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HOUSE BILL 136

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

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL
COMMUNICATION OR DISABILITY REGISTRY TO IMPROVE THE SAFETY OF
DRIVERS, OCCUPANTS OF MOTOR VEHICLES AND LAW ENFORCEMENT
OFFICERS; REQUIRING LAW ENFORCEMENT OFFICERS TO CONSULT THE
NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY.

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

SECTION 1. A new section of Chapter 29, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] CONSULT NONTRADITIONAL COMMUNICATION OR
DISABILITY REGISTRY.--Prior to interacting with a person inside
a motor vehicle, every sheriff, deputy sheriff and constable
and every other peace officer shall consult the nontraditional
communication or disability registry, if practicable, and if
the motor vehicle is on the registry, in the interest of the

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1 safety of all sheriffs, deputy sheriffs, constables, peace
2 officers, occupants and the driver of the motor vehicle, take
3 appropriate precaution during the interaction. If the registry
4 reveals that a driver or occupant of the motor vehicle has a
5 seizure disorder that may be triggered by flashing lights,
6 including photosensitive epilepsy, the sheriff, deputy sheriff,
7 constable or other peace officer shall minimize the use of
8 flashing lights to the extent feasible, taking safety into
9 consideration."

10 SECTION 2. A new section of the Motor Vehicle Code is
11 enacted to read:

12 "[NEW MATERIAL] NONTRADITIONAL COMMUNICATION OR DISABILITY
13 REGISTRY.--The department shall create and maintain a statewide
14 registry referred to as the "nontraditional communication or
15 disability registry" to identify motor vehicles that may be
16 driven or occupied by a person who has a medical diagnosis by a
17 licensed health practitioner of a condition or disability that
18 may cause the person to fail to be able to communicate with a
19 law enforcement officer or to respond appropriately to a law
20 enforcement officer's commands, including an autism spectrum
21 disorder, deafness, a brain injury, an intellectual disability
22 or a seizure disorder. The registry shall cite all of the
23 conditions and disabilities associated with the drivers and
24 occupants of a particular motor vehicle. The department shall
25 provide online internet access to the registry to members of

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1 law enforcement agencies that enforce traffic laws. The
2 registry shall not be made available to the public and is
3 exempt from disclosure pursuant to the Inspection of Public
4 Records Act."

5 SECTION 3. Section 66-3-4 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 24, as amended by Laws 2007, Chapter 319,
7 Section 16 and by Laws 2007, Chapter 320, Section 2) is amended
8 to read:

9 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
10 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

11 A. Except for a vehicle owned by a carrier that is
12 from a jurisdiction that is not a participant in the
13 International Fuel Tax Agreement, that is authorized by the
14 United States government or an agency of the United States
15 government to conduct cross-border operations beyond the
16 commercial border zone pursuant to the provisions of the [~~North~~
17 ~~American Free Trade~~] United States-Mexico-Canada Agreement and
18 that identifies New Mexico as the carrier's base jurisdiction,
19 every owner of a vehicle of a type required to be registered in
20 this state shall make application to the division for the
21 registration and issuance of a certificate of title for the
22 vehicle. Applications shall be upon the appropriate forms
23 furnished by the division and shall bear the signature of the
24 owner written with pen and ink. All applications presented to
25 the division shall contain:

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

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

22 (3) a statement of the applicant's title and
23 of all liens or encumbrances upon the vehicle and the names and
24 addresses of all persons having an interest in the vehicle, the
25 nature of each interest and the name and address of the person

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1 to whom the certificate of title shall be delivered by the
2 division;

3 (4) a space to allow the applicant the option
4 of adding the applicant's vehicle to the nontraditional
5 communication or disability registry; provided that the
6 applicant submits evidence satisfactory to the division that
7 the vehicle will regularly be driven or occupied by a person
8 who has a medical diagnosis by a licensed health practitioner
9 of a condition or disability that may cause the person to fail
10 to be able to communicate with a law enforcement officer or to
11 respond appropriately to a law enforcement officer's commands,
12 including an autism spectrum disorder, deafness, a brain
13 injury, an intellectual disability or a seizure disorder;

14 [~~4~~] (5) if the vehicle required to be
15 registered is a house trailer, as defined in the Motor Vehicle
16 Code, a certificate from the treasurer or assessor of the
17 county in which the house trailer is located showing that
18 either:

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

22 (b) no liability for property taxes on
23 the house trailer exists for the current year or any past tax
24 years; and

25 [~~5~~] (6) further information as may

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1 reasonably be required by the division to enable it to
2 determine whether the vehicle is lawfully entitled to
3 registration and the owner entitled to a certificate of title.

