HOUSE BILL 177

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Patricio Ruiloba and Monica Youngblood

and William "Bill" R. Rehm

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING AUTO RECYCLERS TO ELECTRONICALLY REPORT ALL MOTOR VEHICLE PURCHASES TO THE TAXATION AND REVENUE DEPARTMENT; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO ESTABLISH, MAINTAIN AND MAKE AVAILABLE CERTAIN INFORMATION; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] AUTO RECYCLERS--NOTIFICATION OF PURCHASE.--

A. Within forty-eight hours of the close of business on the day a motor vehicle is purchased by an auto recycler, the auto recycler shall report the purchase to the department in an electronic format.

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B. The notice shall include:

(1) the name, address and contact information of the seller and the purchaser;

(2) the unique auto recycling license number of the seller, unless the seller is not a licensed auto recycler, in which case the unique number of the seller's government-issued identification document;

(3) the unique auto recycling license number of the purchaser, unless the purchaser is not a licensed auto recycler, in which case the unique number of the purchaser's government-issued identification document;

(4) the make, model, year, vehicle identification number and, if available, current odometer reading of the motor vehicle;

(5) the dates of the transfer of ownership of the motor vehicle;

(6) a statement specifying if the motor vehicle was, or will be, crushed, disposed of, offered for sale or used for other purposes; and

(7) a statement specifying if the motor vehicle is intended for export outside of the United States.

C. Prior to the purchase of a motor vehicle by an auto recycler, the auto recycler shall verify with the department if the motor vehicle has been reported stolen by checking an electronic system established and maintained by the

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department.

D. The department shall establish, maintain and make available to auto recyclers an electronic system that allows auto recyclers to verify, prior to the purchase of a motor vehicle by the auto recycler, that the motor vehicle has not been reported stolen. If the electronic system shows that the motor vehicle was reported stolen, the auto recycler shall not complete the transaction and shall notify the department of the current location of the motor vehicle and identification information provided by the person attempting to transfer ownership of the motor vehicle. If the electronic system shows that the motor vehicle was not reported stolen, the auto recycler may proceed with the transaction and shall not be held criminally or civilly liable if the motor vehicle was stolen, unless the auto recycler had knowledge that the motor vehicle was stolen.

E. The department shall make information contained in the electronic system available, without charge and upon request, to any law enforcement agency or the department, when the person acting on behalf of the agency or department is acting within the course and scope of the agency or department's duties. Except as authorized by this section, the department shall not release personally identifiable information received under this section.

F. The department shall forward the information

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1   received pursuant to Subsection B of this section, excluding

2   personally identifiable information, to the National Motor

3   Vehicle Title Information System within forty-eight hours of

4   the department receiving the information.

5   G.   A failure of a purchaser to report to the

6   department as required under Subsection B of this section shall

7   result in a fine of one thousand dollars ($1,000) for each

8   violation."

9   **SECTION 2.**   Section 66-1-4.1 NMSA 1978 (being Laws 1990,

10 Chapter 120, Section 2, as amended) is amended to read:

11   "66-1-4.1.   DEFINITIONS.--As used in the Motor Vehicle

12 Code:

13   A.   "abandoned vehicle" means a vehicle or motor

14 vehicle that has been determined by a New Mexico law

15 enforcement agency:

16   (1)   to have been left unattended on either

17 public or private property for at least thirty days;

18   (2)   not to have been reported stolen;

19   (3)   not to have been claimed by any person

20 asserting ownership; and

21   (4)   not to have been shown by normal record-

22 checking procedures to be owned by any person;

23   B.   "access aisle" means a space designed to allow a

24 person with a significant mobility limitation to safely exit

25 and enter a motor vehicle that is immediately adjacent to a

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designated parking space for persons with significant mobility

limitation and that may be common to two such parking spaces of

at least sixty inches in width or, if the parking space is

designed for van accessibility, ninety-six inches in width, and

clearly marked and maintained with blue striping and, after

January 1, 2011, the words "NO PARKING" in capital letters,

each of which shall be at least one foot high and at least two

inches wide, placed at the rear of the access aisle so as to be

close to where an adjacent vehicle's rear tires would be

placed;

C.   "actual empty weight" means the weight of a

vehicle without a load;

D.   "additional place of business", for dealers and

auto recyclers, means locations in addition to an established

place of business as defined in Section 66-1-4.5 NMSA 1978 and

meeting all the requirements of an established place of

business, except Paragraph (5) of Subsection C of that section

[66-1-4.5 NMSA 1978], but "additional place of business" does

not mean a location used solely for storage and that is not

used for wrecking, dismantling, sale or resale of vehicles;

E.   "alcoholic beverages" means any and all

distilled or rectified spirits, potable alcohol, brandy,

whiskey, rum, gin, aromatic bitters or any similar alcoholic

beverage, including all blended or fermented beverages,

dilutions or mixtures of one or more of the foregoing

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containing more than one-half percent alcohol but excluding

medicinal bitters;

F.   "authorized emergency vehicle" means any fire

department vehicle, police vehicle and ambulance and any

emergency vehicles of municipal departments or public utilities

that are designated or authorized as emergency vehicles by the

director of the New Mexico state police division of the

department of public safety or local authorities;

G.   "autocycle" means a three-wheeled motorcycle on

which the driver and all passengers ride in a completely

enclosed, tandem seating area, that is equipped with:

(1)   federal motor vehicle safety standard

571.205 glazing;

(2)   a roll cage;

(3)   safety belts for all occupants;

(4)   airbag protection;

(5)   antilock brakes;

(6)   a steering wheel; and

(7)   pedals; and

H.   "auto recycler" means a person engaged in this

state in an established business that includes acquiring or

owning salvage vehicles or nonrepairable vehicles for resale in

their entirety, resale of their spare parts or their rebuilding

or restoration; or acquiring or owning vehicles that are

required to be registered under the Motor Vehicle Code for the

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purpose of dismantling, wrecking, shredding, compacting,

crushing or otherwise destroying vehicles for reclaimable parts

or scrap material to sell."

SECTION 3. EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2017.

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