

AN ACT
RELATING TO MOTOR VEHICLES; AMENDING AND ENACTING PROVISIONS
OF THE MOTOR VEHICLE CODE ON USE OF TEMPORARY PERMITS AND
LICENSE PLATES BY VEHICLE DEALERS, MANUFACTURERS, WRECKERS
OF VEHICLES, MOTORCYCLE DEALERS AND TRANSPORTERS OF
MANUFACTURED HOMES; PROVIDING A PENALTY; MAKING AN
APPROPRIATION.

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

Section 1. Section 66-1-4.9 NMSA 1978 (being Laws
1990, Chapter 120, Section 10) is amended to read:

"66-1-4.9. DEFINITIONS. --As used in the Motor Vehicle
Code:

A. "implement of husbandry" means every vehicle
that is designed for agricultural purposes and exclusively
used by the owner in the conduct of agricultural operations;

B. "intersection" means:

(1) the area embraced within the
prolongation or connection of the lateral curb lines or, if
none, then the lateral boundary lines of the roadways of two
highways that join one another at, or approximately at,
right angles, or the area within which vehicles traveling
upon different highways joining at any other angle may come
in conflict; and

(2) where a highway includes two roadways

thirty feet or more apart, every crossing of each roadway of that divided highway by an intersecting highway shall be regarded as a separate intersection; in the event that the intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of those highways shall be regarded as a separate intersection;

C. "inventory", when referring to a vehicle dealer, means a vehicle held for sale or lease in the ordinary course of business, the cost of which is used in calculating the dealer's cost of goods sold for federal income tax purposes; and

D. "jurisdiction", without modification, means "state". "

Section 2. Section 66-1-4.17 NMSA 1978 (being Laws 1990, Chapter 120, Section 18) is amended to read:

"66-1-4.17. DEFINITIONS. --As used in the Motor Vehicle Code:

A. "tank vehicle" means a motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis and that has either a gross vehicle weight rating of twenty-six thousand one or more pounds or is used in the transportation of hazardous materials requiring placarding of the vehicle under applicable law;

B. "taxicab" means a motor vehicle used for hire in the transportation of persons, having a normal seating capacity of not more than seven persons;

C. "through highway" means every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing it when stop signs are erected as provided in the Motor Vehicle Code;

D. "trailer" means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no significant part of its weight rests upon the towing vehicle;

E. "traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together using any highway for purposes of travel;

F. "traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

G. "transporter of manufactured homes" means a commercial motor vehicle operation engaged in the business of transporting manufactured homes from the manufacturer's location to the first dealer's location. A "transporter of manufactured homes" may or may not be associated with or

affiliated with a particular manufacturer or dealer;

H. "travel trailer" means a trailer that exceeds neither a width of eight feet nor a length of forty feet, when equipped for the road, and includes recreational travel trailers and camping trailers;

I. "trial court" means the magistrate, municipal or district court that tries the case concerning an alleged violation of a provision of the Motor Vehicle Code;

J. "truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;

K. "truck camper" means a camping body designed to be loaded onto, or affixed to, the bed or chassis of a truck. This camping body, when combined with a truck or truck cab and chassis, even though not attached permanently, becomes a part of the motor vehicle and together they are a recreational unit to be known as a "truck camper"; there are three general types of truck campers:

(1) "slide-in camper" means a camping body designed to be loaded onto and unloaded from the bed of a pickup truck;

(2) "chassis-mount camper" means a camping body designed to be affixed to a truck cab and chassis; and

(3) "pickup cover" or "camper shell" means a camping body designed to provide an all-weather protective

enclosure over the bed of a pickup truck and to be affixed thereto; and

L. "truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. "

Section 3. Section 66-3-6 NMSA 1978 (being Laws 1978, Chapter 35, Section 26, as amended) is amended to read:

"66-3-6. TEMPORARY PERMITS AND DEMONSTRATION PLATES. --

A. The department may issue a temporary permit to individuals to operate a vehicle pending action by the department upon an application for registration and certificate of title or renewal of registration when the application is accompanied by the proper fees and taxes. The temporary permit shall be valid for a period not to exceed thirty business days from the day it is validated by the department. Temporary permits shall not be extended nor another issued except for good cause shown.