4 B. The owner of a vehicle subject to registration
5 that has never been registered in this state and that has been
6 registered in another state, except manufactured homes, shall
7 have the vehicle examined and inspected for its identification
8 number or engine number by the division or an officer or a
9 designated agent of the division incident to securing
10 registration, reregistration or a certificate of title from the
11 division.

12 C. When an application refers to a vehicle not
13 previously registered and the vehicle is purchased from a
14 dealer licensed in this state or a dealer licensed or
15 recognized as such in any other state, territory or possession
16 of the United States, the application shall be accompanied by a
17 manufacturer's certificate of origin duly assigned by the
18 dealer to the purchaser. In the event that a vehicle not
19 previously registered is sold by the manufacturer to a dealer
20 in a state not requiring a manufacturer's certificate of origin
21 and in the event that the vehicle is subsequently purchased by
22 a dealer or any person in this state, the application for title
23 shall be accompanied by the evidence of title accepted by the
24 state in which the vehicle was sold by the manufacturer to a
25 dealer in that state together with evidence of subsequent

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1 transfers.

2 D. Prior to the sale or disposal of a nonrepairable
3 vehicle, the owner, owner's agent or salvage pool shall obtain
4 a properly endorsed nonrepairable vehicle certificate from the
5 department and deliver it to the purchaser within twenty days
6 after payment in full for the nonrepairable vehicle and shall
7 also comply with Section 66-3-10.1 NMSA 1978. The department
8 shall accept the endorsed nonrepairable vehicle certificate in
9 lieu of the certificate of ownership or other evidence of
10 ownership when accompanied by an application and other
11 documents and fees as may be required by the department. A
12 vehicle for which a nonrepairable vehicle certificate has been
13 issued shall not be titled or registered for use on the
14 highways of this state.

15 E. If an insurance company makes a total loss
16 settlement on a nonrepairable vehicle and takes possession of
17 that vehicle, either itself or through an agent or salvage
18 pool, the insurance company or an authorized agent of the
19 insurance company shall:

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

25 (2) within twenty days after receipt of title

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1 by the insurer, free and clear of all liens, submit a copy of
2 the branded title or manufacturer's certificate of title to the
3 department together with documents explaining the reason for
4 branding and shall forward a properly endorsed certificate of
5 title or manufacturer's certificate of origin or other evidence
6 of ownership acceptable to the department together with the
7 proper fee to the department. The department, upon receipt of
8 the title or manufacturer's certificate of origin or other
9 evidence of ownership, shall issue a nonrepairable vehicle
10 certificate for the vehicle.

11 F. If an owner of a nonrepairable vehicle elects to
12 retain possession of the vehicle, the insurance company shall
13 notify the department of the retention on a form prescribed by
14 the department. The insurance company shall also notify the
15 insured or owner of the insured's or owner's responsibility to
16 comply with this section. The owner shall, within twenty days
17 from the date of settlement of the loss, forward a properly
18 endorsed certificate of title or manufacturer's certificate of
19 origin or other evidence of ownership acceptable to the
20 department together with the proper fee to the department. The
21 department, upon receipt of the title or manufacturer's
22 certificate of origin or other evidence of ownership, shall
23 issue a nonrepairable vehicle certificate for the vehicle.

24 G. If a nonrepairable vehicle is not the subject of
25 an insurance settlement, the owner shall, within twenty days

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1 from the date of the loss, forward a properly endorsed
2 certificate of title or manufacturer's certificate of origin or
3 other evidence of ownership acceptable to the department
4 together with the proper fee to the department. The
5 department, upon receipt of the title or manufacturer's
6 certificate of origin or other evidence of ownership, shall
7 issue a nonrepairable vehicle certificate for the vehicle.

8 H. The department shall not issue a new
9 registration card and certificate of ownership pursuant to
10 Subsection A, B or C of this section on a vehicle that has been
11 issued a nonrepairable vehicle certificate pursuant to
12 Subsections E, F and G of this section."

13 SECTION 4. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2019.