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SENATE BILL 308

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

JOSEPH A. FIDEL

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:

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

7 (2) where a highway includes two roadways
8 thirty feet or more apart, every crossing of each roadway of
9 that divided highway by an intersecting highway shall be
10 regarded as a separate intersection; in the event that the
11 intersecting highway also includes two roadways thirty feet or
12 more apart, every crossing of two roadways of those highways
13 shall be regarded as a separate intersection; [and]

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

19 [~~C.~~] D. "jurisdiction", without modification,
20 means "state". "

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

23 "66-1-4.17. DEFINITIONS. --As used in the Motor Vehicle
24 Code:

25 A. "tank vehicle" means a motor vehicle that is

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

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

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

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

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

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

25 G. "transporter of manufactured homes" means a

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1 commercial motor vehicle operation engaged in the business of
2 transporting manufactured homes from the manufacturer's
3 location to the first dealer's location. A "transporter of
4 manufactured homes" may or may not be associated with or
5 affiliated with a particular manufacturer or dealer;

6 [G-] H. "travel trailer" means a trailer that
7 exceeds neither a width of eight feet nor a length of forty
8 feet, when equipped for the road, and includes recreational
9 travel trailers and camping trailers;

10 [H-] I. "trial court" means the magistrate,
11 municipal or district court that tries the case concerning an
12 alleged violation of a provision of the Motor Vehicle Code;

13 [I-] J. "truck" means every motor vehicle
14 designed, used or maintained primarily for the transportation
15 of property;

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

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

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

3 (3) "pickup cover" or "camper shell" means a
4 camping body designed to provide an all-weather protective
5 enclosure over the bed of a pickup truck and to be affixed
6 thereto; and

7 [K-] L. "truck tractor" means every motor vehicle
8 designed and used primarily for drawing other vehicles and not
9 so constructed as to carry a load other than a part of the
10 weight of the vehicle and load so drawn. "

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

13 "66-3-6. TEMPORARY PERMITS AND DEMONSTRATION PLATES. --

14 A. The ~~[division]~~ department may issue a temporary
15 permit to individuals to operate a vehicle pending action by
16 the ~~[division]~~ department upon an application for registration
17 and certificate of title or renewal of registration when the
18 application is accompanied by the proper ~~[fee, and the~~
19 ~~division]~~ fees and taxes. The temporary permit shall be valid
20 for a period not to exceed thirty business days from the day
21 it is validated by the department. Temporary permits shall
22 not be extended nor another issued except for good cause
23 shown.

24 B. The department may issue a temporary permit
25 ~~[for a fifty cent (\$.50) fee]~~ to individuals and financing

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1 institutions to operate a vehicle for [~~purposes~~] the purpose
2 of demonstrating the vehicle for resale. The temporary permit
3 shall [~~state the number of days the permit is valid and shall~~
4 ~~be validated by the signature of the director.~~

5 B. ~~The division~~ be valid for a period not to
6 exceed five business days from the day it is validated by the
7 department. Temporary permits shall not be extended nor
8 another issued except for good cause shown.

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

18 D. The department shall issue or authorize the
19 issuance of temporary transportation permits to dealers
20 licensed [~~under the Motor Vehicle Code who hold current~~
21 special plates issued under Section 66-3-402 NMSA 1978. ~~The~~
22 division shall collect a fee of fifty cents (\$.50) for each
23 permit issued] pursuant to Section 66-4-1 NMSA 1978. Temporary
24 transportation permits shall be used only [by] on vehicles
25 held in the inventory of the dealer to whom the permits are

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1 issued. [~~Use of~~] The permits shall be used only for importing
2 vehicles into this state or for transporting vehicles between
3 dealers intrastate [~~and only on vehicles owned by the dealer~~].

4 Use of the permits shall be deemed compliance with the
5 requirements of Section 66-3-4 NMSA 1978. [~~For misuse of the~~
6 ~~permits by a dealer, the director may revoke or suspend their~~
7 ~~use after a hearing as provided in Section 66-4-3 NMSA 1978.~~]

8 The permits shall be [~~validated by the signature of the dealer~~
9 ~~to whom they are issued and are~~] valid for not more than
10 [~~thirty~~] five additional business days from the date of

11 validation. [~~In addition to the general requirements for~~
12 ~~temporary permits, all~~] Temporary transportation permits shall
13 [~~include the following~~]:

14 (1) [~~the~~] name [~~of~~] the dealer to whom the
15 permits are issued;

16 (2) [~~the~~] name [~~of~~] the authorized driver of
17 the vehicle;

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

20 (4) [~~the point of termination of the trip~~
21 ~~covered by~~] be signed and dated by the dealer who executed the
22 permit.