B. The department may issue a temporary permit to individuals and financing institutions to operate a vehicle for the purpose of demonstrating the vehicle for resale. The temporary permit shall be valid for a period not to exceed five business days from the day it is validated by the department. Temporary permits shall not be extended nor another issued except for good cause shown.

C. The department may issue a temporary permit to a manufacturer of vehicles or transporter of manufactured homes for the purpose of demonstrating or transporting the vehicle to a dealer's location. The temporary permit shall be valid for a period not to exceed ten business days, shall state the number of days for which the permit is valid and shall be validated by the signature of the manufacturer or transporter. Temporary permits shall not be extended nor another issued except for good cause shown.

D. The department shall issue or authorize the issuance of temporary transportation permits to dealers licensed pursuant to Section 66-4-1 NMSA 1978. Temporary transportation permits shall be used only on vehicles held in the inventory of the dealer to whom the permits are issued. The permits shall be used only for importing vehicles into this state or for transporting vehicles between dealers intrastate. Use of the permits shall be deemed compliance with the requirements of Section 66-3-4 NMSA 1978. The permits shall be valid for not more than five additional business days from the date of validation. Temporary transportation permits shall:

(1) name the dealer to whom the permits are issued;

(2) name the authorized driver of the vehicle;

(3) show the point of origin and termination of the trip covered by the permit; and

(4) be signed and dated by the dealer who executed the permit.

E. The department shall issue or authorize the issuance of temporary retail-sale permits to dealers licensed pursuant to Section 66-4-1 NMSA 1978. Temporary retail-sale permits shall be used only on vehicles sold at retail by the dealer to whom the temporary permits are issued and shall not be extended nor another issued for the same vehicle except for good cause shown. Use of the permits shall be deemed compliance with the provisions of Section 66-3-4 NMSA 1978. The permits shall be valid for not more than thirty additional days from the date of validation. Temporary retail-sale permits shall:

(1) name the dealer to whom the permits are issued;

(2) name the person to whom the vehicle has been sold; and

(3) be signed and dated by the dealer who executed the permit.

F. The department shall issue, or authorize the issuance of, temporary demonstration plates to dealers licensed pursuant to Section 66-4-1 NMSA 1978. Temporary demonstration plates shall be used only on vehicles included

in the inventory of the dealer to whom the temporary plates are issued. The temporary plates shall be used to allow the operation of vehicles for the limited purposes of testing, demonstrating or preparing a vehicle for sale or lease. Temporary demonstration plates may not be used on work or service vehicles, as that term is defined in Section 66-3-401 NMSA 1978, that are owned, used or held in inventory by a dealer. Use of the temporary plates shall be deemed compliance with the provisions of Section 66-3-4 NMSA 1978. A temporary demonstration plate, after being affixed to a specific vehicle, shall be valid for as long as the vehicle is held in the dealer's inventory. A dealer who uses temporary demonstration plates is required to maintain a list showing the plate assigned to each specific vehicle and make that list available to the department during normal business hours. Temporary demonstration plates shall:

(1) name the dealer to whom the plates are issued; and

(2) display a unique identification number assigned by the department.

G. In lieu of issuing temporary transportation permits, temporary retail-sale permits or temporary demonstration plates to dealers, the department may authorize in writing dealers licensed pursuant to Section 66-4-1 NMSA 1978 to print and use at their own cost

temporary permits or plates to be used in conformance with the provisions of Subsections D, E and F of this section, subject to reasonable requirements established by the department.

H. The department shall prescribe the size, shape and content of all temporary permits and plates authorized by this section. No temporary permit or plate is valid until affixed to the vehicle for which it is validated in a manner prescribed by the department.

