of the
3 decedent's death may participate in the procedures for removing
4 or transplanting a part from the decedent.

5 J. A physician or technician may remove a donated
6 part from the body of a donor that the physician or technician
7 is qualified to remove."

8 SECTION 12. Section 24-6B-20 NMSA 1978 (being Laws 2007,
9 Chapter 323, Section 20) is amended to read:

10 "24-6B-20. DONOR REGISTRY.--

11 A. The motor vehicle division of the [~~taxation and~~
12 ~~revenue~~] department of transportation shall establish a donor
13 registry pursuant to the provisions of Subsection B of Section
14 66-5-10 NMSA 1978.

15 B. The motor vehicle division [~~of the taxation and~~
16 ~~revenue department~~] shall cooperate with a person that
17 administers any donor registry that this state establishes,
18 contracts for or recognizes for the purpose of transferring to
19 the donor registry all relevant information regarding a donor's
20 making, amendment to or revocation of an anatomical gift.

21 C. A donor registry shall:

22 (1) allow a donor or other person authorized
23 pursuant to Section [~~4 of the Jonathan Spradling Revised~~
24 ~~Uniform Anatomical Gift Act~~] 24-6B-4 NMSA 1978 to include on
25 the donor registry a statement or symbol that the donor has

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1 made, amended or revoked an anatomical gift;

2 (2) be accessible to a procurement
3 organization to allow it to obtain relevant information on the
4 donor registry to determine, at or near death of the donor or a
5 prospective donor, whether the donor or prospective donor has
6 made, amended or revoked an anatomical gift; and

7 (3) be accessible for purposes of Paragraphs
8 (1) and (2) of this subsection seven days a week on a twenty-
9 four-hour basis.

10 D. Personally identifiable information on a donor
11 registry about a donor or prospective donor may not be used or
12 disclosed without the express consent of the donor, prospective
13 donor or person who made the anatomical gift for any purpose
14 other than to determine, at or near death of the donor or
15 prospective donor, whether the donor or prospective donor has
16 made, amended or revoked an anatomical gift.

17 E. This section does not prohibit any person from
18 creating or maintaining a donor registry that is not
19 established by or under contract with the state. Any such
20 registry shall comply with the provisions of Subsections C and
21 D of this section."

22 SECTION 13. Section 29-2-18 NMSA 1978 (being Laws 1941,
23 Chapter 147, Section 17, as amended) is amended to read:

24 "29-2-18. STATE POLICE CHIEF AND OTHER MEMBERS--POWERS
25 AND DUTIES.--

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1 A. The chief and other members of the New Mexico
2 state police, when duly commissioned and sworn under the
3 provisions of Sections 29-2-1 through 29-2-29 NMSA 1978, shall
4 have the following powers and shall be:

5 (1) conservators of the peace within the state
6 with full power to apprehend, arrest and bring before the
7 proper court all law violators within the state;

8 (2) ex-officio deputies and agents of [~~all the~~
9 ~~officers and departments of~~] the taxation and revenue
10 department [~~and of the officers and departments within the~~
11 ~~state charged with~~], of the motor vehicle division of the
12 department of transportation pertaining to the registration of
13 motor vehicles and the issuance of licenses to operators of
14 motor vehicles and of the [~~officers and departments of the~~
15 ~~state~~] motor transportation police of the department of public
16 safety and the public regulation commission, which are charged
17 with the regulation and control of motor vehicles operated upon
18 the public highways for hire in the transportation of either
19 passengers or property; and

20 (3) charged with the enforcement of all laws
21 of New Mexico regulating the use of highways.

22 B. Upon request of any officer or agency of the
23 state charged with the duty of enforcing any law of the state
24 that is made to the secretary of public safety, one or more
25 members of the New Mexico state police may be temporarily

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1 designated specifically to enforce the provisions of such law."

2 SECTION 14. Section 29-5-1.1 NMSA 1978 (being Laws 1981,
3 Chapter 304, Section 1, as amended) is amended to read:

4 "29-5-1.1. EDUCATIONAL INSTITUTIONS--CAMPUS TRAFFIC
5 [~~REGULATIONS~~] RULES.--

6 A. The board of regents of each state educational
7 institution designated in Article 12, Section 11 of the
8 constitution of New Mexico that is located within a county
9 having a population in excess of ninety-five thousand according
10 to the most recent federal decennial census may promulgate
11 [~~regulations~~] rules governing the operation and parking of
12 vehicles on any area within the exterior boundaries of lands
13 under its control [~~which~~] that is not a municipal street or
14 highway, including [~~but not limited to~~]:

- 15 (1) limiting the rates of speed;
- 16 (2) assigning parking spaces, designating
17 parking areas and their uses and collecting rent for them;
- 18 (3) prohibiting parking;
- 19 (4) removing vehicles parked in violation of
20 campus traffic [~~regulations~~] rules at the expense of the
21 violator who shall pay the expense before the vehicle is
22 released; and
- 23 (5) instituting a system of vehicle
24 registration for the identification and regulation of vehicles
25 regularly using institutional premises, including a reasonable

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1 charge to defray costs of providing parking and traffic
2 enforcement services and campus parking.

3 B. Areas subject to campus traffic [~~regulations~~]
4 rules shall be marked with signs conforming with standards used
5 by the [~~state highway and~~] department of transportation
6 [~~department~~].

7 C. [~~Regulations~~] Rules of a board of regents
8 promulgated pursuant to this section shall include a specific
9 penalty for each type of violation, which shall not exceed one
10 hundred dollars (\$100). In addition, the board of regents may
11 impose an administrative cost assessment not exceeding five
12 dollars (\$5.00) for each parking citation issued as costs of
13 administration of a campus traffic program.

14 D. Except as provided by Subsection J of this
15 section, unless a warning notice or a parking citation is
16 given, at the time of making an arrest for any violation of
17 this section, the arresting officer shall offer the alleged
18 violator the option of accepting a penalty assessment or
19 appearing in the metropolitan, municipal or magistrate court
20 within five days after issuance of the citation. The
21 violator's signature on the penalty assessment notice
22 constitutes [~~as~~] an acknowledgment of guilt of the offense
23 stated in the notice.

24 E. Payment of [~~any~~] a parking violation penalty
25 assessment shall be made by mailing the payment within five

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1 days from the date the citation was issued to the university
2 police office for processing in the manner prescribed by the
3 board of regents.

4 F. Payment of [~~any~~] a moving violation penalty
5 assessment shall be made by mailing the payment within thirty
6 days from the date of issuance of the citation to the motor
7 vehicle division of the [~~taxation and revenue~~] department of
8 transportation in Santa Fe. Payments of penalty assessments
9 are timely if postmarked within thirty days from the date of
10 issuance of the citation. When a penalty assessment is paid by
11 currency, a receipt may be immediately mailed to the violator.
12 When a penalty assessment is paid by check, the canceled check
13 is a sufficient receipt.

14 G. No record of any penalty assessment payment is
15 admissible as evidence in [~~any~~] a court in [~~any~~] a civil
16 action.

17 H. If a penalty assessment is not paid within thirty
18 days from the date of issuance of the citation, the violator
19 shall be prosecuted for the violation charged on the penalty
20 assessment notice in a manner as if a penalty assessment notice
21 had not been issued.

22 I. [~~Any~~] A penalty assessment collected by the motor
23 vehicle division of the [~~taxation and revenue~~] department of
24 transportation pursuant to Subsection F of this section shall
25 be remitted to the state treasurer for deposit into the current

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1 school fund. [~~Any~~] An administrative cost assessment collected
2 by the division pursuant to this section shall be remitted
3 within thirty days to the state educational institution [~~which~~]
4 that issued the citation for administering parking and traffic
5 [~~regulations~~] rules on that campus. [~~Any~~] A penalty assessment
6 or administrative cost assessment collected by the university
7 police office pursuant to Subsection E of this section shall be
8 retained by the state educational institution as reimbursement
9 for its expenses.

10 J. No penalty assessment citation shall be issued
11 for:

12 (1) speeding in excess of twenty-five miles an
13 hour in excess of the speed limit;

14 (2) operating a vehicle while under the
15 influence of alcohol or drugs; or

16 (3) an offense [~~which~~] that has caused or
17 contributed to the cause of an accident resulting in injury or
18 death to any person.

19 K. The uniform traffic citation form approved by the
20 director of the motor vehicle division of the department of
21 transportation shall be used as the complaint for violations of
22 [~~regulations~~] rules promulgated pursuant to the provisions of
23 this section. Citations for moving violations shall be issued
24 in the manner set forth in Sections 66-8-123 through 66-8-127
25 NMSA 1978."

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1 SECTION 15. Section 29-5-4 NMSA 1978 (being Laws 2011,
2 Chapter 53, Section 1) is amended to read:

3 "29-5-4. POST-SECONDARY EDUCATIONAL INSTITUTIONS--CAMPUS
4 TRAFFIC [~~REGULATIONS~~] RULES--AGREEMENT WITH MUNICIPALITY.--

5 A. As used in this section, "post-secondary
6 educational institution" means a community college operating
7 pursuant to the Community College Act or a technical and
8 vocational institute operating pursuant to the Technical and
9 Vocational Institute Act that does not have campus police
10 officers created pursuant to Section 29-5-3 NMSA 1978.

11 B. The governing board of a post-secondary
12 educational institution may adopt and promulgate traffic
13 [~~regulations~~] rules to apply to areas within the exterior
14 boundaries of the lands under the control of the board,
15 including streets and highways. Traffic [~~regulations~~] rules
16 may include:

- 17 (1) limiting the rates of speed;
- 18 (2) assigning parking spaces and designating
19 parking and no parking areas and their uses;
- 20 (3) prohibiting parking;
- 21 (4) removing, disabling or booting vehicles
22 parked in violation of campus traffic [~~regulations~~] rules at
23 the expense of the violator, who shall pay the expense before
24 the vehicle is released; and
- 25 (5) instituting a system of vehicle registration

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1 for the identification and regulation of vehicles regularly
2 using campus facilities, including a reasonable charge to
3 defray the costs of providing parking and traffic enforcement
4 services and campus parking.

5 C. All areas subject to traffic [~~regulations~~] rules
6 shall be marked with signs conforming with standards used by
7 the department of transportation.

8 D. Traffic [~~regulations~~] rules adopted by a
9 post-secondary educational institution pursuant to this section
10 shall include a specific penalty for each type of violation
11 that shall not exceed the penalty for the same violation under
12 state law or municipal ordinance for the municipality where the
13 post-secondary educational institution is located.