23 [~~E.~~] E. The [~~division~~] department shall issue or
24 authorize the issuance of temporary retail-sale permits to
25 dealers licensed [~~under the Motor Vehicle Code who hold~~

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1 ~~current special plates issued under Section 66-3-402 NMSA~~
2 ~~1978. The division shall collect a fee of fifty cents (\$.50)~~
3 ~~for each permit issued]~~ pursuant to Section 66-4-1 NMSA 1978.
4 Temporary retail-sale permits shall be used only on vehicles
5 sold at retail by the dealer to whom the temporary permits are
6 issued and shall not be extended nor another issued for the
7 same vehicle [~~and only after the application for registration~~
8 ~~has been executed and proper fees collected by the dealer,~~
9 ~~except that when a vehicle is sold to a bona fide nonresident,~~
10 ~~neither an application for registration nor the payment of~~
11 ~~fees is required under this section]~~ except for good cause
12 shown. Use of the permits shall be deemed compliance with the
13 provisions of Section 66-3-4 NMSA 1978. [~~For the misuse of~~
14 ~~the permits by a dealer, the director may revoke or suspend~~
15 ~~their use after a hearing as provided in Section 66-4-3 NMSA~~
16 ~~1978.] The permits shall be [~~validated by the signature of the~~
17 ~~dealer to whom they are issued and shall be]~~ valid for not
18 more than thirty additional days from the date of validation.
19 Temporary retail-sale permits shall:
20 (1) name the dealer to whom the permits are
21 issued; [~~and]~~
22 (2) name the person to whom the vehicle has
23 been sold; and
24 (3) be signed and dated by the dealer who
25 executed the permit.~~

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1 F. The department shall issue, or authorize the
2 issuance of, temporary demonstration plates to dealers
3 licensed pursuant to Section 66-4-1 NMSA 1978. Temporary
4 demonstration plates shall be used only on vehicles included
5 in the inventory of the dealer to whom the temporary plates
6 are issued. The temporary plates shall be used to allow the
7 operation of vehicles for the limited purposes of testing,
8 demonstrating or preparing a vehicle for sale or lease.
9 Temporary demonstration plates may not be used on work or
10 service vehicles, as that term is defined in Section 66-3-401
11 NMSA 1978, that are owned, used or held in inventory by a
12 dealer. Use of the temporary plates shall be deemed
13 compliance with the provisions of Section 66-3-4 NMSA 1978. A
14 temporary demonstration plate, after being affixed to a
15 specific vehicle, shall be valid for as long as the vehicle is
16 held in the dealer's inventory. A dealer who uses temporary
17 demonstration plates is required to maintain a list showing
18 the plate assigned to each specific vehicle and make that list
19 available to the department during normal business hours.

20 Temporary demonstration plates shall:

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

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

25 G. In lieu of issuing temporary transportation

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1 permits, temporary retail-sale permits or temporary
2 demonstration plates to dealers, the department may authorize
3 in writing dealers licensed pursuant to Section 66-4-1 NMSA
4 1978 to print and use at their own cost temporary permits or
5 plates to be used in conformance with the provisions of
6 Subsections D, E and F of this section, subject to reasonable
7 requirements established by the department.

8 ~~[D.]~~ H. The ~~[division]~~ department shall prescribe
9 the size, ~~[and]~~ shape and content of all temporary permits and
10 plates authorized by this section. No temporary permit or
11 plate is valid until affixed to the vehicle for which it is
12 validated in a manner prescribed by the ~~[division.~~ All
13 ~~temporary permits shall:~~

14 ~~(1) identify the vehicle for which it is~~
15 ~~validated by make, model, year of model and engine or other~~
16 ~~identifying number;~~

17 ~~(2) bear an identification number of a size~~
18 ~~and color to be prescribed by the division;~~

19 ~~(3) bear the expiration date of the permit in~~
20 ~~numerals of a size to be prescribed by the division; and~~

21 ~~(4) bear the date the validating signature is~~
22 ~~affixed.~~

23 ~~E.~~ The division] department.