I. For the misuse of any temporary permit or plate authorized by this section by an individual, financing institution, manufacturer, transporter of manufactured homes, dealer, wrecker or dismantler, the secretary may revoke or suspend their use after a hearing as provided in Section 66-2-17 NMSA 1978.

J. The department shall collect an administrative fee of fifty cents (\$.50) in addition to the actual cost of the temporary permit document or plate for each temporary permit or plate issued by the department to individuals, financial institutions, manufacturers, transporters, wreckers or dealers pursuant to this section.

K. The department may issue temporary transportation permits, temporary retail-sale permits and temporary demonstration plates to dealers in units of not less than one hundred permits at a fee established by the

department to cover the actual cost of the permit or plate documents. No administrative fee shall be charged by the department when temporary permits or plates are issued by the department pursuant to the provisions of this subsection.

L. The fees authorized by Subsections J and K of this section to cover the actual cost of the temporary permit document or plate are appropriated to the department to defray the costs of administering the temporary permit and plate program. The department shall remit the administrative fee revenues of this section to the motor vehicle suspense fund to be distributed in accordance with Section 66-6-23 NMSA 1978. "

Section 4. Section 66-3-18 NMSA 1978 (being Laws 1978, Chapter 35, Section 38, as amended) is amended to read:

"66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY PERMITS AND PLATES--DISPLAYS PROHIBITED AND ALLOWED.--

A. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times in a fixed horizontal position at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall

be maintained free from foreign material and in a condition to be clearly legible.

B. Except for temporary demonstration plates, temporary permits shall be firmly affixed to the inside left rear window of the vehicle to which it is issued, unless such display presents a safety hazard or the temporary permit is not visible or readable from that position, in which case, the temporary permit shall be displayed in such a manner that it is clearly visible from the rear or left side of the vehicle. Temporary demonstration plates shall be displayed as provided for in Subsection A of this section.

C. No vehicle while being operated on the highways of this state shall have displayed either on the front or the rear of the vehicle any registration plate, including tab or sticker, other than one issued or validated for the current registration period by the department or any other licensing authority having jurisdiction over the vehicle. No expired registration plate, tab or sticker shall be displayed on the vehicle other than an expired special registration plate which may be exhibited on the front of the vehicle.

D. Nothing contained in this section shall be construed as prohibiting the use of a promotional or advertising plate on the front of the vehicle."

Section 5. Section 66-3-104 NMSA 1978 (being Laws 1978, Chapter 35, Section 51, as amended) is amended to read:

"66-3-104. USE OF PLATE AND REGISTRATION NUMBER ON ANOTHER VEHICLE--TRANSFER OF REGISTRATION. --

A. Whenever the owner of a registered vehicle assigns title or interest to the vehicle, the registration of that vehicle expires. At such time, the owner shall remove and retain the registration plate from the vehicle and, within thirty days of the transfer, either shall make application to have the registration number assigned to another vehicle of the same class or shall forward the plate to the department or its authorized agent to be destroyed. The registration plate shall be transferred only where the application for transfer is made in the name of the original registered owner unless the owner's name has been changed by marriage, divorce or court order.

B. The registration plate shall not be displayed upon the newly acquired vehicle until the registration of the vehicle has been completed and a new registration certificate issued. However, the temporary retail-sale permit issued for the vehicle by the dealer pursuant to the provisions of Section 66-3-6 NMSA 1978 may be securely attached to the plate to be transferred and displayed in accordance with Subsection A of Section 66-3-18 NMSA 1978. "

Section 6. Section 66-3-107 NMSA 1978 (being Laws 1978, Chapter 35, Section 54, as amended) is amended to read:

"66-3-107. DUTIES OF SELLER OR TRANSFEROR--ADDITIONAL DUTIES OF DEALERS--APPLICATION FOR TRANSFER--PENALTY--MILEAGE OF VEHICLE.--