14 E. A post-secondary educational institution may enter
15 into a written agreement with the municipality where the
16 institution is located for municipal police enforcement of
17 traffic [~~regulations~~] rules and for enforcement of applicable
18 laws and ordinances within the exterior boundaries of the lands
19 under the control of the institution. The written agreement
20 shall outline the terms and conditions for municipal
21 enforcement of the institution's traffic [~~regulations~~] rules,
22 including the following:

23 (1) unless a warning notice or a parking
24 citation is given at the time of making an arrest for a traffic
25 violation, the arresting officer shall offer the alleged

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1 violator the option of accepting a penalty assessment or
2 appearing in municipal court for adjudication within five days
3 after issuance of the citation;

4 (2) if an alleged violator elects to appear in
5 municipal court in lieu of accepting a penalty assessment, the
6 fine imposed upon later conviction shall not exceed the penalty
7 assessment established for the particular penalty assessment;

8 (3) a violator's signature on the penalty
9 assessment notice constitutes an acknowledgment of guilt of the
10 offense stated in the notice;

11 (4) payment of a parking violation penalty
12 assessment shall be made by mailing the payment within five
13 days from the date the citation was issued to the municipality
14 for processing in accordance with the written agreement.

15 Payment of the penalty assessment is timely if postmarked
16 within five days from the date of issuance of the citation;

17 (5) payment of any moving violation penalty
18 assessment shall be made by mailing the payment within thirty
19 days from the date the citation was issued to the municipality
20 for processing in accordance with the written agreement.

21 Payment of the penalty assessment is timely if postmarked
22 within thirty days from the date of issuance of the citation;

23 (6) when a penalty assessment is paid by
24 currency, a receipt shall be immediately mailed to the
25 violator;

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1 (7) if a penalty assessment is not paid within
2 thirty days from the date of issuance of the citation, the
3 violator shall be prosecuted for the violation charged on the
4 penalty assessment notice in a manner as if a penalty
5 assessment notice had not been issued;

6 (8) all penalties and fines assessed shall be
7 paid to the municipality to defray the costs of enforcement and
8 adjudication of citations issued at the post-secondary
9 educational institution; and

10 (9) the uniform traffic citation form approved
11 by the motor vehicle division of the [~~taxation and revenue~~]
12 department of transportation shall be used as the complaint for
13 violations of campus traffic regulations. Citations for moving
14 violations shall be issued in the manner set forth in Sections
15 66-8-123 through 66-8-127 NMSA 1978.

16 F. A municipality enforcing campus traffic
17 [~~regulations~~] rules pursuant to this section may, by
18 commission, authorize campus security personnel at the
19 post-secondary educational institution to issue citations for
20 violations of non-moving traffic [~~regulations~~] rules on such
21 terms and conditions as provided in the written agreement but
22 in no event shall campus security personnel be given arrest
23 powers.

24 G. In the absence of a written agreement with a
25 municipality for the enforcement of traffic [~~regulations~~]

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1 rules, campus security personnel may enforce traffic
2 regulations. The punishment for a violation of a campus
3 traffic [~~regulation~~] rule shall be not more than five dollars
4 (\$5.00) per violation. All fines collected pursuant to this
5 subsection shall be remitted to the post-secondary educational
6 institution and shall be used solely for the purposes of
7 enforcing campus traffic [~~regulations~~] rules and for planning
8 and improving movement and control of vehicles and related
9 parking problems and for use in the operation, management and
10 administration of the institution's security office.

11 H. When a traffic citation is issued by a campus
12 security officer, the officer shall be wearing a distinctive
13 badge and uniform issued to the officer by the post-secondary
14 educational institution.

15 I. A record of a penalty assessment payment is not
16 admissible as evidence in court in a civil action.

17 J. A post-secondary educational institution may
18 withhold the issuance of grades and degrees in order to secure
19 payment of unpaid traffic or parking assessments."

20 SECTION 16. Section 30-3-8.2 NMSA 1978 (being Laws 1993,
21 Chapter 78, Section 3) is amended to read:

22 "30-3-8.2. COURT RECORD OF CONVICTION--REVOCATION OF
23 DRIVER'S LICENSE.--Upon a conviction for the offense of
24 shooting at or from a motor vehicle pursuant to Subsection B of
25 Section 30-3-8 NMSA 1978 or of a conviction for a conspiracy or
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1 attempt to commit that offense, the district court shall send a
2 record of the conviction to the motor vehicle division of the
3 [~~taxation and revenue~~] department of transportation. The
4 division shall immediately revoke the driver's licenses or
5 driving privileges of all persons convicted of the offense of
6 shooting at or from a motor vehicle or convicted of conspiring
7 or attempting to commit that offense, pursuant to the
8 provisions of Subsection E of Section 66-5-29 NMSA 1978."

9 SECTION 17. Section 30-16D-1 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 91, as amended by Laws 2009, Chapter 253,
11 Section 1 and by Laws 2009, Chapter 261, Section 1) is amended
12 to read:

13 "30-16D-1. UNLAWFUL TAKING OF A VEHICLE OR MOTOR
14 VEHICLE.--

15 A. Unlawful taking of a vehicle or motor vehicle
16 consists of a person taking any vehicle or motor vehicle as
17 defined by the Motor Vehicle Code intentionally and without
18 consent of the owner. Whoever commits unlawful taking of a
19 vehicle or motor vehicle is guilty of a:

20 (1) fourth degree felony for a first offense;

21 (2) third degree felony for a second offense;

22 and

23 (3) second degree felony for a third or

24 subsequent offense.

25 B. The consent of the owner of the vehicle or motor

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1 vehicle to its taking shall not in any case be presumed or
2 implied because of the owner's consent on a previous occasion
3 to the taking of the vehicle or motor vehicle by the same or a
4 different person.

5 C. Nothing in this section shall be construed to
6 prohibit the holder of a lien duly recorded with the motor
7 vehicle division of the [~~taxation and revenue~~] department of
8 transportation from taking possession of a vehicle to which
9 possession the lienholder is legally entitled under the
10 provisions of the instrument evidencing the lien. A holder of
11 a duly recorded lien who takes possession of a vehicle without
12 the knowledge of the owner of the vehicle shall immediately
13 notify the local police authority of the fact that the holder
14 has taken possession of the vehicle."

15 SECTION 18. Section 30-16D-6 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 95, as amended by Laws 2009, Chapter 253,
17 Section 6 and by Laws 2009, Chapter 261, Section 6) is amended
18 to read:

19 "30-16D-6. ALTERING OR CHANGING ENGINE OR OTHER NUMBERS.--

20 A. No person shall, with fraudulent intent, deface,
21 remove, cover, destroy or alter the manufacturer's serial
22 number, engine number, decal or other distinguishing number or
23 identification mark or number placed under assignment of the
24 motor vehicle division of the [~~taxation and revenue~~] department
25 of transportation of a vehicle required to be registered under

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1 the Motor Vehicle Code or any vehicle, motor vehicle or motor
2 vehicle engine or component as defined by the Motor Vehicle
3 Code for which a dismantler's notification form has been
4 processed through the division, nor shall any person place or
5 stamp any serial, engine, decal or other number or mark upon
6 the vehicle except one assigned by the division. Any violation
7 of this section is a fourth degree felony.

8 B. This section shall not prohibit the restoration by
9 an owner of an original serial, engine, decal or other number
10 or mark when the restoration is made under permit issued by the
11 division nor prevent any manufacturer from placing, in the
12 ordinary course of business, numbers, decals or marks upon
13 vehicles or parts thereof."

14 SECTION 19. Section 31-26-15 NMSA 1978 (being Laws 2009,
15 Chapter 95, Section 4) is amended to read:

16 "31-26-15. IDENTITY THEFT PASSPORT--DATABASE.--

17 A. The attorney general, in cooperation with the
18 department of public safety and the motor vehicle division of
19 the [~~taxation and revenue~~] department of transportation, shall
20 issue an identity theft passport to a person who claims to be a
21 victim of identity theft pursuant to Section 30-16-24.1 NMSA
22 1978 and who provides to the attorney general:

23 (1) a certified copy of a court order obtained
24 pursuant to Section [~~5 of this 2009 act~~] 31-26-16 NMSA 1978 or
25 a full set of fingerprints;

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1 (2) a driver's license or other government-
2 issued identification or record; and

3 (3) other information as required by the
4 attorney general.

5 B. An identity theft passport shall contain a picture
6 of the person to whom it was issued and other information as
7 the attorney general deems appropriate.

8 C. The attorney general may enter into a memorandum
9 of understanding with the motor vehicle division of the
10 [~~taxation and revenue~~] department of transportation for the
11 development and issuance of a secure form of identity theft
12 passport. When an identity theft passport is issued, the motor
13 vehicle division shall note on the person's driver record that
14 an identity theft passport has been issued.

15 D. An [~~identify~~] identity theft passport shall be
16 accepted as evidence of identity by law enforcement officers
17 and others who may challenge the person's identity.

18 E. The attorney general shall maintain a database of
19 identity theft victims who have reported to a law enforcement
20 agency or have been issued an identity theft passport. The
21 attorney general may provide access to the database only to
22 criminal justice agencies. For purposes of identification and
23 authentication, the attorney general may allow access to
24 specific information about a person who has become a victim of
25 identity theft to that person or to that person's authorized

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1 representative.

2 F. The attorney general shall keep on file each
3 application for an identity theft passport and each police
4 report of identity theft submitted by a law enforcement agency.

5 G. The attorney general shall prepare and make
6 available to local law enforcement agencies and to the general
7 public an information packet that includes information on how
8 to prevent and stop identity theft."

9 SECTION 20. Section 32A-2-19 NMSA 1978 (being Laws 1993,
10 Chapter 77, Section 48, as amended) is amended to read:

11 "32A-2-19. DISPOSITION OF AN ADJUDICATED DELINQUENT
12 OFFENDER.--

13 A. At the conclusion of the dispositional hearing,
14 the court may make and include in the dispositional judgment
15 its findings on the following:

16 (1) the interaction and interrelationship of the
17 child with the child's parents and siblings and any other
18 person who may significantly affect the child's best interests;

19 (2) the child's adjustment to the child's home,
20 school and community;

21 (3) the mental and physical health of all
22 individuals involved, including consideration of such factors
23 as the child's brain development, maturity, trauma history and
24 disability;

25 (4) the wishes of the child as to the child's

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1 custodian;

2 (5) the wishes of the child's parents as to the
3 child's custody;

4 (6) whether there exists a relative of the child
5 or other individual who, after study by the department, is
6 found to be qualified to receive and care for the child;

7 (7) the availability of services recommended in
8 the predisposition report; and

9 (8) the ability of the parents to care for the
10 child in the home.

