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SENATE BILL 518

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MARY JANE M. GARCIA

AN ACT

RELATING TO MOTOR VEHICLES; CREATING AND PROVIDING POWERS AND
DUTIES OF THE MOTOR VEHICLE THEFT PREVENTION AUTHORITY; IMPOSING
CERTAIN FEES; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Vehicle Theft Act".

Section 2. DEFINITIONS.--As used in the Vehicle Theft Act:

A. "authority" means the motor vehicle theft prevention authority;

B. "department" means the department of public safety;

C. "fund" means the vehicle theft prevention fund;

D. "insurer" means any insurer, as defined in Section 59A-1-8 NMSA 1978,
writing vehicle insurance, as defined in Section 59A-7-7 NMSA 1978;

E. "motor vehicle" means "motor vehicle" as defined in the Motor Vehicle
Code;

F. "secretary" means the secretary of public safety; and

G. "vehicle theft" means theft of a motor vehicle for financial gain.

1 Section 3. AUTHORITY CREATED--REMOVAL FOR CAUSE.--

2 A. The "motor vehicle theft prevention authority" is created. The authority is
3 administratively attached to the department within the meaning of Section 9-1-7 NMSA 1978.

4 B. The authority consists of seven members. The secretary is an ex-officio
5 member. The governor shall appoint the other six members as follows:

6 (1) two motor vehicle insurance consumers, not more than one of
7 whom shall be or represent commercial or business consumers;

8 (2) two representatives of authorized insurers writing motor vehicle
9 insurance in New Mexico; and

10 (3) two law enforcement members actively employed by and
11 representative of New Mexico law enforcement agencies.

12 C. The members other than the secretary shall be compensated in connection
13 with their Vehicle Theft Act activities as provided in the Per Diem and Mileage Act for
14 nonsalaried public officers and shall receive no other compensation, perquisite or allowance.
15

16 D. No appointed member shall serve or continue to serve as a member of the
17 authority who:

18 (1) does not at the time of appointment or at any time thereafter meet
19 the qualifications for membership established in Subsection B of this section;

20 (2) cannot discharge the member's duties for a substantial period of
21 time, exceeding ninety days, because of illness, disability or other causes not within the
22 member's control; or

23 (3) is absent from more than one-third of the authority meetings
24 during any one-year period, unless excused by a majority of the other members.
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E. The fact that grounds exist for a member's removal does not affect the
validity of any action the authority may take while such grounds exist.

Underscored material = new
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Section 4. AUTHORITY MEMBERS--OFFICERS--MEETINGS.--

A. The members of the authority shall elect a chairman from among the membership at the first meeting in any calendar year. The members may also elect one or more vice chairmen and other officers from the membership.

B. The members shall meet at least once every calendar quarter, at the call of the chairman.

C. The members may meet on additional occasions at the call of the chairman or any four members.

Section 5. AUTHORITY--POWERS AND DUTIES.--The authority:

A. shall develop and implement a plan of operation;

B. may make determinations regarding the sufficiency of insurer payments;

C. shall develop and establish a motor vehicle registration plan to be administered by the department;

D. shall determine and report on the motor vehicle theft rate;

E. may provide financial support to New Mexico law enforcement agencies for vehicle theft enforcement teams;

F. may provide financial support to law enforcement agencies, local prosecutors and judicial agencies and may contract with neighborhood, community, business and nonprofit organizations for programs designed to reduce the incidence of vehicle theft;

G. may conduct or contract for educational programs to inform motor vehicle owners of methods of preventing vehicle theft;

H. may provide equipment for experimental purposes to assist motor vehicle owners in preventing vehicle theft;

I. may establish a uniform program to prevent stolen motor vehicles from entering Mexico;

- 1 J. may adopt rules and regulations;
- 2 K. shall submit a written report of its activities on or before December 31
- 3 annually to the department, the governor and the legislature;
- 4 L. may employ and compensate an administrative director and staff in
- 5 accordance with the Personnel Act;
- 6 M. may enter into contracts, sue and be sued; and
- 7 N. may apply for, solicit and accept grants and gifts to carry out the purposes
- 8 of the Vehicle Theft Act.

9
10 Section 6. POWER TO REFUND.--

- 11 A. The authority may make determinations regarding the sufficiency of
- 12 payments made by an insurer of fees collected pursuant to the Vehicle Theft Act.
- 13 B. Pursuant to a determination, the authority may:
 - 14 (1) notify the secretary of finance and administration that payments
 - 15 made by an insurer are sufficient; and
 - 16 (2) request the secretary of finance and administration to draw
 - 17 warrants on the automobile theft prevention fund for the purpose of refunding overpayments to
 - 18 an insurer.
- 19 C. The authority shall make the determination pursuant to Subsection B of this
- 20 section as follows:
 - 21 (1) the two members representing insurers shall be disqualified from
 - 22 participation; and
 - 23 (2) the remaining five members shall make the determination by a
 - 24 simple majority vote.
- 25 D. Determinations made pursuant to this section shall be performed in
accordance with procedures set forth in regulations adopted by the authority.