A. Any seller or transferor, including a dealer, of a vehicle required to be registered pursuant to the Motor Vehicle Code shall furnish to the purchaser upon delivery the necessary title properly assigned and shall inform the purchaser that application for transfer must be filed with the department within thirty days of the date of sale. When a dealer licensed pursuant to Section 66-4-1 NMSA 1978 allows a vehicle to be purchased over a period of time pursuant to an expressed or implied contract and elects to retain a security interest in the vehicle, the dealer shall collect the necessary transfer fees from the purchaser upon delivery of the vehicle and shall, within thirty days, pay all transfer fees due on the vehicle to the department and shall give to the new purchaser the new registration certificate in the purchaser's name.

B. Every dealer, upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration pursuant to the Motor Vehicle Code shall give written notice of the transfer to the department

upon an appropriate form provided by the department.

C. Except as otherwise provided in this subsection, the dealer shall indicate on the form the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer.

D. A sale shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price or, in lieu thereof, has signed a purchase contract or security agreement and taken physical possession or delivery of that vehicle.

E. Failure to apply for transfer of registration and issuance of a new certificate of title within thirty days from the date of transfer subjects the transferee to a penalty of twenty dollars (\$20.00), which shall be collected by the department and shall be in addition to other fees and penalties provided by law. "

Section 7. Section 66-3-108 NMSA 1978 (being Laws 1978, Chapter 35, Section 55) is amended to read:

"66-3-108. TRANSFER TO DEALERS. --When the transferee of a vehicle is a dealer who holds the vehicle for resale and does not drive the vehicle or permit it to be driven upon the highways, the dealer shall not be required to obtain transfer of registration of the vehicle or forward the certificate of title to the department. However, the dealer, upon transferring his title or interest to another

person, shall execute an assignment and warrant of title upon the certificate of title and deliver the same to the person to whom the transfer is made. "

Section 8. Section 66-3-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 80) is amended to read:

"66-3-401. OPERATION OF VEHICLES UNDER SPECIAL DEALER PLATES. --

A. Any vehicle that is required to be registered pursuant to the Motor Vehicle Code and that is included in the inventory of a wrecker of vehicles or dealer may be operated or moved upon the highways for any purpose provided that the vehicle display in the manner prescribed in Section 66-3-18 NMSA 1978 a special plate issued to the dealer or wrecker of vehicles as provided in Section 66-3-402 NMSA 1978. This subsection shall not be construed as limiting the use of temporary permits issued to dealers pursuant to Section 66-3-6 NMSA 1978.

B. The provisions of this section do not apply to work or service vehicles used by a wrecker of vehicles or dealer. For the purposes of this subsection, "work or service vehicle" includes any vehicle used substantially as a:

- (1) parts or delivery vehicle;
- (2) vehicle used to tow another vehicle;
- (3) courtesy shuttle; or

(4) vehicle loaned to customers for their convenience.

C. Each vehicle included in a dealer's inventory required to be registered pursuant to the provisions of Subsection A of this section must conform to the registration provisions of the Motor Vehicle Code, but is not required to be titled pursuant to the provisions of that code. When any vehicle is no longer included in a dealer's inventory, and is not sold or leased to an unrelated entity, the dealer must title the vehicle and pay the motor vehicle excise tax that would have been due when the vehicle was first registered by the dealer.

D. In lieu of the use of special dealer plates pursuant to this section, a dealer or wrecker may register and title a vehicle included in a dealer's inventory in the name of the dealer or wrecker upon payment of the registration fee applicable to that vehicle, but without payment of the motor vehicle excise tax provided the vehicle is subsequently sold or leased in the ordinary course of business in a transaction subject to the motor vehicle excise tax or the leased vehicle gross receipts tax."