11 B. If a child is found to be delinquent, the court
12 may impose a fine not to exceed the fine that could be imposed
13 if the child were an adult and may enter its judgment making
14 any of the following dispositions for the supervision, care and
15 rehabilitation of the child:

16 (1) transfer legal custody to the department, an
17 agency responsible for the care and rehabilitation of
18 delinquent children, which shall receive the child at a
19 facility designated by the secretary of the department as a
20 juvenile reception facility. The department shall thereafter
21 determine the appropriate placement, supervision and
22 rehabilitation program for the child. The judge may include
23 recommendations for placement of the child. Commitments are
24 subject to limitations and modifications set forth in Section
25 32A-2-23 NMSA 1978. The types of commitments include:

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1 (a) a short-term commitment of one year in a
2 facility for the care and rehabilitation of adjudicated
3 delinquent children. No more than nine months shall be served
4 at the facility and no less than ninety days shall be served on
5 supervised release, unless: 1) a petition to extend the
6 commitment has been filed prior to the commencement of
7 supervised release; 2) the commitment has been extended
8 pursuant to Section 32A-2-23 NMSA 1978; or 3) supervised
9 release is revoked pursuant to Section 32A-2-25 NMSA 1978;

10 (b) a long-term commitment for no more than
11 two years in a facility for the care and rehabilitation of
12 adjudicated delinquent children. No more than twenty-one
13 months shall be served at the facility and no less than ninety
14 days shall be served on supervised release, unless: 1)
15 supervised release is revoked pursuant to Section 32A-2-25 NMSA
16 1978; or 2) the commitment is extended pursuant to Section
17 32A-2-23 NMSA 1978;

18 (c) if the child is a delinquent offender
19 who committed one of the criminal offenses set forth in
20 Subsection I of Section 32A-2-3 NMSA 1978, a commitment to age
21 twenty-one, unless sooner discharged; or

22 (d) if the child is a youthful offender, a
23 commitment to age twenty-one, unless sooner discharged;

24 (2) place the child on probation under those
25 conditions and limitations as the court may prescribe;

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1 (3) place the child in a local detention
2 facility that has been certified in accordance with the
3 provisions of Section 32A-2-4 NMSA 1978 for a period not to
4 exceed fifteen days within a three hundred sixty-five day time
5 period; or if a child is found to be delinquent solely on the
6 basis of Paragraph (3) of Subsection A of Section 32A-2-3 NMSA
7 1978, the court shall only enter a judgment placing the child
8 on probation or ordering restitution or imposing a fine not to
9 exceed the fine that could be imposed if the child were an
10 adult or any combination of these dispositions; or

11 (4) if a child is found to be delinquent solely
12 on the basis of Paragraph (2), (3) or (4) of Subsection A of
13 Section 32A-2-3 NMSA 1978, the court may make any disposition
14 provided by this section and may enter its judgment placing the
15 child on probation and, as a condition of probation, transfer
16 custody of the child to the department for a period not to
17 exceed six months without further order of the court; provided
18 that this transfer shall not be made unless the court first
19 determines that the department is able to provide or contract
20 for adequate and appropriate treatment for the child and that
21 the treatment is likely to be beneficial.

22 C. When the child is an Indian child, the Indian
23 child's cultural needs shall be considered in the dispositional
24 judgment and reasonable access to cultural practices and
25 traditional treatment shall be provided.

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1 D. A child found to be delinquent shall not be
2 committed or transferred to a penal institution or other
3 facility used for the execution of sentences of persons
4 convicted of crimes.

5 E. Whenever the court vests legal custody in an
6 agency, institution or department, it shall transmit with the
7 dispositional judgment copies of the clinical reports,
8 predisposition study and report and other information it has
9 pertinent to the care and treatment of the child.

10 F. Prior to any child being placed in the custody of
11 the department, the department shall be provided with
12 reasonable oral or written notification and an opportunity to
13 be heard.

14 G. In addition to any other disposition pursuant to
15 Subsection B of this section, the court may make an abuse or
16 neglect report for investigation and proceedings as provided
17 for in the Abuse and Neglect Act. The report may be made to a
18 local law enforcement agency, the department or a tribal law
19 enforcement or social service agency for an Indian child
20 residing in Indian country.

21 H. In addition to any other disposition pursuant to
22 this section or any other penalty provided by law, if a child
23 who is fifteen years of age or older is adjudicated delinquent
24 on the basis of Paragraph (2), (3) or (4) of Subsection A of
25 Section 32A-2-3 NMSA 1978, the child's driving privileges may

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1 be denied or the child's driver's license may be revoked for a
2 period of ninety days. For a second or a subsequent
3 adjudication, the child's driving privileges may be denied or
4 the child's driver's license revoked for a period of one year.
5 Within twenty-four hours of the dispositional judgment, the
6 court may send to the motor vehicle division of the [~~taxation~~
7 ~~and revenue~~] department of transportation the order
8 adjudicating delinquency. Upon receipt of an order from the
9 court adjudicating delinquency, the director of the motor
10 vehicle division of the [~~taxation and revenue~~] department of
11 transportation may revoke or deny the delinquent's driver's
12 license or driving privileges. Nothing in this section may
13 prohibit the delinquent from applying for a limited driving
14 privilege pursuant to Section 66-5-35 NMSA 1978 or an ignition
15 interlock license pursuant to the Ignition Interlock Licensing
16 Act, and nothing in this section precludes the delinquent's
17 participation in an appropriate educational, counseling or
18 rehabilitation program.

19 I. In addition to any other disposition pursuant to
20 this section or any other penalty provided by law, when a child
21 is adjudicated delinquent on the basis of Paragraph (6) of
22 Subsection A of Section 32A-2-3 NMSA 1978, the child shall
23 perform the mandatory community service set forth in Section
24 30-15-1.1 NMSA 1978. When a child fails to completely perform
25 the mandatory community service, the name and address of the

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1 child's parent or legal guardian shall be published in a
2 newspaper of general circulation, accompanied by a notice that
3 the parent or legal guardian is the parent or legal guardian of
4 a child adjudicated delinquent for committing graffiti."

5 SECTION 21. Section 33-3-25 NMSA 1978 (being Laws 1983,
6 Chapter 134, Section 1, as amended) is amended to read:

7 "33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--
8 ADMINISTRATION--DISTRIBUTION.--

9 A. [~~There is created in the state treasury~~] The
10 "local government corrections fund" is created in the state
11 treasury to be administered by the administrative office of the
12 courts.

13 B. All balances in the local government corrections
14 fund are appropriated to the administrative office of the
15 courts for payment to counties for county jailer or juvenile
16 detention officer training; for the construction planning,
17 construction, maintenance and operation of the county detention
18 facility, jail or juvenile detention facility; for paying the
19 cost of housing county prisoners or juveniles in any detention
20 facility in the state; for alternatives to incarceration; or
21 for complying with match or contribution requirements for the
22 receipt of federal funds relating to detention facilities,
23 jails or juvenile detention facilities. Payments shall be made
24 quarterly upon certification by the magistrate court or
25 metropolitan court and the motor vehicle division of the

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1 [~~taxation and revenue~~] department of transportation of eligible
2 amounts as provided in Subsection C of this section.

3 C. Each county shall be eligible for a payment in an
4 amount equal to the costs and fees collected by a magistrate
5 court or a metropolitan court and the motor vehicle division
6 pursuant to offenses committed within the county and deposited
7 in the local government corrections fund.

8 D. Payments from the local government corrections
9 fund shall be made upon vouchers issued and signed by the
10 director of the administrative office of the courts upon
11 warrants drawn by the secretary of finance and administration.

12 E. All money received by a county pursuant to this
13 section shall be deposited in a special fund in the county
14 treasury and shall be used solely for:

15 (1) county jailer or juvenile detention officer
16 training;

17 (2) the construction planning, construction,
18 maintenance and operation of the county detention facility,
19 jail or juvenile detention facility;

20 (3) paying the cost of housing county prisoners
21 or juveniles in any detention facility in the state;

22 (4) alternatives to incarceration; or

23 (5) complying with match or contribution
24 requirements for the receipt of federal funds relating to
25 detention facilities, jails or juvenile detention facilities."

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1 SECTION 22. Section 38-5-3 NMSA 1978 (being Laws 1991,
2 Chapter 71, Section 2, as amended) is amended to read:

3 "38-5-3. SOURCE FOR JUROR SELECTION.--

4 A. Each county clerk shall make available to the
5 secretary of state a database of registered voters of the
6 clerk's county. The secretary of state shall preserve and make
7 available to the department of information technology, by
8 electronic media, a database of New Mexico registered voters,
9 by county, which shall be updated every six months. The
10 director of the motor vehicle division of the [~~taxation and~~
11 ~~revenue~~] department of transportation shall make available by
12 electronic media to the department of information technology a
13 database of driver's license holders in each county, which
14 shall be updated every six months. The secretary of taxation
15 and revenue shall make available to the department of
16 information technology, by electronic media, a database of New
17 Mexico personal income tax filers by county, which shall be
18 updated every six months. The updates shall occur in June and
19 December.

20 B. The department of information technology shall
21 program the merger of the registered voter, driver's license
22 and personal income tax filer databases from each county to
23 form a master jury database and write a computer program so
24 that a random selection of jurors can be made. A
25 discrimination shall not be exercised except for the

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1 elimination of persons who are not eligible for jury service.
2 The administrative office of the courts shall provide
3 specifications for the merging of the registered voter,
4 driver's license and personal income tax filer databases to
5 form the master jury database. The master jury database shall
6 be the database that produces the random jury list for the
7 selection of petit or grand jurors for the state courts.

8 C. The secretary of veterans' services and the
9 adjutant general of the department of military affairs shall
10 make available, by electronic media, to the administrative
11 office of the courts a database of service members who were
12 killed or missing in action during military service, which
13 shall be updated every six months. The administrative office
14 of the courts shall remove the names of service members who
15 were killed or missing in action during military service from
16 the master jury database that produces the random jury list for
17 the state courts.

18 D. The court shall, by order, designate the number of
19 potential jurors to be selected and the date on which the
20 jurors are to report for empaneling. Within fifteen days after
21 receipt of a copy of the order, the administrative office of
22 the courts shall provide the random jury list to the court.
23 The department of information technology shall print the random
24 jury list and jury summons mailer forms within ten days after
25 receiving the request from the administrative office of the

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1 courts. Upon issuance of the order, the department of
2 information technology shall draw from the most current
3 registered voter, driver's license and personal income tax
4 filer databases to create the random jury list.

5 E. The department of information technology may
6 transfer the master jury database to a court that has
7 compatible equipment to accept such a transfer. The court
8 accepting the master jury database shall transfer the
9 information to a programmed computer used for the random
10 selection of petit or grand jurors."

