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HOUSE BILL 377
42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996
INTRODUCED BY
TIMOTHY E. MACKO

AN ACT
RELATING TO MANDATORY FINANCIAL RESPONSIBILITY; AUTHORIZING
REMOVAL OF LICENSE AND SEIZURE OF VEHICLES.

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

Section 1. Section 66-5-205 NMSA 1978 (being Laws 1983,
Chapter 318, Section 6, as amended) is amended to read:

"66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE
EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES. --

A. No owner shall permit the operation of an
uninsured motor vehicle, or a motor vehicle for which evidence
of financial responsibility as was affirmed to the division is
not currently valid, upon the streets or highways of New Mexico
unless the vehicle is specifically exempted from the provisions
of the Mandatory Financial Responsibility Act.

B. No person shall drive an uninsured motor vehicle,

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1 or a motor vehicle for which evidence of financial
2 responsibility as was affirmed to the division is not currently
3 valid, upon the streets or highways of New Mexico unless he is
4 specifically exempted from the provisions of the Mandatory
5 Financial Responsibility Act.

6 C. For the purposes of the Mandatory Financial
7 Responsibility Act, "uninsured motor vehicle" means a motor
8 vehicle for which a motor vehicle liability policy or a
9 certified motor vehicle liability policy meeting the
10 requirements of the laws of New Mexico and of the director is
11 not in effect.

12 D. The provisions of the Mandatory Financial
13 Responsibility Act requiring the deposit of evidence of
14 financial responsibility as provided in Section 66-5-218 NMSA
15 1978, subject to certain exemptions, may apply with respect to
16 persons who have been convicted of or forfeited bail for certain
17 offenses under motor vehicle laws or who have failed to pay
18 judgments or written settlement agreements upon causes of action
19 arising out of ownership, maintenance or use of vehicles of a
20 type subject to registration under the laws of New Mexico.

21 E. Any person who violates the provisions of this
22 section is guilty of a misdemeanor and upon conviction shall be
23 sentenced to a fine not to exceed three hundred dollars (\$300).

24 F. Any peace officer who issues a citation for
25 violation of this section may, at the time of issuance, remove

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1 the license plate from any vehicle found to be in violation of
2 this section. When a license plate has been so removed, the
3 peace officer shall promptly forward the plate to the division
4 where it shall be held until adequate proof of financial
5 responsibility is provided to the division. Any peace officer
6 who removes a license plate pursuant to this subsection has the
7 authority to seize the vehicle and have it held until the owner
8 provides the peace officer with proof from the division that he
9 has complied with this section and pays the cost of removal and
10 storage of the vehicle.

11 G. The division shall return or replace, in its
12 discretion, a license plate removed under the provisions of
13 Subsection F of this section when the person cited for failure
14 to comply with the provisions of this section furnishes proof of
15 compliance to the division and pays to the division a
16 reinstatement fee of twenty-five dollars (\$25.00). If a person
17 who is cited and whose license plate is removed from the vehicle
18 furnishes to the division, within fifteen days after the
19 issuance of the citation and removal of the license plate,
20 evidence of financial responsibility in compliance with the
21 Mandatory Financial Responsibility Act, the division shall
22 replace or return the license plate and waive the reinstatement
23 fee."

24 Section 2. REPEAL. -- Section 66-5-205.1 NMSA 1978 (being
25 Laws 1989, Chapter 214, Section 1) is repealed.

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State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 6, 1996

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 377

has had it under consideration and reports same with
recommendation that it DO NOT PASS, and thence referred to
the JUDICIARY COMMITTEE.

Respectfully submitted,

Fred Luna, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 4 Against

Yes: 4
No: Corley, Gurule, R. R. Sanchez, Luna
Excused: Olguin, Taylor, Varela, Rodella
Absent: None

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