Section 9. A new Section 66-3-401.1 NMSA 1978 is enacted to read:

"66-3-401.1. OPERATION OF VEHICLES UNDER SPECIAL COLLEGIATE REGISTRATION PLATES. --

A. In lieu of the use of special dealer plates pursuant to Section 66-3-401 NMSA 1978, a dealer may register and title a vehicle in the name of the dealer pursuant to the provisions of Section 66-3-416 NMSA 1978 for the purpose of providing the use of a vehicle from the inventory of the dealer to a full-time coach or athletic director at any state-supported four-year institution of higher education in New Mexico.

B. Each vehicle that a dealer elects to register pursuant to Subsection A of this section is not required to be titled pursuant to the provisions of the Motor Vehicle Code, but such vehicle must be included in the driver's inventory for Internal Revenue Code of 1986 purposes and transferred to the full-time coach or athletic director under conditions that require the dealer to report the value of the use of the vehicle as income to the full-time coach or athletic director. "

Section 10. Section 66-3-402 NMSA 1978 (being Laws 1978, Chapter 55, Section 81) is amended to read:

"66-3-402. APPLICATION FOR SPECIAL DEALER PLATES. --

A. Any wrecker of vehicles or dealer may apply to the department upon the appropriate form for one or more special dealer plates. The applicant shall submit proof of his status as a bona fide wrecker of vehicles or dealer as may reasonably be required by the department.

B. The maximum number of special dealer plates for which a dealer of new or used motor vehicles or motorcycles may apply pursuant to this section shall be:

(1) for a dealer who sold in the previous calendar year five or more but fewer than fifty vehicles, one plate;

(2) for a dealer who sold in the previous calendar year more than fifty but fewer than one hundred vehicles, three plates;

(3) for a dealer who sold in the previous calendar year more than one hundred but fewer than five hundred vehicles, five plates; and

(4) for a dealer who sold in the previous calendar year five hundred or more vehicles, ten plates.

C. The maximum number of special dealer plates for which a wrecker or dismantler of new or used motor vehicles or motorcycles may apply pursuant to this section shall be:

(1) for a wrecker or dismantler who wrecked or dismantled three or more but fewer than fifty vehicles, one plate;

(2) for a wrecker or dismantler who wrecked or dismantled fifty or more but fewer than one hundred vehicles, three plates;

(3) for a wrecker or dismantler who wrecked

or dismantled one hundred or more but fewer than five hundred vehicles, five plates; and

(4) for a wrecker or dismantler who wrecked or dismantled five hundred vehicles or more, ten plates.

D. Any dealer or wrecker shall be entitled to five plates in the first calendar year in which he begins business. Any dealer or wrecker who is licensed pursuant to the provisions of Section 66-4-1 NMSA 1978 on or after August 1 of any calendar year shall also be entitled to five plates in the calendar year following the year in which he is first licensed to do business.

E. The department upon granting any such application shall issue to the applicant a certificate containing the applicant's name and address and the numbers of the special dealer plates assigned to the applicant. "

Section 11. Section 66-3-403 NMSA 1978 (being Laws 1978, Chapter 35, Section 82) is amended to read:

"66-3-403. EXPIRATION OF SPECIAL DEALER PLATES. -- Every special dealer plate issued pursuant to Section 66-3-402 NMSA 1978 expires at midnight on December 31 of each year. Upon payment of the proper fee, the person to whom the special dealer plate was issued may apply to the department for a new plate or validating sticker for the ensuing year. Renewal of all special dealer plates shall be on or before December 31. It is a misdemeanor pursuant to the Motor

Vehicle Code to operate a vehicle with a special dealer plate that has expired. "

Section 12. Section 66-4-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 214, as amended) is amended to read:

"66-4-1. DEALERS, WRECKERS, WHOLESALERS AND DISTRIBUTORS OF VEHICLES MUST BE LICENSED--PRESUMPTION OF CONDUCTING BUSINESS.--

A. No person, unless licensed to do so by the department, shall carry on or conduct the active trade or business of:

(1) a dealer in motor vehicles of a type subject to registration pursuant to the Motor Vehicle Code;