11 SECTION 23. Section 40-5A-3 NMSA 1978 (being Laws 1995,
12 Chapter 25, Section 3, as amended) is amended to read:

13 "40-5A-3. DEFINITIONS.--As used in the Parental
14 Responsibility Act:

15 A. "applicant" means an obligor who is applying for
16 issuance of a license;

17 B. "board" means:

18 (1) the construction industries commission, the
19 construction industries division and the electrical bureau,
20 mechanical bureau and general construction bureau of the
21 construction industries division of the regulation and
22 licensing department;

23 (2) the manufactured housing committee and
24 manufactured housing division of the regulation and licensing
25 department;

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1 (3) a board, commission or agency that
2 administers a profession or occupation licensed pursuant to
3 Chapter 61 NMSA 1978;

4 (4) any other state agency to which the Uniform
5 Licensing Act is applied by law;

6 (5) a licensing board or other authority that
7 issues a license, certificate, registration or permit to engage
8 in a profession or occupation regulated in New Mexico;

9 (6) the department of game and fish;

10 (7) the motor vehicle division of the [~~taxation~~
11 ~~and revenue~~] department of transportation; or

12 (8) the alcohol and gaming division of the
13 regulation and licensing department;

14 C. "certified list" means a verified list that
15 includes the names, social security numbers and last known
16 addresses of obligors not in compliance;

17 D. "compliance" means that:

18 (1) an obligor is no more than thirty days in
19 arrears in payment of amounts required to be paid pursuant to
20 an outstanding judgment and order for support; and

21 (2) an obligor has, after receiving appropriate
22 notice, complied with subpoenas or warrants relating to
23 paternity or child support proceedings;

24 E. "department" means the human services department;

25 F. "judgment and order for support" means the

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1 judgment entered against an obligor by the district court or a
2 tribal court in a case enforced by the department pursuant to
3 Title IV-D of the Social Security Act;

4 G. "license" means a liquor license or other license,
5 certificate, registration or permit issued by a board that a
6 person is required to have to engage in a profession or
7 occupation in New Mexico; "license" includes a commercial
8 driver's license, driver's license and recreational licenses,
9 including hunting, fishing or trapping licenses;

10 H. "licensee" means an obligor to whom a license has
11 been issued; and

12 I. "obligor" means the person who has been ordered to
13 pay child or spousal support pursuant to a judgment and order
14 for support."

15 SECTION 24. Section 52-5-3 NMSA 1978 (being Laws 1986,
16 Chapter 22, Section 29, as amended) is amended to read:

17 "52-5-3. REPORTS--DATA GATHERING.--

18 A. The intent of this section is to allow the
19 director to gather data and conduct studies to evaluate the
20 workers' compensation and occupational disease disablement
21 system in New Mexico. This includes evaluating the benefits
22 structure and the costs incurred under each version of the
23 Workers' Compensation Act and the New Mexico Occupational
24 Disease Disablement Law. To this end, the director shall
25 establish baseline data against which to assess the changes in

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1 the law.

2 B. The director shall independently evaluate
3 insurance industry data pertaining to workers' compensation and
4 occupational disease disablement claims and payments, as well
5 as other information the director believes to be necessary and
6 relevant to a thorough evaluation of the system's
7 effectiveness. In addition to data generated by insurance
8 industry representatives and organizations, the director shall
9 collect data from employers, claimants and other relevant
10 parties.

11 C. Unless otherwise provided by law, the director
12 shall have access to insurance industry information that
13 contains workers' compensation and occupational disease
14 disablement claim data as the director determines is necessary
15 to carry out the provisions of this section.

16 D. The director shall have access to files and
17 records of:

18 (1) the workforce solutions department that
19 pertain to:

20 (a) the name and number of employees
21 reported by employers;

22 (b) employers' mailing addresses;

23 (c) federal identification numbers; and

24 (d) general wage information;

25 (2) the office of superintendent of insurance

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1 that pertain to:

2 (a) historical insurance classification
3 rates and total premiums paid during given periods of time;

4 (b) insurers licensed to underwrite casualty
5 insurance; and

6 (c) records of group self-insurers;

7 (3) the human services department that include
8 names, addresses and other identifying information of
9 recipients of benefits and services pertaining to income
10 support;

11 (4) the taxation and revenue department that
12 identify employers paying workers' compensation assessments in
13 accordance with Section 52-5-19 NMSA 1978; and

14 (5) the motor vehicle division of the [~~taxation~~
15 ~~and revenue~~] department of transportation that pertain to the
16 identity of licensed drivers and the ownership of motor
17 vehicles.

18 E. Information that is confidential under state law
19 shall be accessible to the director and shall remain
20 confidential.

21 F. The director shall prepare an annual report. The
22 director shall publish in that report and in other reports as
23 the director deems appropriate such statistical and
24 informational reports and analyses based on reports and records
25 available as, in the director's opinion, will be useful in

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1 increasing public understanding of the purposes, effectiveness,
2 costs, coverage and administrative procedures of workers'
3 compensation and in providing basic information regarding the
4 occurrence and sources of work injuries or disablements to
5 public and private agencies engaged in industrial injury
6 prevention activities. The reports shall include information
7 concerning the nature and frequency of injuries and
8 occupational diseases sustained and the resulting benefits,
9 costs and other factors that are important to furthering the
10 intent of this section."

11 SECTION 25. Section 65-1-2 NMSA 1978 (being Laws 1978,
12 Chapter 19, Section 1, as amended) is amended to read:

13 "65-1-2. DEFINITIONS.--As used in the Motor
14 Transportation Act:

15 A. "combination" means any connected assemblage of a
16 motor vehicle and one or more semitrailers, trailers or
17 semitrailers converted to trailers by means of a converter
18 gear;

19 B. "combination gross vehicle weight" means the sum
20 total of the gross vehicle weights of all units of a
21 combination;

22 C. "commercial motor carrier vehicle" means a self-
23 propelled or towed vehicle, other than special mobile
24 equipment, used on public highways in commerce to transport
25 passengers or property when the vehicle:

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1 (1) is operated interstate and has a gross
2 vehicle weight rating or gross combination weight rating, or
3 gross vehicle weight or gross combination weight, of four
4 thousand five hundred thirty-six kilograms, or ten thousand one
5 pounds or more; or is operated only in intrastate commerce and
6 has a gross vehicle weight rating or gross combination weight
7 rating, or gross vehicle weight or gross combination weight, of
8 twenty-six thousand one or more pounds;

9 (2) is designed or used to transport more than
10 eight passengers, including the driver, and is used to
11 transport passengers for compensation;

12 (3) is designed or used to transport more than
13 fifteen passengers, including the driver, and is not used to
14 transport passengers for compensation; or

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

18 D. "converter gear" means any assemblage of one or
19 more axles with a fifth wheel mounted thereon, designed for use
20 in a combination to support the front end of a semitrailer but
21 not permanently attached thereto. A "converter gear" shall not
22 be considered a vehicle as that term is used in Chapter 66 NMSA
23 1978, but its weight shall be included in declared gross
24 weight;

25 E. "declared gross weight" means maximum gross

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1 vehicle weight or combination gross vehicle weight at which a
2 vehicle or combination will be operated during the registration
3 period as declared by the registrant for registration and fee
4 purposes. The vehicle or combination shall have only one
5 "declared gross weight" for all operating considerations;

6 F. "department", without modification, means the
7 department of public safety, the secretary of public safety or
8 any employee of the department exercising authority lawfully
9 delegated to that employee by the secretary;

10 G. "director" means the secretary;

11 H. "division" means the New Mexico state police
12 division of the department;

13 I. "evidence of registration" means documentation
14 issued by the ~~[taxation and revenue]~~ motor vehicle division of
15 the department of transportation identifying a motor carrier
16 vehicle as being registered with New Mexico or documentation
17 issued by another state pursuant to the terms of a multistate
18 agreement on registration of vehicles to which this state is a
19 party identifying a motor carrier vehicle as being registered
20 with that state; provided that evidence of payment of the
21 weight distance tax and permits obtained under either the
22 Special Fuels Supplier Tax Act or Trip Tax Act are not
23 "evidence of registration";

24 J. "field enforcement" or "in the field" means
25 patrolling of the highway, stopping of commercial motor carrier

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1 vehicles or establishing ports of entry and roadblocks for the
2 purpose of checking motor carriers and includes similar
3 activities;

4 K. "freight trailer" means any trailer, semitrailer
5 or pole trailer drawn by a truck tractor or road tractor and
6 any trailer, semitrailer or pole trailer drawn by a truck that
7 has a gross vehicle weight of more than twenty-six thousand
8 pounds, but the term does not include house trailers, trailers
9 of less than one-ton carrying capacity used to transport
10 animals or fertilizer trailers of less than three thousand five
11 hundred pounds empty weight;

12 L. "gross vehicle weight" means the weight of a
13 vehicle without load plus the weight of any load thereon;

14 M. "motor carrier" means any person that owns,
15 controls, operates or manages any motor vehicle with gross
16 vehicle weight of twelve thousand pounds or more that is used
17 to transport persons or property on the public highways of this
18 state;

19 N. "motor vehicle" means any vehicle or device that
20 is propelled by an internal combustion engine or electric motor
21 power that is used or may be used on the public highways for
22 the purpose of transporting persons or property and includes
23 any connected trailer or semitrailer;

24 O. "one-way rental fleet" means two or more vehicles
25 each having a gross vehicle weight of under twenty-six thousand

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1 one pounds and rented to the public without a driver;

2 P. "person" means any individual, estate, trust,
3 receiver, cooperative association, club, corporation, company,
4 firm, partnership, joint venture, syndicate or other
5 association; "person" also means, to the extent permitted by
6 law, any federal, state or other governmental unit or
7 subdivision or an agency, department or instrumentality;
8 "person" also includes an officer or employee of a corporation,
9 a member or employee of a partnership or any individual who, as
10 such, is under a duty to perform any act in respect of which a
11 violation occurs;

12 Q. "properly registered" means bearing the lawfully
13 issued and currently valid evidence of registration of this or
14 another jurisdiction, regardless of the owner's residence,
15 except in those cases where the evidence has been procured by
16 misrepresentation or fraud;

17 R. "public highway" means every way or place
18 generally open to the use of the public as a matter of right
19 for the purpose of vehicular travel, even though it may be
20 temporarily closed or restricted for the purpose of
21 construction, maintenance, repair or reconstruction;

22 S. "secretary" means the secretary of public safety
23 and, except for the purposes of Section 65-1-33 NMSA 1978, also
24 includes a deputy secretary and any division director delegated
25 by the secretary;

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1 T. "state" or "jurisdiction" means a state, territory
2 or possession of the United States, the District of Columbia,
3 the commonwealth of Puerto Rico, a foreign country or a state
4 or province of a foreign country; and

5 U. "utility trailer" means any trailer, semitrailer
6 or pole trailer and includes house trailers that exceed neither
7 eight feet in width nor forty feet in length, but does not
8 include freight trailers, trailers of less than one-ton
9 carrying capacity used to transport animals or fertilizer
10 trailers of less than three thousand five hundred pounds empty
11 weight."

12 SECTION 26. Section 65-1-29.1 NMSA 1978 (being Laws 1998
13 (1st S.S.), Chapter 10, Section 8) is amended to read:

14 "65-1-29.1. RECEIPTS--DISBURSEMENTS.--Money collected
15 under the Motor Transportation Act shall be paid to the state
16 treasurer for the credit of the motor vehicle suspense fund not
17 later than the close of the second business day after their
18 receipt. At the same time, the department of public safety
19 shall deliver to the [~~taxation and revenue~~] motor vehicle
20 division of the department of transportation documentation
21 sufficient to make refunds, distributions and other
22 disbursements of the money paid into the fund by the
23 department."