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Section 7. PLAN OF OPERATION.--

A. The authority shall develop and implement a plan of operation.

B. The plan of operation shall include:

- (1) an assessment of the scope of the problems of vehicle theft, including identification of areas of the state where the problems are greatest;
- (2) an analysis of various methods of combating the problems of vehicle theft;
- (3) a plan for providing financial support to combat vehicle theft; and
- (4) an estimate of the funds required to implement the plan of operation.

Section 8. VEHICLE THEFT PREVENTION FUND--CREATED.--

A. The "vehicle theft prevention fund" is created in the state treasury.

B. The state treasurer shall invest the fund in the same manner as other state funds.

C. The state treasurer shall deposit to the credit of the fund any gift or grant of money accepted by the authority and all fees and other money collected pursuant to the Vehicle Theft Act. The secretary of finance and administration shall draw warrants on the fund pursuant to vouchers of the authority; provided, warrants shall not exceed the balance in the fund.

D. Money in the fund and interest or income on the fund shall be credited to the fund and shall not revert at the end of any fiscal year.

E. Money credited to the fund is appropriated to and shall be used by the authority to pay administrative costs and to achieve the purposes of the Vehicle Theft Act.

Section 9. AUTOMOBILE REGISTRATION PROGRAM.--

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A. The authority shall develop a statewide motor vehicle registration program to be administered by the department.

B. The authority shall identify a period of the day during which most motor vehicles are not used. The owner of a motor vehicle who does not usually use the vehicle during that period may register the vehicle with the department in accordance with the program developed by the authority.

C. The authority shall develop a form for registration of a motor vehicle under the program. The form shall advise the owner of the vehicle of the provisions of Subsection F of this section. A vehicle shall not be registered under the program unless the owner consents to the provisions of Subsection F of this section.

D. The program shall provide a method by which an owner may withdraw a motor vehicle from the program. The program shall not require owners to participate in the program.

E. The department shall issue to the owner of a motor vehicle registered under this section a decal or other appropriate identifying marker to be affixed to the vehicle to indicate that it is registered with the program.

F. A peace officer who observes a registered motor vehicle that is being operated during the period of the day identified by the authority under Subsection B of this section may stop the vehicle to determine whether it is being operated by the owner or with the owner's permission.

G. The department shall adopt rules to administer the program and shall adopt fees in an amount sufficient to recover the cost of administering the program. Money collected under this subsection shall be deposited in the fund.

Section 10. FEE.--

A. Not later than April 1 of each year, each insurer shall pay to the authority a

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1 fee equal to one dollar (\$1.00) multiplied by the total number of motor vehicle years of
2 insurance for insurance policies delivered, issued for delivery or renewed by the insurer during
3 the preceding calendar year.

4 B. Notwithstanding any other law to the contrary, the fee imposed by this
5 section is in addition to any other fee or tax imposed by law on an insurer.

6 C. The authority shall notify the department of insurance of any insurer that
7 fails to pay the fee required by this section. The department of insurance may for that reason
8 revoke the insurer's certificate of authority.

9 D. As used in this section, "motor vehicle years of insurance" means the total
10 number of years or portions of years during which a motor vehicle is covered by insurance.

11 Section 11. PERFORMANCE REVIEW.--

12 A. The authority shall determine the automobile theft rate as of November 1 of
13 each year. The authority shall report the rate to the department, the governor and the legislature
14 on or before December 31 of each year.

15 B. As used this section, "automobile theft rate" means the ratio of automobile
16 thefts in this state to the number of automobiles in this state. The ratio shall be based on
17 statistical information provided by the department.

1 **FORTY-SECOND LEGISLATURE**
2 **SECOND SESSION, 1996**

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5 JANUARY 30, 1996

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7 Mr. President:

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9 Your **COMMITTEES' COMMITTEE**, to whom has been referred

10
11 **SENATE BILL 518**

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14 has had it under consideration and finds same to be **GERMANE**, PRUSUANT TO
15 CONSTITUTIONAL PROVISIONS, and thence referred to the **JUDICIARY COMMITTEE**.

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17 Respectfully submitted,

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24 **SENATOR MANNY M. ARAGON, Chairman**
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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