24 I. For the misuse of any temporary permit or plate
25 authorized by this section by an individual, financing

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1 institution, manufacturer, transporter of manufactured homes,
2 dealer, wrecker or dismantler, the secretary may revoke or
3 suspend their use after a hearing as provided in Section
4 66-2-17 NMSA 1978.

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

11 K. The department may issue temporary
12 transportation permits, temporary retail-sale permits and
13 temporary demonstration plates to dealers in units of not less
14 than one hundred permits at a fee established by the
15 department to cover the actual cost of the permit or plate
16 documents. No administrative fee shall be charged by the
17 department when temporary permits or plates are issued by the
18 department pursuant to the provisions of this subsection.

19 L. The fees authorized by Subsections J and K of
20 this section to cover the actual cost of the temporary permit
21 document or plate are appropriated to the department to defray
22 the costs of administering the temporary permit and plate
23 program. The department shall remit the [temporary permit]
24 administrative fee revenues of this section to the motor
25 vehicle suspense fund to be distributed in accordance with

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1 Section 66-6-23 NMSA 1978. "

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

4 "66-3-18. DISPLAY OF REGISTRATION [PLATE] PLATES AND
5 TEMPORARY PERMITS AND PLATES -- DISPLAYS PROHIBITED AND
6 ALLOWED. --

7 A. The registration plate shall be attached to the
8 rear of the vehicle for which it is issued; however, the
9 registration plate shall be attached to the front of a road
10 tractor or truck tractor. The plate shall be securely
11 fastened at all times in a fixed horizontal position at a
12 height of not less than twelve inches from the ground,
13 measuring from the bottom of the plate. It shall be in a
14 place and position so as to be clearly visible, and it shall
15 be maintained free from foreign material and in a condition to
16 be clearly legible.

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

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1 ~~[B-]~~ C. No vehicle while being operated on the
2 highways of this state shall have displayed either on the
3 front or the rear of the vehicle any registration plate,
4 including tab or sticker, other than one issued or validated
5 for the current registration period by the ~~[division]~~
6 department or any other licensing authority having
7 jurisdiction over the vehicle. No expired registration plate,
8 tab or sticker shall be displayed on the vehicle other than an
9 expired special registration plate which may be exhibited on
10 the front of the vehicle.

11 ~~[C-]~~ D. Nothing contained in this section shall be
12 construed as prohibiting the use ~~[on the front of the vehicle]~~
13 of a promotional or advertising plate on the front of the
14 vehicle. "

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

17 "66-3-104. USE OF PLATE AND REGISTRATION NUMBER ON
18 ANOTHER VEHICLE--TRANSFER OF REGISTRATION. --

19 A. Whenever the owner of a registered vehicle
20 assigns title or interest to the vehicle, the registration of
21 ~~[the]~~ that vehicle expires. At such time, the owner shall
22 remove and retain the registration plate from the vehicle and,
23 within thirty days of the transfer, either shall make
24 application to have the registration number assigned to
25 another vehicle of the same class or shall forward the plate

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1 to the [~~division~~] department or its authorized agent [~~within~~
2 ~~thirty days of the transfer~~] to be destroyed [~~or the owner~~
3 ~~shall retain the license plate, within the same thirty days,~~
4 ~~and make application to have the registration number assigned~~
5 ~~to another vehicle of the same class~~]. The registration plate
6 shall be transferred only where the application for transfer
7 is made in the name of the original registered owner unless
8 the owner's name has been changed by marriage, divorce or
9 court order.

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

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

20 "66-3-107. [~~TRANSFER BY DEALER~~] DUTIES OF SELLER OR
21 TRANSFEROR--ADDITIONAL DUTIES OF DEALERS--APPLICATION FOR
22 TRANSFER--PENALTY--MILEAGE OF VEHICLE.--

23 A. [~~Dealers required to be licensed under the~~
24 ~~provisions of the Motor Vehicle Code shall furnish to a~~
25 ~~purchaser upon delivery~~] Any seller or transferor, including a