(2) wrecking or dismantling any vehicle or motor vehicle for the resale of the parts. Any person possessing three or more wrecked, dismantled or partially wrecked or dismantled vehicles or motor vehicles and selling or offering for sale a used vehicle or motor vehicle part and who regularly sells or offers for sale used vehicles or used motor vehicle parts shall be presumed to be conducting the business of wrecking or dismantling a vehicle or motor vehicle for the resale of the parts;

(3) wholesaling of vehicles. Any person who sells or offers for sale vehicles of a type subject to registration in this state, to a vehicle dealer licensed pursuant to the Motor Vehicle Code or who is franchised by a

manufacturer, distributor or vehicle dealer to sell or promote the sale of vehicles dealt in by such manufacturer, distributor or vehicle dealer shall be presumed to be conducting the business of wholesaling. Provided, however, that if any such person also sells a vehicle at retail, he shall be deemed to be a dealer and is subject to the dealer-licensing provisions of the Motor Vehicle Code; or

(4) distributing of vehicles. Any person who distributes or sells new or used motor vehicles to dealers and who is not a manufacturer shall be presumed to be conducting the business of distributing vehicles.

B. Application for a dealer's, wholesaler's, distributor's or wrecker's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant and, when the applicant is a partnership, the name and address of each partner; or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated and the place where the business is to be conducted and the nature of the business and such other information as may be required by the department. Every application shall be verified by the oath or affirmation of the applicant, if an individual, or, in the event an applicant is a partnership or corporation, by a partner or officer of the partnership or corporation. Every

application shall be accompanied by the fee required by law.

C. Any metal processor or dealer in scrap who dismantles, processes for scrap, shreds, compacts, crushes or otherwise destroys more than three vehicles or motor vehicles within a period of one year shall be licensed pursuant to the provisions of Sections 66-4-1 through 66-4-9 NMSA 1978.

D. In order to ensure that any dealer, wholesaler, distributor or wrecker complies with this section, the secretary may apply to a district court of this state to have any person operating without a license as required by this section enjoined from engaging in business until he complies with the requirements of licensing as provided by this section.

E. Upon application to a court for the issuance of an injunction against an unlicensed operator, the court may forthwith issue an order temporarily restraining him from doing business. The court shall hear the matter within three days and, upon a showing by the preponderance of the evidence that the person is operating without a license and that he has been given notice of the hearing as required by law, the court may enjoin him from engaging in business in New Mexico until he ceases to be unlicensed. Upon issuing an injunction, the court may also order the business premises of the person to be sealed by the sheriff and may

allow the person access thereto only upon approval of the court.

F. No temporary restraining order shall be issued against any person who has complied with the provisions of this section. Upon a showing to the court by any person against whom a temporary restraining order has been issued that he has a license in accordance with the provisions of this section, the court shall dissolve or set aside the temporary restraining order. "

Section 13. Section 66-4-7 NMSA 1978 (being Laws 1978, Chapter 35, Section 220, as amended) is amended to read:

"66-4-7. DEALERS, WHOLESALERS, DISTRIBUTORS AND WRECKERS OF VEHICLES--DEALERS OF MOTORCYCLES ONLY--BOND.--

A. Before issuance of any dealer's license, wholesaler's license, distributor's license or wrecker of vehicles license, the applicant shall procure and file with the department a corporate surety bond in the amount of fifty thousand dollars (\$50,000). An applicant for a dealer's license for motorcycles only shall procure and file with the department a corporate surety bond in the amount of twelve thousand five hundred dollars (\$12,500). The corporate surety shall be licensed by the state corporation commission or a successor entity to do business in this state as a surety and the form of the bond shall be approved by the attorney general. The bond shall be payable to the

state for the use and benefit of the purchaser and his vendees, conditioned upon payment of any loss, damage and expense sustained by the purchaser or his vendees, or both, by reason of failure of the title of the vendor, by any fraudulent misrepresentations or by any breach of warranty as to freedom from liens on the motor vehicle or motorcycle sold by the dealer, wholesaler, distributor, dealer of motorcycles only or wrecker of vehicles. The bond shall be continuous in form and limited to the payment of fifty thousand dollars (\$50,000) in total aggregate liability on a dealer's license, wholesaler's license, distributor's license and a wrecker of vehicles license and twelve thousand five hundred dollars (\$12,500) on a dealer's license for motorcycles only.

