

1 SENATE BILL 68

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Siah Correa Hemphill

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING FOR CERTIFICATES OF TITLE
12 AND RELATED DOCUMENTS FOR TOTAL LOSS SETTLEMENTS TO BE SIGNED
13 ELECTRONICALLY AND WITHOUT NOTARIZATION.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 66-3-4 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 24, as amended) is amended to read:

18 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
19 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

20 A. Except for a vehicle owned by a carrier that is
21 from a jurisdiction that is not a participant in the
22 International Fuel Tax Agreement, that is authorized by the
23 United States government or an agency of the United States
24 government to conduct cross-border operations beyond the
25 commercial border zone pursuant to the provisions of the [North

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1 ~~American Free Trade~~ United States-Mexico-Canada Agreement and
2 that identifies New Mexico as the carrier's base jurisdiction,
3 every owner of a vehicle of a type required to be registered in
4 this state shall make application to the division for the
5 registration and issuance of a certificate of title for the
6 vehicle. Applications shall be upon the appropriate forms
7 furnished by the division and shall bear the signature of the
8 owner; provided that the signature may either be made using an
9 electronic signature in conformance with the Electronic
10 Authentication of Documents Act and the Uniform Electronic
11 Transactions Act or written with pen and ink. All applications
12 presented to the division shall contain:

13 (1) for a vehicle other than a recreational
14 vehicle, the name, bona fide New Mexico residence address and
15 mail address of the owner or, if the owner is a firm,
16 association or corporation, the name, bona fide New Mexico
17 business address and mail address of the firm, association or
18 corporation and for a recreational vehicle, the name, bona fide
19 residence address and mail address of the owner and proof of
20 delivery in New Mexico;

21 (2) a description of the vehicle including, to
22 the extent that the following specified data may exist with
23 respect to a given vehicle, the make, model, type of body,
24 number of cylinders, type of fuel used, serial number of the
25 vehicle, odometer reading, engine or other identification

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1 number provided by the manufacturer of the vehicle, whether new
2 or used and, if a vehicle not previously registered, date of
3 sale by the manufacturer or dealer to the person intending to
4 operate the vehicle. In the event a vehicle is designed,
5 constructed, converted or rebuilt for the transportation of
6 property, the application shall include a statement of its
7 rated capacity as established by the manufacturer of the
8 chassis or the complete vehicle;

9 (3) a statement of the applicant's title and
10 of all liens or encumbrances upon the vehicle and the names and
11 addresses of all persons having an interest in the vehicle, the
12 nature of each interest and the name and address of the person
13 to whom the certificate of title shall be delivered by the
14 division;

15 (4) if the vehicle required to be registered
16 is a house trailer, as defined in the Motor Vehicle Code, a
17 certificate from the treasurer or assessor of the county in
18 which the house trailer is located showing that 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) further information as may reasonably be

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1 required by the division to enable it to determine whether the
2 vehicle is lawfully entitled to registration and the owner
3 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. Notwithstanding any other statute, supporting
12 documents, including certificates of title, used for conveyance
13 of ownership of a motor vehicle to an insurance company as a
14 result of a total loss insurance settlement shall not require a
15 notarized signature and may be signed electronically.

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

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1 fee to the department. The department, upon receipt of the
2 title or manufacturer's certificate of origin or other evidence
3 of ownership, shall issue a nonrepairable vehicle certificate
4 for the vehicle.

5 ~~[G.]~~ H. If a nonrepairable vehicle is not the
6 subject of an insurance settlement, the owner shall, within
7 twenty days from the date of the loss, forward a properly
8 endorsed certificate of title or manufacturer's certificate of
9 origin or other evidence of ownership acceptable to the
10 department together with the proper fee to the department. The
11 department, upon receipt of the title or manufacturer's
12 certificate of origin or other evidence of ownership, shall
13 issue a nonrepairable vehicle certificate for the vehicle.

14 ~~[H.]~~ I. The department shall not issue a new
15 registration card and certificate of ownership pursuant to
16 Subsection A, B or C of this section on a vehicle that has been
17 issued a nonrepairable vehicle certificate pursuant to
18 Subsections E, ~~[F]~~ G and ~~[G]~~ H of this section."