24 SECTION 27. Section 65-3-14 NMSA 1978 (being Laws 2007,
25 Chapter 151, Section 1, as amended) is amended to read:

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1 "65-3-14. DRUG AND ALCOHOL TESTING PROGRAM--REPORT OF
2 POSITIVE TEST.--

3 A. A motor carrier shall have an in-house drug and
4 alcohol testing program that meets the requirements of 49
5 C.F.R. part 382 or be a member of a consortium, as defined in
6 49 C.F.R. part 382.107, that provides testing that meets the
7 requirements of C.F.R. part 382.

8 B. A person or entity specified in 49 C.F.R. part
9 382.103, who is not explicitly excepted by New Mexico law, is
10 subject to the provisions of this section and shall report
11 positive test results or a refusal to submit to a test pursuant
12 to provisions in this section. A refusal to submit to a pre-
13 employment test shall not be considered a violation of this
14 section.

15 C. When a person or entity specified in 49 C.F.R.
16 part 382.103 determines that a positive test result is valid,
17 the person or entity shall report the findings to the motor
18 vehicle division of the [~~taxation and revenue~~] department of
19 transportation. The motor vehicle division shall enter the
20 report of a positive test result or refusal to submit to a test
21 on the reported person's motor vehicle record so that it can be
22 contained in the commercial driver's license information system
23 pursuant to the New Mexico Commercial Driver's License Act.

24 D. The division shall keep the report of a positive
25 test result or the refusal to submit to a test in the motor

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1 vehicle record of the driver for five years from the time the
2 report was received by the motor vehicle division."

3 SECTION 28. Section 66-1-4 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 4, as amended) is amended to read:

5 "66-1-4. DEFINITIONS.--

6 A. Sections 66-1-4.1 through 66-1-4.20 NMSA 1978
7 define terms for general purposes of the Motor Vehicle Code.
8 When in a specific section of the Motor Vehicle Code a
9 different meaning is given for a term defined for general
10 purposes in Sections 66-1-4.1 through 66-1-4.20 NMSA 1978, the
11 specific section's meaning and application of the term shall
12 control.

13 B. All references in the Motor Vehicle Code and
14 elsewhere in the NMSA 1978 to Section 66-1-4 NMSA 1978 shall be
15 construed to include Sections 66-1-4.1 through 66-1-4.20 NMSA
16 1978.

17 C. All references in the NMSA 1978 to the "department
18 of motor vehicles" or "department" shall, whenever appropriate,
19 mean the [~~taxation and revenue~~] department of transportation.

20 D. All references in the NMSA 1978 to the
21 "commissioner of motor vehicles" or "commissioner" shall,
22 whenever appropriate, mean the secretary of transportation."

23 SECTION 29. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
24 Chapter 120, Section 5, as amended) is amended to read:

25 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle

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1 Code:

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

4 B. "dealer", except as specifically excluded, means
5 any person who sells or solicits or advertises the sale of new
6 or used motor vehicles, manufactured homes or trailers subject
7 to registration in this state; "dealer" does not include:

8 (1) receivers, trustees, administrators,
9 executors, guardians or other persons appointed by or acting
10 under judgment, decree or order of any court;

11 (2) public officers while performing their
12 duties as such officers;

13 (3) persons making casual sales of their own
14 vehicles;

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

17 (5) licensed brokers under the Manufactured
18 Housing Act who, for a fee, commission or other valuable
19 consideration, engage in brokerage activities related to the
20 sale, exchange or lease purchase of pre-owned manufactured
21 homes on a site installed for a consumer;

22 C. "declared gross weight" means the maximum gross
23 vehicle weight or gross combination vehicle weight at which a
24 vehicle or combination will be operated during the registration
25 period, as declared by the registrant for registration and fee

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1 purposes; the vehicle or combination shall have only one
2 declared gross weight for all operating considerations;

3 D. "department" means the [~~taxation and revenue~~]
4 department of transportation, the secretary of [~~taxation and~~
5 ~~revenue~~] transportation or any employee of the department
6 exercising authority lawfully delegated to that employee by the
7 secretary;

8 E. "designated accessible parking space for persons
9 with significant mobility limitation" means any space,
10 including an access aisle, that is marked and reserved for the
11 parking of a passenger vehicle that carries registration plates
12 or a parking placard with the international symbol of access
13 issued in accordance with Section 66-3-16 NMSA 1978 and that is
14 designated by a conspicuously posted sign bearing the
15 international symbol of access and, if the parking space is
16 paved, by a clearly visible depiction of this symbol painted in
17 blue on the pavement of the space;

18 F. "director" means the secretary;

19 G. "disqualification" means a prohibition against
20 driving a commercial motor vehicle;

21 H. "distinguishing number" means the number assigned
22 by the department to a vehicle whose identifying number has
23 been destroyed or obliterated or the number assigned by the
24 department to a vehicle that has never had an identifying
25 number;

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1 I. "distributor" means a person who distributes or
2 sells new or used motor vehicles to dealers and who is not a
3 manufacturer;

4 J. "division", without further specification,
5 "division of motor vehicles" or "motor vehicle division" means
6 the department;

7 K. "driver" means every person who drives or is in
8 actual physical control of a motor vehicle, including a
9 motorcycle, upon a highway, who is exercising control over or
10 steering a vehicle being towed by a motor vehicle or who
11 operates or is in actual physical control of an off-highway
12 motor vehicle;

13 L. "driver's license" means a license or a class of
14 license issued by a state or other jurisdiction pertaining to
15 the authorizing of persons to operate motor vehicles and that
16 meets federal requirements to be accepted by federal agencies
17 for official federal purposes;

18 M. "driveaway-towaway operation" means an operation
19 in which any motor vehicle, new or used, is the item being
20 transported when one set or more of wheels of any such motor
21 vehicle is on the roadway during the course of transportation,
22 whether or not the motor vehicle furnishes the motive power;
23 and

24 N. "driving authorization card" means a card issued
25 or recognized under the laws of New Mexico pertaining to the

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1 authorizing of persons to operate motor vehicles and not
2 intended to be accepted by federal agencies for official
3 federal purposes."

4 SECTION 30. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
5 Chapter 120, Section 17, as amended) is amended to read:

6 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
7 Code:

8 A. "safety glazing materials" means glazing materials
9 constructed, treated or combined with other materials to reduce
10 substantially, in comparison with ordinary sheet glass or plate
11 glass, the likelihood of injury to persons by objects from
12 exterior sources or by these safety glazing materials when they
13 are cracked and broken;

14 B. "safety zone" means the area or space that is
15 officially set apart within a highway for the exclusive use of
16 pedestrians and that is protected or is so marked or indicated
17 by adequate signs as to be plainly visible at all times while
18 set apart as a safety zone;

19 C. "salvage vehicle" means a vehicle:

20 (1) other than a nonrepairable vehicle, of a
21 type subject to registration that has been wrecked, destroyed
22 or damaged excluding, pursuant to rules issued by the
23 department, hail damage, to the extent that the owner, leasing
24 company, financial institution or the insurance company that
25 insured or is responsible for repair of the vehicle considers

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1 it uneconomical to repair the vehicle and that is subsequently
2 not repaired by or for the person who owned the vehicle at the
3 time of the event resulting in damage; or

4 (2) that was determined to be uneconomical to
5 repair and for which a total loss payment is made by an
6 insurer, whether or not the vehicle is subsequently repaired,
7 if, prior to or upon making payment to the claimant, the
8 insurer obtained the agreement of the claimant to the amount of
9 the total loss settlement and informed the claimant that,
10 pursuant to rules of the department, the title must be branded
11 and submitted to the department for issuance of a salvage
12 certificate of title for the vehicle;

13 D. "school bus" means a commercial motor vehicle used
14 to transport preprimary, primary or secondary school students
15 from home to school, from school to home or to and from school-
16 sponsored events, but not including a vehicle:

17 (1) operated by a common carrier, subject to and
18 meeting all requirements of the public regulation commission
19 but not used exclusively for the transportation of students;

20 (2) operated solely by a government-owned
21 transit authority, if the transit authority meets all safety
22 requirements of the public regulation commission but is not
23 used exclusively for the transportation of students; or

24 (3) operated as a per capita feeder as [~~defined~~]
25 provided in Section 22-16-6 NMSA 1978;

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1 E. "seal" means the official seal of the [~~taxation~~
2 ~~and revenue~~] department as designated by the secretary;

3 F. "secretary" means the secretary of [~~taxation and~~
4 ~~revenue~~] transportation, and, except for the purposes of
5 Sections 66-2-3 and 66-2-12 NMSA 1978, also includes the deputy
6 secretary and any division director delegated by the secretary;

7 G. "semitrailer" means a vehicle without motive
8 power, other than a pole trailer, designed for carrying persons
9 or property and for being drawn by a motor vehicle and so
10 constructed that some significant part of its weight and that
11 of its load rests upon or is carried by another vehicle;

12 H. "sidewalk" means a portion of street between the
13 curb lines, or the lateral lines of a roadway, and the adjacent
14 property lines, intended for the use of pedestrians;

15 I. "slow-moving vehicle" means a vehicle that is
16 ordinarily moved, operated or driven at a speed less than
17 twenty-five miles per hour;

18 J. "solid tire" means every tire of rubber or other
19 resilient material that does not depend upon compressed air for
20 the support of the load;

21 K. "special mobile equipment" means a vehicle not
22 designed or used primarily for the transportation of persons or
23 property and incidentally operated or moved over the highways,
24 including [~~but not limited to~~] farm tractors, road construction
25 or maintenance machinery, ditch-digging apparatus, well-boring

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1 apparatus and concrete mixers;

2 L. "specially constructed vehicle" means a vehicle of
3 a type required to be registered under the Motor Vehicle Code
4 not originally constructed under a distinctive name, make,
5 model or type by a generally recognized manufacturer of
6 vehicles and not materially altered from its original
7 construction;

8 M. "state" means a state, territory or possession of
9 the United States, the District of Columbia or any state of the
10 Republic of Mexico or the Federal District of Mexico or a
11 province of the Dominion of Canada;

12 N. "state highway" means a public highway that has
13 been designated as a state highway by the legislature, the
14 state transportation commission or the secretary of
15 transportation;

16 O. "stop", when required, means complete cessation
17 from movement;

18 P. "stop, stopping or standing", when prohibited,
19 means any stopping or standing of a vehicle, whether occupied
20 or not, except when necessary to avoid conflict with other
21 traffic or in compliance with the directions of a police
22 officer or traffic-control sign or signal;

23 Q. "street" or "highway" means a way or place
24 generally open to the use of the public as a matter of right
25 for the purpose of vehicular travel, even though it may be

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1 temporarily closed or restricted for the purpose of
2 construction, maintenance, repair or reconstruction;

3 R. "subsequent offender" means a person who was
4 previously a first offender and who again, under state law,
5 federal law or a municipal ordinance or a tribal law, has been
6 adjudicated guilty of the charge of driving a motor vehicle
7 while under the influence of intoxicating liquor or any drug
8 that rendered the person incapable of safely driving a motor
9 vehicle, regardless of whether the person's sentence was
10 suspended or deferred; and

11 S. "suspension" means that a person's driver's
12 license and privilege to drive a motor vehicle on the public
13 highways are temporarily withdrawn."

