

HOUSE BILL 362

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

William "Bill" R. Rehm

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO MOTOR VEHICLES; LIMITING THE LOCATIONS WHERE A MOTOR VEHICLE MAY BE SOLD OR OFFERED FOR SALE; PROHIBITING THE SALE OF A MOTOR VEHICLE BY A NON-OWNER WHO IS NOT A MOTOR VEHICLE DEALER.

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

**SECTION 1.** Section 66-3-126 NMSA 1978 (being Laws 1987, Chapter 250, Section 2) is amended to read:

"66-3-126. CASUAL SALES--~~[PLACE OF SALE]~~ ADVERTISING--  
REGISTRATION--PENALTY.--

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~~[A. No person, not a dealer, making a casual sale of his own motor vehicle duly registered to him shall sell the vehicle or offer or display the motor vehicle for sale at any location other than his current residence, place of employment or at any site where the seller of the motor vehicle has obtained prior written permission from the land owner.]~~

A. Unless a person is a HCEDC→used←HCEDC motor vehicle dealer, a person shall not sell more than four motor vehicles registered to the person or to another person in a calendar year.

B. Unless a person is a HCEDC→used←HCEDC motor vehicle dealer, before the person attempts to sell a used motor vehicle, the person shall possess the title to the used motor vehicle and the motor vehicle shall be registered in the person's name.

~~[B.]~~ C. Any person who violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of three hundred dollars (\$300) or by imprisonment for not less than thirty days or both."

**SECTION 2.** Section 66-4-2.2 NMSA 1978 (being Laws 2007, Chapter 319, Section 41) is amended to read:

"66-4-2.2. OFF-SITE SALES.--

A. Except as otherwise provided in this section, a New Mexico licensed dealer shall not sell a vehicle or offer or display a motor vehicle for sale at a location other than the

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licensed dealer's established place of business, as defined in Section 66-1-4.5 NMSA 1978; provided that for purposes of this subsection, a vehicle shall not be deemed offered or displayed for sale at a location other than the licensed dealer's established place of business if the vehicle is in use for a purpose other than to sell or offer or display the vehicle for sale and the vehicle is at the off-site location for less than twelve hours.

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

(1) documents to the satisfaction of the department that the dealer has offered the majority of dealers, other than dealers in motorcycles only, in the county in which the proposed temporary off-site location would be located, the opportunity to offer vehicles or vessels for sale at the proposed temporary off-site location; provided that the offer shall be for sale of vehicles or vessels at all times during which the applicant proposes to sell vehicles or vessels and shall not be conditioned upon the payment of a fee by a dealer to whom the off-site permit is addressed that is greater than a fair share of the actual expenses; and

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

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

**SECTION 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2019.