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1 dealer, of a vehicle required to be registered [~~under~~]
2 pursuant to the Motor Vehicle Code shall furnish to the
3 purchaser upon delivery the necessary title properly assigned
4 and shall inform the purchaser that application [~~of~~] for
5 transfer must be filed with the [~~division~~] department within
6 thirty days of the date of [~~delivery~~] sale. When a dealer
7 licensed pursuant to Section 66-4-1 NMSA 1978 allows a vehicle
8 [~~or motor vehicle~~] to be purchased over a period of time
9 pursuant to an expressed or implied contract and elects to
10 retain a security interest in [~~said~~] the vehicle, the dealer
11 shall collect the necessary transfer fees from the purchaser
12 upon delivery of the vehicle and shall, within thirty days,
13 pay all transfer fees due on [~~said~~] the vehicle to the
14 [~~division of motor vehicles~~] department and shall give to the
15 new purchaser the new registration certificate in the
16 purchaser's name.

17 B. Every dealer, upon transferring by sale, lease
18 or otherwise any vehicle, whether new or used, of a type
19 subject to registration [~~under~~] pursuant to the Motor Vehicle
20 Code shall give written notice of the transfer to the
21 [~~division~~] department upon an appropriate form provided by the
22 [~~division~~] department.

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

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1 at the time of the transfer.

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

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

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

15 "66-3-108. TRANSFER TO DEALERS. --When the transferee of
16 a vehicle is a dealer who holds the [~~same~~] vehicle for resale
17 and [~~operates the same only for purposes incident to a resale~~
18 ~~or when a dealer~~] does not drive [~~such~~] the vehicle or permit
19 it to be driven upon the highways, the dealer shall not be
20 required to obtain transfer of registration of [~~such~~] the
21 vehicle or forward the certificate of title to the [~~division~~]
22 department. However, [~~such~~] the dealer, upon transferring his
23 title or interest to another person, shall execute an
24 assignment and warrant of title upon the certificate of title
25 and deliver the same to the person to whom [~~such~~] the transfer

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1 is made."

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

4 "66-3-401. OPERATION OF VEHICLES UNDER SPECIAL DEALER
5 PLATES. --

6 A. [~~A manufacturer~~] Any vehicle that is required
7 to be registered pursuant to the Motor Vehicle Code and that
8 is included in the inventory of a wrecker of vehicles or
9 dealer [~~owning any vehicle of a type otherwise required to be~~
10 ~~registered hereunder may operate or move the same~~] may be
11 operated or moved upon the highways for [~~all purposes~~
12 ~~incidental to his business including but not limited to~~
13 ~~transporting, testing, demonstrating or selling the same~~
14 ~~without registering each such vehicle, upon condition that any~~
15 ~~such~~] any purpose provided that the vehicle display [~~thereon~~]
16 in the manner prescribed in Section [~~64-3-18 NMSA 1953~~]
17 66-3-18 NMSA 1978 a special plate issued to [~~such~~
18 ~~manufacturer~~] the dealer or wrecker of vehicles as provided in
19 [~~this article~~] Section 66-3-402 NMSA 1978. This [~~paragraph~~]
20 subsection shall not be construed as limiting the use of
21 temporary permits issued to dealers [~~under~~] pursuant to
22 Section [~~64-3-6 NMSA 1953~~] 66-3-6 NMSA 1978.

23 B. The provisions of this [~~article~~] section do not
24 apply to work or service vehicles [~~owned~~] used by a
25 [~~manufacturer~~] wrecker of vehicles or dealer. For the

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1 purposes of this subsection, "work or service vehicle"

2 includes any vehicle used substantially as a:

3 (1) parts or delivery vehicle;

4 (2) vehicle used to tow another vehicle;

5 (3) courtesy shuttle; or

6 (4) vehicle loaned to customers for their
7 convenience.

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

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

. 120799. 2

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1 gross receipts tax. "

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

4 "66-3-401.1. [NEW MATERIAL] OPERATION OF VEHICLES UNDER
5 SPECIAL COLLEGIATE REGISTRATION PLATES. --

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

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

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

25 "66-3-402. APPLICATION FOR [~~AND ISSUANCE OF CERTIFICATE~~
. 120799. 2

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1 ~~AND~~ SPECIAL DEALER PLATES. - -

2 A. Any [~~manufacturer~~] wrecker of vehicles or
3 dealer may [~~make application~~] apply to the [~~division~~]
4 department upon the appropriate form [~~for a certificate~~
5 ~~containing a general "vehicle-business number" and~~] for one or
6 more special dealer plates. The applicant shall [~~also~~] submit
7 proof of his status as a bona fide [~~manufacturer~~] wrecker of
8 vehicles or dealer as may reasonably be required by the
9 [~~division~~] department.