14 SECTION 31. Section 66-3-1001.1 NMSA 1978 (being Laws
15 2005, Chapter 325, Section 1, as amended) is amended to read:

16 "66-3-1001.1. DEFINITIONS.--As used in the Off-Highway
17 Motor Vehicle Act:

18 A. "board" means the off-highway motor vehicle
19 advisory board;

20 B. "department" means the department of game and
21 fish;

22 C. "division" means the motor vehicle division of the
23 [~~taxation and revenue~~] department of transportation;

24 D. "fund" means the trail safety fund;

25 E. "off-highway motor vehicle" means a motor vehicle

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1 designed by the manufacturer for operation exclusively off the
2 highway or road and includes:

3 (1) "all-terrain vehicle", which means a motor
4 vehicle fifty inches or less in width, having an unladen dry
5 weight of one thousand pounds or less, traveling on three or
6 more low-pressure tires and having a seat designed to be
7 straddled by the operator and handlebar-type steering control;

8 (2) "off-highway motorcycle", which means a
9 motor vehicle traveling on not more than two tires and having a
10 seat designed to be straddled by the operator and that has
11 handlebar-type steering control;

12 (3) "snowmobile", which means a motor vehicle
13 designed for travel on snow or ice and steered and supported in
14 whole or in part by skis, belts, cleats, runners or low-
15 pressure tires;

16 (4) "recreational off-highway vehicle", which
17 means a motor vehicle designed for travel on four or more
18 non-highway tires, for recreational use by one or more persons,
19 and having:

20 (a) a steering wheel for steering control;
21 (b) non-straddle seating;
22 (c) maximum speed capability greater than
23 thirty-five miles per hour;

24 (d) gross vehicle weight rating no greater
25 than one thousand seven hundred fifty pounds;

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1 (e) less than eighty inches in overall
2 width, exclusive of accessories;

3 (f) engine displacement of less than one
4 thousand cubic centimeters; and

5 (g) identification by means of a seventeen-
6 character vehicle identification number; or

7 (5) by rule of the department, any other
8 vehicles that may enter the market that fit the general profile
9 of vehicles operated off the highway for recreational purposes;

10 F. "staging area" means a parking lot, trailhead or
11 other location to or from which an off-highway motor vehicle is
12 transported so that it may be placed into operation or removed
13 from operation; and

14 G. "unpaved public roadway" means a dirt graveled
15 street or road that is constructed, signed and maintained for
16 regular passenger-car use by the general public."

17 SECTION 32. Section 66-5-15.2 NMSA 1978 (being Laws 2016,
18 Chapter 79, Section 15) is amended to read:

19 "66-5-15.2. PHOTOGRAPH--FINGERPRINTS.--

20 A. The [~~taxation and revenue~~] department of
21 transportation shall take a full-face or front-view photograph
22 and the fingerprints of an applicant for a driving
23 authorization card or an identification card not intended to be
24 accepted by federal agencies for official federal purposes who
25 does not provide proof of lawful status and who does not

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1 possess a valid New Mexico license or identification card. The
2 [~~taxation and revenue~~] department is authorized to submit
3 fingerprint data to the department of public safety and obtain
4 the criminal history record of an applicant from the department
5 of public safety. The department of public safety is
6 authorized to submit the fingerprint data to the federal bureau
7 of investigation to conduct a background check of the
8 applicant's criminal history pursuant to the federal bureau of
9 investigation appropriation in Title 42 of Public Law 92-544.

10 B. An applicant is ineligible for a driving
11 authorization card or identification card not intended to be
12 accepted by federal agencies for official federal purposes and
13 shall not be issued a driving authorization card or
14 identification card not intended to be accepted by federal
15 agencies for official federal purposes if information provided
16 pursuant to Subsection A of this section reveals that the:

17 (1) applicant has an outstanding valid criminal
18 arrest warrant; or

19 (2) applicant's fingerprints are associated with
20 any name, date of birth or social security number other than
21 those provided by the applicant in the application for a
22 driving authorization card or identification card not intended
23 to be accepted by federal agencies for official federal
24 purposes.

25 C. An applicant ineligible for a driving

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1 authorization card or identification card not intended to be
2 accepted by federal agencies for official federal purposes
3 pursuant to Subsection B of this section shall become eligible
4 upon submission of satisfactory evidence that the basis for
5 ineligibility has been resolved."

6 SECTION 33. Section 66-6-15 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 350, as amended) is amended to read:

8 "66-6-15. VEHICLES OF THE STATE, COUNTY OR
9 MUNICIPALITY.--

10 A. Vehicles or trailers owned by and used in the
11 service of an Indian nation, tribe or pueblo located wholly or
12 partly in this state or of any county or municipality of this
13 state need not be registered but must continually display
14 plates furnished by the motor vehicle division of the
15 department of transportation.

16 B. Vehicles on loan from dealers and used in an
17 approved driver-training program by the public schools need not
18 be registered but must continually display plates furnished by
19 the division.

20 C. Each Indian nation, tribe or pueblo, each county
21 and each municipality shall apply to the division for a plate
22 for each vehicle or trailer in its service and shall provide
23 identifying information concerning each vehicle or trailer for
24 which a plate is applied.

25 D. The division shall issue plates for vehicles and

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1 trailers in the service of an Indian nation, tribe or pueblo
2 located wholly or partly in this state or of any county or
3 municipality of this state and keep a record of plates issued
4 and plates returned. The plates shall be permanent and need
5 not be renewed from year to year. The plates shall be numbered
6 to identify the Indian nation, tribe or pueblo or the county or
7 the municipality to which the plates are issued. The plates
8 shall be the same size as registration plates issued to private
9 vehicles but shall be different in color from the registration
10 plates issued to private vehicles.

11 E. A vehicle or trailer owned by and used in the
12 service of the state need not be registered with the division
13 but must continually display a plate furnished by the
14 transportation services division of the general services
15 department. A state agency shall apply to the transportation
16 services division of the general services department for a
17 plate for each vehicle or trailer in its service, including
18 identifying information for each vehicle or trailer. The
19 transportation services division of the general services
20 department shall issue plates for state agency vehicles and
21 trailers and shall keep a record of plates issued and plates
22 returned. These plates shall be:

23 (1) permanent and shall not be renewed from year
24 to year;

25 (2) numbered to identify the state agency to

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1 which they are issued; and

2 (3) the same size as but a different color from
3 registration plates issued to private vehicles or trailers or
4 from plates issued pursuant to Subsection D of this section.

5 F. The division may issue to an Indian nation, tribe
6 or pueblo located wholly or partly in this state or any county
7 or municipality of this state or an entity not subject to
8 registration pursuant to Section 66-6-14 NMSA 1978:

9 (1) an undercover license plate when it is
10 determined by the division that the issuance of such a license
11 plate is necessary to protect legitimate undercover law
12 enforcement activities; or

13 (2) a protective license plate when it is
14 determined by the division that the issuance of such a license
15 plate is necessary to protect the health, safety or welfare of
16 an employee using a vehicle owned by the Indian nation, tribe
17 or pueblo or the county, municipality or entity for sensitive
18 activities.

19 G. The standards for the issuance of a protective
20 license plate pursuant to Paragraph (2) of Subsection F of this
21 section shall be determined by rule jointly promulgated by the
22 transportation services division of the general services
23 department and the motor vehicle division of the [~~taxation and~~
24 ~~revenue~~] department of transportation.

25 H. As used in this section:

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1 (1) "protective license plate" means a regular
2 passenger license plate issued to an Indian nation, tribe or
3 pueblo located wholly or partly in this state or a government
4 entity that can be traced to that Indian nation, tribe or
5 pueblo or government entity for a vehicle that is being used
6 for sensitive activities;

7 (2) "sensitive activity" means an activity
8 performed by an employee of an Indian nation, tribe or pueblo
9 located wholly or partly in this state, of any county or
10 municipality of this state or of an entity not subject to
11 registration pursuant to Section 66-6-14 NMSA 1978, which
12 activity:

13 (a) is authorized by the employee's employer
14 to be performed for a legitimate and appropriate purpose for
15 the employer, other than a legitimate undercover law
16 enforcement purpose; and

17 (b) would place the employee at a higher
18 risk of personal injury if knowledge of the activity were made
19 public, as determined in writing by an appropriate supervising
20 authority of the employee;

21 (3) "state agency" means a state department,
22 agency, board or commission, including the legislative and
23 judicial branches of government, but not including public
24 schools and institutions of higher education; and

25 (4) "undercover license plate" means a regular

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1 passenger license plate issued to an Indian nation, tribe or
2 pueblo located wholly or partly in this state or a government
3 entity that is registered in a fictitious name and address that
4 cannot be traced to that Indian nation, tribe or pueblo or the
5 county, municipality or entity for a vehicle that is being used
6 for legitimate law enforcement purposes only."