B. No applicant for a dealer's license, wholesaler's license, distributor's license or dealer's license for motorcycles only who files bond in the amount and form specified in Subsection A of this section shall be required to file any additional bond to conduct a business of wrecking or dismantling motor vehicles or motorcycles. Conversely, no applicant for a wrecker of vehicles license who files bond in the amount and form specified in Subsection A of this section shall be required to file any additional bond to conduct a business of dealer, distributor, wholesaler or dealer of motorcycles only.

C. In lieu of the bond required in this section, the dealer, wholesaler, distributor, wrecker of vehicles or dealer of motorcycles only may elect to file with the department the equivalent amount of cash or bonds of the United States or New Mexico or of any political subdivision of the state. "

Section 14. Section 66-4-8 NMSA 1978 (being Laws 1978, Chapter 35, Section 221) is amended to read:

"66-4-8. EXEMPTIONS FROM LICENSING AND BOND PROVISIONS. --The provisions of Sections 66-4-1 through 66-4-7 NMSA 1978 requiring dealers, wholesalers and distributors of motor vehicles and wreckers of vehicles and motor vehicles to be licensed and post a bond do not apply to persons who deal in boats or vessels, off-highway motor vehicles, recreational vehicles that are designed to be towed by a motor vehicle, trailers, semitrailers, pole trailers and trailers designed to transport boats, vessels or off-highway motor vehicles and who do not deal in other motor vehicles of a type subject to registration. "

Section 15. Section 66-6-17 NMSA 1978 (being Laws 1978, Chapter 35, Section 352, as amended) is amended to read:

"66-6-17. SPECIAL DEALER PLATE FEES. --

A. Except as provided otherwise in Subsection C of this section, every dealer or wrecker of vehicles, except

a dealer in motorcycles only, shall pay each license year fifty dollars (\$50.00) for each special dealer plate issued pursuant to Section 66-3-402 NMSA 1978 to the dealer or wrecker for that license year.

B. Except as provided otherwise in Subsection C of this section, every dealer in motorcycles only shall pay each license year ten dollars (\$10.00) for each special dealer plate issued pursuant to Section 66-3-402 NMSA 1978 to the dealer for that license year.

C. In the event any special dealer plate is lost, mutilated or becomes illegible, a dealer, wrecker of vehicles or dealer in motorcycles only shall obtain a replacement plate pursuant to the provisions of Section 66-3-24 NMSA 1978. The fee for a replacement special dealer plate shall be fifty dollars (\$50.00) for a dealer or wrecker of vehicles and ten dollars (\$10.00) for a dealer in motorcycles only. "

Section 16. TEMPORARY PROVISION. --

A. Dealers, wreckers of vehicles or dealers in motorcycles only who have a valid license issued pursuant to the provisions of Section 66-4-1 NMSA 1978 and one or more special plates issued pursuant to the provisions of Section 66-3-402 NMSA 1978 as of July 1, 1998 may elect to postpone the effective date of Sections 1 through 15 of this act until January 1, 1999. The election to postpone the

effective date is made by not applying for any of the temporary permits provided for in Sections 1 through 15 of this act. An application for any of the temporary permits provided for in Sections 1 through 15 of this act serves as an election not to postpone the effective date. If the election to postpone the effective date is not made, no fees paid for special plates prior to the effective date of the election shall be refunded.

B. The provisions of Sections 1 through 15 of this act shall apply to any dealer, wrecker of vehicles or dealer in motorcycles only who applies for or is granted a license pursuant to the provisions of Section 66-4-1 NMSA 1978 on or after July 1, 1998.

Section 17. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1998. _____