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

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

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

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

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

24 C. The maximum number of special dealer plates for
25 which a wrecker or dismantler of new or used motor vehicles or

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1 motorcycles may apply pursuant to this section shall be:

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

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

8 (3) for a wrecker or dismantler who wrecked
9 or dismantled one hundred or more but fewer than five hundred
10 vehicles, five plates; and

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

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

20 ~~[B.]~~ E. The [division] department upon granting
21 any such application shall issue to the applicant a
22 certificate containing the applicant's name and address and
23 ~~[general vehicle business number]~~ the numbers of the special
24 dealer plates assigned to the applicant.

25 ~~[C. The division shall issue special plates as~~

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1 ~~applied for which shall have displayed thereon the general~~
2 ~~vehicle business numbers assigned to the applicant.]"~~

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

5 "66-3-403. EXPIRATION OF SPECIAL [~~VEHICLE-BUSINESS~~]
6 DEALER PLATES. -- Every special [~~vehicle-business~~] dealer plate
7 issued [~~hereunder~~] pursuant to Section 66-3-402 NMSA 1978
8 expires at midnight on December 31 of each year. [~~and a~~] Upon
9 payment of the proper fee, the person to whom the special
10 dealer plate was issued may apply to the department for a new
11 plate or validating sticker for the ensuing year [~~may be~~
12 obtained by the person to whom any such expired plate was
13 issued upon application to the division and payment of the fee
14 provided by law]. Renewal of all [~~such~~] special [~~vehicle-~~
15 business] dealer plates shall be on or before [~~March 2 of the~~
16 following year] December 31. It is a misdemeanor pursuant to
17 the Motor Vehicle Code to operate a vehicle with a special
18 dealer plate that has expired."

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

21 "66-4-1. DEALERS, WRECKERS, WHOLESALERS AND DISTRIBUTORS
22 OF VEHICLES MUST BE LICENSED-- PRESUMPTION OF CONDUCTING
23 BUSINESS. --

24 A. No person, unless licensed to do so by the
25 [~~division~~] department, shall carry on or conduct the active

Underscored material = new
[bracketed material] = delete

1 trade or business of:

2 (1) a dealer in [~~vehicles or~~] motor vehicles
3 [~~trailers, semitrailers, house trailers or pole trailers~~] of a
4 type subject to registration pursuant to the Motor Vehicle
5 Code;

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

15 (3) wholesaling of vehicles. Any person who
16 sells or offers for sale vehicles of a type subject to
17 registration in this state, to a vehicle dealer licensed
18 [~~under~~] pursuant to the Motor Vehicle Code or who is
19 franchised by a manufacturer, distributor or vehicle dealer to
20 sell or promote the sale of vehicles dealt in by such
21 manufacturer, distributor or vehicle dealer shall be presumed
22 to be conducting the business of wholesaling. Provided,
23 however, that if any such person also sells a vehicle at
24 retail, he shall be deemed to be a dealer and is subject to
25 the dealer-licensing provisions of the Motor Vehicle Code; or

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Underscored material = new
[bracketed material] = delete

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

5 B. Application for a dealer's, wholesaler's,
6 distributor's or wrecker's license shall be made upon the form
7 prescribed by the [~~division~~] department and shall contain the
8 name and address of the applicant and, when the applicant is a
9 partnership, the name and address of each partner; or, when
10 the applicant is a corporation, the names of the principal
11 officers of the corporation and the state in which
12 incorporated and the place [~~or places~~] where the business is
13 to be conducted and the nature of the business and such other
14 information as may be required by the [~~division~~] department.
15 Every application shall be verified by the oath or affirmation
16 of the applicant, if an individual, or, in the event an
17 applicant is a partnership or corporation, by a partner or
18 officer of the partnership or corporation. Every application
19 shall be accompanied by the fee required by law.

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

25 D. In order to ensure that any dealer, wholesaler,

Underscored material = new
[bracketed material] = delete

1 distributor or wrecker complies with this section, the
2 [~~director~~] secretary may apply to a district court of this
3 state to have any person operating without a license as
4 required by this section enjoined from engaging in business
5 until he complies with the requirements of licensing as
6 provided by this section.