7 SECTION 34. Section 66-6-23.1 NMSA 1978 (being Laws 1999,
8 Chapter 49, Section 8, as amended) is amended to read:

9 "66-6-23.1. FORMULAIC DISTRIBUTION.--

10 A. The balance from Section 66-6-23 NMSA 1978 shall
11 be transferred or distributed by the state treasurer on or
12 before the last day of the month next after its receipt, as
13 follows:

14 (1) seventy-four and sixty-five hundredths
15 percent shall be distributed to the state road fund;

16 (2) seven and six-tenths percent shall be
17 transferred to each county in the proportion, determined by the
18 department of transportation in accordance with Subsection B of
19 this section, that the registration fees for vehicles in that
20 county are to the total registration fees for vehicles in all
21 counties;

22 (3) seven and six-tenths percent shall be
23 transferred to the counties, with each county receiving an
24 amount equal to the proportion, determined by the secretary of
25 transportation in accordance with Subsection D of this section,

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1 that the mileage of public roads maintained by the county is to
2 the total mileage of public roads maintained by all counties of
3 the state. Amounts distributed to each county in accordance
4 with this paragraph shall be credited to the respective county
5 road fund and be used for the improvement and maintenance of
6 the public roads in the county and to pay for the acquisition
7 of rights of way and material pits. For this purpose, the
8 board of county commissioners of each of the respective
9 counties shall certify by April 1 of each year to the secretary
10 of transportation the total mileage as of April 1 of that year;
11 provided that in their report, the boards of county
12 commissioners shall identify each of the public roads
13 maintained by them by name, route and location. By agreement
14 and in cooperation with the department of transportation, the
15 boards of county commissioners of the various counties may use
16 or designate any of the funds provided in this paragraph for a
17 federal aid program;

18 (4) four and six-hundredths percent shall be
19 allocated among the counties in the proportion, determined by
20 the department in accordance with Subsection B of this section,
21 that the registration fees for vehicles in that county are to
22 the total registration fees for vehicles in all counties. The
23 amount allocated to each county shall be transferred to the
24 incorporated municipalities within the county in the
25 proportion, determined by the department of finance and

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1 administration in accordance with Subsection C of this section,
2 that the sum of net taxable value, as that term is defined in
3 the Property Tax Code, plus the assessed value, as that term is
4 used in the Oil and Gas Ad Valorem Production Tax Act and in
5 the Oil and Gas Production Equipment Ad Valorem Tax Act,
6 determined for the incorporated municipality is to the sum of
7 net taxable value plus assessed value determined for all
8 incorporated municipalities within the county. Amounts
9 transferred to incorporated municipalities pursuant to the
10 provisions of this paragraph shall be used for the
11 construction, maintenance and repair of streets within the
12 municipality and for payment of paving assessments against
13 property owned by federal, county or municipal governments. In
14 a county in which there are no incorporated municipalities, the
15 amount allocated pursuant to this paragraph shall be
16 transferred to the county government road fund and used in
17 accordance with the provisions of Paragraph (3) of this
18 subsection; and

19 (5) six and nine-hundredths percent shall be
20 allocated among the counties in the proportion, determined by
21 the department of finance and administration in accordance with
22 Subsection C of this section, that the registration fees for
23 vehicles in that county are to the total registration fees for
24 vehicles in all counties. The amount allocated to each county
25 shall be transferred to the county and incorporated

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1 municipalities within the county in the proportion, determined
2 by the department of finance and administration in accordance
3 with Subsection B of this section, that the computed taxes due
4 for the county and each incorporated municipality within the
5 county bear to the total computed taxes due for the county and
6 incorporated municipalities within the county. For the
7 purposes of this paragraph, the term "computed taxes due" for a
8 jurisdiction means the sum of the net taxable value, as that
9 term is defined in the Property Tax Code, plus the assessed
10 value, as that term is used in the Oil and Gas Ad Valorem
11 Production Tax Act and in the Oil and Gas Production Equipment
12 Ad Valorem Tax Act, for that jurisdiction multiplied by an
13 average of the rates for residential and nonresidential
14 property imposed for that jurisdiction pursuant to Subsection B
15 of Section 7-37-7 NMSA 1978.

16 B. To carry out the provisions of this section,
17 during the month of June of each year:

18 (1) the department shall determine and certify
19 to the department of finance and administration the proportions
20 that the department is required to determine pursuant to
21 Subsection A of this section using information for the
22 preceding calendar year on the number of vehicles registered in
23 each county based on the address of the owner or place where
24 the vehicle is principally located, the registration fees for
25 the vehicles registered in each county, the total number of

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1 vehicles registered in the state and the total registration
2 fees for all vehicles registered in the state; and

3 (2) the department of finance and administration
4 shall determine the proportions that ~~[the department of finance~~
5 ~~and administration]~~ it is required to determine pursuant to
6 this subsection based upon the net taxable value, as that term
7 is defined in the Property Tax Code, and the assessed value, as
8 that term is used in the Oil and Gas Ad Valorem Production Tax
9 Act and the Oil and Gas Production Equipment Ad Valorem Tax
10 Act, for the preceding tax year and the tax rates imposed
11 pursuant to Subsection B of Section 7-37-7 NMSA 1978 in the
12 preceding September.

13 C. By June 30 of each year, the department of finance
14 and administration shall determine the appropriate percentage
15 of money to be transferred to each county and municipality for
16 each purpose in accordance with Subsection A of this section
17 based upon the proportions determined by or certified to the
18 department of finance and administration. The percentages
19 determined shall be used to compute the amounts to be
20 transferred to the counties and municipalities during the
21 succeeding fiscal year.

22 D. The board of county commissioners of each of the
23 respective counties shall, by April 1 of every year, certify
24 reports to the secretary ~~[of transportation]~~ of the total
25 mileage of public roads maintained by each county as of April 1

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1 of every year; provided that in their reports, the boards of
2 county commissioners shall identify each of the public roads
3 maintained by them by name, route and location. By July 1 of
4 every year, the secretary [~~of transportation~~] shall verify the
5 reports of the counties and revise, if necessary, the total
6 mileage of public roads maintained by each county. The mileage
7 verified by the secretary [~~of transportation~~] shall be the
8 official mileage of public roads maintained by each county.
9 Distribution of amounts to a county for road purposes shall be
10 made in accordance with this section.

11 E. If a county has not made the required mileage
12 certification pursuant to Section 67-3-28.3 NMSA 1978 by April
13 1 of any year, the secretary [~~of transportation~~] shall estimate
14 the mileage maintained by those counties for the purpose of
15 making distribution to all counties, and the amount calculated
16 to be distributed each month to those counties not certifying
17 mileage shall be reduced by one-third each month for that
18 fiscal year, and that amount not distributed to those counties
19 shall be distributed equally to all counties that have
20 certified mileages."

21 SECTION 35. Section 66-8-102.3 NMSA 1978 (being Laws
22 2002, Chapter 82, Section 2, as amended) is amended to read:

23 "66-8-102.3. IMPOSING A FEE--INTERLOCK DEVICE FUND
24 CREATED.--

25 A. A fee is imposed on a person convicted of driving
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1 under the influence of intoxicating liquor or drugs in
2 violation of Section 66-8-102 NMSA 1978 or adjudicated as a
3 delinquent on the basis of Subparagraph (a) of Paragraph (1) of
4 Subsection A of Section 32A-2-3 NMSA 1978 or a person whose
5 driver's license is revoked pursuant to the provisions of the
6 Implied Consent Act, in an amount determined by rule of the
7 traffic safety bureau of the department of transportation not
8 to exceed one hundred dollars (\$100) but not less than fifty
9 dollars (\$50.00) for each year the person is required to
10 operate only vehicles equipped with an ignition interlock
11 device in order to ensure the solvency of the interlock device
12 fund. The fee shall not be imposed on an indigent person.

13 B. The "interlock device fund" is created in the
14 state treasury. The fee imposed pursuant to Subsection A of
15 this section shall be collected by the [~~motor vehicle division~~
16 ~~of the taxation and revenue~~] department and deposited in the
17 interlock device fund.

18 C. All money in the interlock device fund is
19 appropriated to the [~~traffic safety~~] bureau [~~of the department~~
20 ~~of transportation~~] to cover part of the costs of installing,
21 removing and leasing ignition interlock devices for indigent
22 people who are required, pursuant to convictions under Section
23 66-8-102 NMSA 1978 or adjudications on the basis of
24 Subparagraph (a) of Paragraph (1) of Subsection A of Section
25 32A-2-3 NMSA 1978 or driver's license revocations pursuant to

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1 the provisions of the Implied Consent Act or as a condition of
2 parole, to install those devices in their vehicles. [~~Provided~~
3 ~~that~~] If money is available in the interlock device fund, the
4 [~~traffic safety~~] bureau shall pay, for one vehicle per
5 offender, up to fifty dollars (\$50.00) for the cost of
6 installation, up to fifty dollars (\$50.00) for the cost of
7 removal and up to thirty dollars (\$30.00) monthly for verified
8 active usage of the interlock device. The [~~traffic safety~~]
9 bureau shall not pay any amount above what an offender would be
10 required to pay for the installation, removal or usage of an
11 interlock device.

12 D. Indigency shall be determined by the [~~traffic~~
13 ~~safety~~] bureau based on proof of enrollment in one or more of
14 the following types of public assistance:

- 15 (1) temporary assistance for needy families;
- 16 (2) general assistance;
- 17 (3) the supplemental [~~nutritional~~] nutrition
18 assistance program, also known as "food stamps";
- 19 (4) supplemental security income;
- 20 (5) the federal food distribution program on
21 Indian reservations; or
- 22 (6) other criteria approved by the [~~traffic~~
23 ~~safety~~] bureau.

24 E. Any balance remaining in the interlock device fund
25 shall not revert to the general fund at the end of any fiscal

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1 year.

2 F. The interlock device fund shall be administered by
3 the [~~traffic safety~~] bureau [~~of the department of~~
4 ~~transportation~~]. No more than ten percent of the money in the
5 interlock device fund in any fiscal year shall be expended by
6 the [~~traffic safety~~] bureau [~~of the department of~~
7 ~~transportation~~] for the purpose of administering the fund."

8 SECTION 36. Section 66-8-102.4 NMSA 1978 (being Laws
9 2005, Chapter 269, Section 8) is amended to read:

10 "66-8-102.4. UNIFORM POLICE REPORTS AND PROCEDURES FOR
11 DWI ARRESTS.--

12 A. The department of public safety, in collaboration
13 with the [~~motor vehicle division of the taxation and revenue~~]
14 department and the [~~traffic safety~~] bureau [~~of the department~~
15 ~~of transportation~~], shall develop and periodically review and
16 update standard arrest reports and procedures to be used by law
17 enforcement officers when making an arrest for a violation of
18 the provisions of Section 66-8-102 NMSA 1978 or similar
19 municipal or county ordinances.

20 B. A law enforcement officer making an arrest for a
21 violation of the provisions of Section 66-8-102 NMSA 1978 or of
22 similar municipal or county ordinances shall use the standard
23 arrest reports and procedures developed and approved by the
24 department of public safety in accordance with the provisions
25 of Subsection A of this section."

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1 SECTION 37. Section 66-8-137.4 NMSA 1978 (being Laws
2 1981, Chapter 360, Section 17, as amended) is amended to read:

3 "66-8-137.4. BILATERAL AGREEMENTS--NONCOMPACT
4 JURISDICTIONS--AUTHORITY.--

5 A. In addition to the Nonresident Violator Compact,
6 it is the intent of the legislature that bilateral agreements
7 be made with noncompact states; in particular, with those
8 neighboring states ~~[which]~~ that provide much of the traffic on
9 New Mexico's highways and have not yet joined with the compact
10 states. The purpose of such bilateral agreement is to
11 accomplish the same reciprocal services and procedures that are
12 provided in the Nonresident Violator Compact. If, in the
13 judgment of the secretary of ~~[taxation and revenue of New~~
14 ~~Mexico]~~ transportation, a bilateral agreement is in the best
15 interest of the citizens of New Mexico, is fair and equitable
16 and provides comparable benefits, privileges and exemptions to
17 each state, the secretary is authorized to pledge New Mexico to
18 the bilateral agreement and is signatory for this state.

19 B. It is the intent of the legislature that bilateral
20 agreements be made with Indian tribes and pueblos. The purpose
21 of such bilateral agreements is to provide for the
22 administrative adjudication of motor vehicle offenses committed
23 by Indians on Indian land."