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

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

Underscored material = new
[bracketed material] = delete

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

3 "66-4-7. DEALERS, WHOLESALERS, DISTRIBUTORS AND WRECKERS
4 OF VEHICLES-- [~~HOUSE TRAILER DEALERS~~] DEALERS OF MOTORCYCLES
5 ONLY-- BOND. --

6 A. Before issuance of any dealer's license,
7 wholesaler's license, distributor's license or wrecker of
8 vehicles license [~~or house trailer dealer's license~~], the
9 applicant shall procure and file with the [~~division~~]
10 department a corporate surety bond in the amount of [~~twenty~~
11 ~~thousand dollars (\$20,000)~~] fifty thousand dollars (\$50,000).

12 An applicant for a dealer's license for motorcycles only shall
13 procure and file with the [~~division~~] department a corporate
14 surety bond in the amount of twelve thousand five hundred
15 dollars (\$12,500). The corporate surety shall be licensed by
16 the state corporation commission or a successor entity to do
17 business in this state as a surety and the form of the bond
18 shall be approved by the attorney general. The bond shall be
19 payable to the state for the use and benefit of the purchaser
20 and his vendees, conditioned upon payment of any loss, damage
21 and expense sustained by the purchaser or his vendees, or
22 both, by reason of failure of the title of the vendor, by any
23 fraudulent misrepresentations or by any breach of warranty as
24 to freedom from liens on the motor vehicle or motorcycle [~~or~~
25 ~~house trailer~~] sold by the dealer, wholesaler, distributor,

Underscored material = new
[bracketed material] = delete

1 dealer of motorcycles only [~~house trailer dealer~~] or wrecker
2 of vehicles. The bond shall be continuous in form and limited
3 to the payment of [~~twenty thousand dollars (\$20,000)~~] fifty
4 thousand dollars (\$50,000) in total aggregate liability on a
5 dealer's license, wholesaler's license, distributor's license
6 [~~house trailer dealer's license~~] and a wrecker of vehicles
7 license and twelve thousand five hundred dollars (\$12,500) on
8 a dealer's license for motorcycles only.

9 B. No applicant for a dealer's license,
10 wholesaler's license, distributor's license [~~house trailer~~
11 ~~dealer's license~~] or dealer's license for motorcycles only who
12 files bond in the amount and form specified in Subsection A of
13 this section shall be required to file any additional bond to
14 conduct a business of wrecking or dismantling motor vehicles
15 [~~house trailers~~] or motorcycles. Conversely, no applicant for
16 a wrecker of vehicles license who files bond in the amount and
17 form specified in Subsection A of this section shall be
18 required to file any additional bond to conduct a business of
19 dealer [~~of motor vehicles~~], distributor [~~of motor vehicles~~],
20 wholesaler [~~of motor vehicles, house trailer dealer~~] or dealer
21 of motorcycles only.

22 [~~C. No applicant for a dealer's license for~~
23 ~~motorcycles only who files a bond in the amount and form~~
24 ~~specified in Subsection A of this section shall be required to~~
25 ~~file any additional bond to conduct a business of motorcycle~~

Underscored material = new
[bracketed material] = delete

1 ~~trailer dealer incidental to his business of dealer of~~
2 ~~motorcycles only]~~

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

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

11 "66-4-8. [~~BOAT DEALERS--EXEMPT FROM BOND~~] EXEMPTIONS
12 FROM LICENSING AND BOND PROVISIONS. --The provisions of
13 [~~Section 64-4-7 NMSA 1953~~] Sections 66-4-1 through 66-4-7 NMSA
14 1978 requiring dealers, wholesalers and distributors of motor
15 vehicles and wreckers of vehicles and motor vehicles to be
16 licensed and post a bond do not apply to persons who deal in
17 [~~boat trailers incidentally to dealing in boats~~] boats or
18 vessels, off-highway motor vehicles, manufactured homes,
19 recreational vehicles that are designed to be towed by a motor
20 vehicle, trailers, semitrailers, pole trailers and trailers
21 designed to transport boats, vessels or off-highway motor
22 vehicles and who do not deal in other motor vehicles
23 [~~trailers, semitrailers, house trailers or pole trailers~~] of a
24 type subject to registration. "