24 SECTION 38. Section 66-12-6 NMSA 1978 (being Laws 1965,
25 Chapter 48, Section 1, as amended) is amended to read:

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1 "66-12-6. DEALER AND MANUFACTURER NUMBERS--FEE--
2 CERTIFICATES OF ORIGIN--RECORDS.--

3 A. A dealer or manufacturer that demonstrates
4 motorboats on the public waters of this state shall file an
5 application for a dealer or manufacturer number. The number
6 shall be in lieu of a certificate of number for each motorboat
7 intended or offered for sale.

8 B. Application for a dealer or manufacturer number
9 shall be in the form prescribed by the division. The
10 application shall state that the applicant is a motorboat
11 dealer or manufacturer and that the applicant will operate a
12 motorboat upon the waters of this state only for test or
13 demonstration purposes. The statement shall be verified before
14 a state officer who is authorized to administer an oath. The
15 fee for a dealer or manufacturer number is ten dollars (\$10.00)
16 annually as prescribed by the division.

17 C. The division shall issue a certificate of a dealer
18 or manufacturer number to an applicant who submits a complete
19 application and full payment of the dealer or manufacturer
20 number fee to the division. The certificate shall be issued
21 after the applicant obtains a dealer license from the motor
22 vehicle division of the [~~taxation and revenue~~] department of
23 transportation and shall contain the following:

24 (1) a dealer or manufacturer number that
25 contains two state identification letters, followed by four

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1 numbers and two additional letters that are unique to dealers
2 or manufacturers;

3 (2) the expiration date of the certificate;

4 (3) the name and business address of the
5 applicant;

6 (4) the address of the principal place of
7 business of the applicant; and

8 (5) a conspicuous statement that the division
9 has certified the applicant as a dealer or manufacturer.

10 D. The dealer or manufacturer number shall be painted
11 on or attached to plates that are firmly attached to each side
12 of the front of a motorboat of the dealer or manufacturer while
13 it is afloat upon the waters of this state.

14 E. A dealer or manufacturer who operates more than
15 one motorboat for test or demonstration purposes on the waters
16 of this state at the same time shall obtain and display a
17 separate dealer or manufacturer number for each motorboat
18 tested or demonstrated.

19 F. A manufacturer or dealer shall not transfer
20 ownership of a new boat without supplying the transferee with
21 the manufacturer's certificate of origin signed by the
22 manufacturer's authorized agent. The certificate shall contain
23 information the division requires.

24 G. Every dealer shall maintain for three years a
25 record of any boat ~~[he]~~ the dealer bought, sold, exchanged or

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1 received for sale or exchange. This record shall be open to
2 inspection by division representatives during reasonable
3 business hours."

4 SECTION 39. Section 66-12-6.6 NMSA 1978 (being Laws 2003,
5 Chapter 410, Section 5) is amended to read:

6 "66-12-6.6. DEALER LICENSE.--

7 A. A person shall not engage in business as a dealer
8 or manufacturer without obtaining a valid dealer license from
9 the motor vehicle division of the [~~taxation and revenue~~]
10 department of transportation, unless the person has a valid
11 motor vehicle dealer license. A dealer or manufacturer shall
12 annually file an application with the motor vehicle division
13 for a dealer license for each established place of business of
14 the dealer or manufacturer.

15 B. A person shall file an application for a dealer
16 license with the motor vehicle division [~~of the taxation and~~
17 ~~revenue department~~] on a form prescribed by the motor vehicle
18 division. The application shall contain the name, address and
19 telephone number of the applicant, the signature of the
20 applicant or the signatures of all of the officers of a
21 corporate applicant, the address of the established place of
22 business, the federal taxpayer identification number of the
23 applicant and other information that the motor vehicle division
24 may require. The application shall state that the applicant
25 will engage in business as a dealer. The statement shall be

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1 verified before a state officer authorized to administer an
2 oath. The fee for a dealer license shall be prescribed by the
3 motor vehicle division but shall not exceed fifty dollars
4 (\$50.00) annually.

5 C. The motor vehicle division [~~of the taxation and~~
6 ~~revenue department~~] shall issue a dealer license to an
7 applicant who submits a complete application and full payment
8 of the dealer license fee to the motor vehicle division. The
9 license shall contain the following:

10 (1) the license number;

11 (2) the expiration date of the license;

12 (3) the name and business address of the
13 licensee;

14 (4) the address of the location for which the
15 license was issued; and

16 (5) a statement requiring that the license be
17 conspicuously displayed at the location for which the license
18 was issued.

19 D. A dealer license shall specify the location of
20 each place of business in which the licensee engages in
21 business as a dealer. The dealer shall notify the motor
22 vehicle division [~~of the taxation and revenue department~~] of a
23 change of ownership, location or name of the place of business
24 within ten days of the change.

25 E. A dealer license shall authorize the licensed

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1 activity at only one business establishment. A dealer shall
2 obtain a supplemental license from the motor vehicle division
3 [~~of the taxation and revenue department~~] for each additional
4 establishment owned or operated by the dealer. The application
5 for a supplemental license shall be in a form prescribed by the
6 motor vehicle division. The motor vehicle division shall issue
7 a supplemental license to an applicant who possesses a valid
8 dealer license, submits a complete application and meets all
9 other requirements of the motor vehicle division.

10 F. A dealer license or supplemental license shall be
11 conspicuously displayed at the location of the established
12 place of business for which it was issued."

13 SECTION 40. Section 66-12-6.7 NMSA 1978 (being Laws 2003,
14 Chapter 410, Section 6) is amended to read:

15 "66-12-6.7. DEALER LICENSE DENIAL, SUSPENSION AND
16 REVOCATION.--The motor vehicle division of the [~~taxation and~~
17 ~~revenue~~] department of transportation may deny, suspend or
18 revoke a dealer license for:

19 A. a material misrepresentation communicated by a
20 dealer to the motor vehicle division;

21 B. a lack of fitness as proscribed by rule of the
22 motor vehicle division; or

23 C. a willful violation of a federal or state law
24 relating to the sale, distribution, financing, registration,
25 taxing or insuring of motorboats."

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1 SECTION 41. Section 66-12-6.8 NMSA 1978 (being Laws 2003,
2 Chapter 410, Section 7) is amended to read:

3 "66-12-6.8. DEALER BONDS--REQUIRED INSURANCE.--A person
4 licensed as a dealer pursuant to the Boat Act shall file with
5 the state parks division a bond in the amount of fifty thousand
6 dollars (\$50,000) unless there is a bond on file with the motor
7 vehicle division of the [~~taxation and revenue~~] department of
8 transportation for a motor vehicle dealer's license and such
9 proof is submitted to the state parks division. The bond shall
10 be issued by a corporate surety licensed to conduct business
11 within the state. The bond shall be issued under the condition
12 that the applicant shall not practice fraud or violate any
13 provision of the Boat Act. A person who has obtained a dealer
14 license shall furnish evidence that the person has liability
15 insurance for the established place of business for which the
16 license was obtained."

17 SECTION 42. Section 67-3-6 NMSA 1978 (being Laws 1967,
18 Chapter 266, Section 5, as amended) is amended to read:

19 "67-3-6. CREATION OF DEPARTMENT OF TRANSPORTATION.--A
20 department of government within the executive branch to be
21 known as the "department of transportation" is established.
22 Except for the powers expressly granted to the state
23 transportation commissioners in Chapter 67, Article 3 NMSA
24 1978, the department shall exercise all the power, authority
25 and duty granted to the state transportation commission in

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1 Chapter 67 NMSA 1978. All references contained in the NMSA
2 1978, as amended, and which refer to the "state transportation
3 commission" or "commissioners" shall, wherever appropriate, be
4 construed to refer to or to mean the department as designated
5 in this section. The motor vehicle division shall be part of
6 the department beginning July 1, 2017."

7 SECTION 43. Section 67-3-24 NMSA 1978 (being Laws 1917,
8 Chapter 38, Section 5, as amended) is amended to read:

9 "67-3-24. EMPLOYEES--APPOINTMENT--COMPENSATION.--The
10 secretary, with the consent and approval of the state
11 transportation commission, may appoint and fix the compensation
12 of assistant engineers and clerks and employ such other help as
13 may be necessary to the proper conduct of the work of the
14 commission under the provisions of Chapter 67 NMSA 1978 and the
15 work of the department under the provisions of Chapter 66 NMSA
16 1978. All appointees on entering upon their duties shall first
17 take the prescribed oath of office if so required by the
18 commission."

19 SECTION 44. Section 67-3-66 NMSA 1978 (being Laws 1975,
20 Chapter 339, Section 9) is amended to read:

21 "67-3-66. MOTOR VEHICLE [~~DEPARTMENT~~] DIVISION FEES
22 IMPOSED BY [~~REGULATION~~] RULE--REVENUE DISPOSITION.--All
23 revenues from all fees imposed by the motor vehicle
24 [~~department~~] division of the department solely by [~~regulation~~]
25 rule, without statutory authority, shall be paid to the state

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1 treasurer for credit to the state road fund."

2 SECTION 45. Section 67-16-10 NMSA 1978 (being Laws 1985,
3 Chapter 23, Section 10, as amended) is amended to read:

4 "67-16-10. LITTER BAG.--The council shall design and
5 produce a litter bag bearing the state anti-litter symbol,
6 Dusty Roadrunner, and a statement of the penalties prescribed
7 for littering. Litter bags shall be distributed by the motor
8 vehicle division of the [~~taxation and revenue~~] department and
9 the department of game and fish at no charge at the time and
10 place of the issuance of licenses or renewal thereof. The
11 state may provide litter bags at no charge to tourists and
12 visitors at points of entry into the state. The council may
13 establish a distribution system with the aid of private
14 industry."

15 SECTION 46. TEMPORARY PROVISION--TRANSFERS OF FUNCTIONS,
16 PERSONNEL, APPROPRIATIONS, MONEY, RECORDS, PROPERTY,
17 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--On the
18 effective date of this act:

19 A. all functions, personnel, appropriations, money,
20 records, equipment, furniture and other property of the motor
21 vehicle division of the taxation and revenue department shall
22 be transferred to the department of transportation;

23 B. all contractual obligations of the motor vehicle
24 division or of the taxation and revenue department having to do
25 with duties assigned by the secretary of taxation and revenue

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1 to the division or carried out by the division shall be deemed
2 to be binding on the department of transportation;

3 C. all references in law to the motor vehicle
4 division of the taxation and revenue department or the director
5 of that division shall be deemed to be references to the motor
6 vehicle division of the department of transportation or the
7 director of that division; and

8 D. all rules of the taxation and revenue department
9 or the motor vehicle division pertaining to the powers or
10 duties of that division shall continue in effect until amended
11 or repealed by the department of transportation.

12 SECTION 47. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2017.