25 Section 15. Section 66-6-17 NMSA 1978 (being Laws 1978,

Underscored material = new
[bracketed material] = delete

1 Chapter 35, Section 352, as amended) is amended to read:

2 "66-6-17. SPECIAL DEALER PLATE FEES [~~MANUFACTURERS,~~
3 ~~DEALERS AND WRECKERS OF VEHICLES~~]. - -

4 A. Except as provided otherwise in Subsection C of
5 this section, every [~~manufacturer~~] dealer or wrecker of
6 vehicles, except a dealer in motorcycles only, shall pay each
7 license year fifty dollars (\$50.00) for [~~the first~~] each
8 special dealer plate issued pursuant to Section 66-3-402 NMSA
9 1978 to the [~~manufacturer~~] dealer or wrecker for that license
10 year [~~and shall pay ten dollars (\$10.00) for each additional~~
11 ~~plate so issued in that license year~~].

12 B. Except as provided otherwise in Subsection C of
13 this section, every dealer in motorcycles only shall pay each
14 license year ten dollars (\$10.00) for [~~the first~~] each
15 special dealer plate issued pursuant to Section 66-3-402 NMSA
16 1978 to the dealer for that license year [~~and shall pay five~~
17 ~~dollars (\$5.00) for each additional plate so issued for that~~
18 ~~license year~~

19 C. ~~A replacement plate for a special plate shall~~
20 ~~be issued upon the payment of ten dollars (\$10.00)].~~

21 C. In the event any special dealer plate is lost,
22 mutilated or becomes illegible, a dealer, wrecker of vehicles
23 or dealer in motorcycles only shall obtain a replacement plate
24 pursuant to the provisions of Section 66-3-24 NMSA 1978. The
25 fee for a replacement special dealer plate shall be fifty

Underscored material = new
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1 dollars (\$50.00) for a dealer or wrecker of vehicles and ten
2 dollars (\$10.00) for a dealer in motorcycles only. "

3 Section 16. TEMPORARY PROVISION. --

4 A. Dealers, wreckers of vehicles or dealers in
5 motorcycles only who have a valid license issued pursuant to
6 the provisions of Section 66-4-1 NMSA 1978 and one or more
7 special plates issued pursuant to the provisions of Section
8 66-3-402 NMSA 1978 as of July 1, 1998 may elect to postpone
9 the effective date of Sections 1 through 15 of this act until
10 January 1, 1999. The election to postpone the effective date
11 is made by not applying for any of the temporary permits
12 provided for in Sections 1 through 15 of this act. An
13 application for any of the temporary permits provided for in
14 Sections 1 through 15 of this act serves as an election not to
15 postpone the effective date. If the election to postpone the
16 effective date is not made, no fees paid for special plates
17 prior to the effective date of the election shall be refunded.

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

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

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 4, 1998

7
8 Mr. President:

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

11
12 SENATE BILL 308

13
14 has had it under consideration and finds same to be GERMANE,
15 pursuant to Senate Executive Message No. 41, and thence referred to
16 the CORPORATIONS & TRANSPORTATION COMMITTEE.

17
18
19 Respectfully submitted,

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24 _____
25 Manny M. Aragon, Chairman

Underscored material = new
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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0308CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3 SB 308/a

4
5
6 February 6, 1998

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
11 has been referred

12
13 SENATE BILL 308

14
15 has had it under consideration and reports same with recommendation
16 that it DO PASS, amended as follows:

- 17
18 1. On page 28, line 18, delete the words "manufactured homes,"
19
20
21 and thence referred to the FINANCE COMMITTEE.

22
23 Respectfully submitted,

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

%%%

Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Robinson, Maes

Absent: None

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[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
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6 February 12, 1998
7

8 Mr. Speaker:
9

10 Your TRANSPORTATION COMMITTEE, to whom has been referred
11

12 SENATE BILL 308, as amended
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,
18
19

20
21 _____
22 Daniel P. Silva, Chairman
23
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HTC/SB 308

Page 36

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 11 For 0 Against

10 Yes: 11

11 Excused: None

12 Absent: Russell

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 17, 1998

5
6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has
10 been referred

11 SENATE BILL 308, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

17
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19
20 _____
21 Max Coll, Chairman
22
23
24
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 38

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

8
9 The roll call vote was 17 For 0 Against

10 Yes: 17

11 Excused: Saavedra

12 Absent: None

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Underscored material = new
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