

1 HOUSE BILL 283

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

5
6
7
8
9
10 AN ACT

11 RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL
12 COMMUNICATION OR DISABILITY REGISTRY TO IMPROVE THE SAFETY OF
13 DRIVERS, OCCUPANTS OF MOTOR VEHICLES AND LAW ENFORCEMENT
14 OFFICERS; REQUIRING LAW ENFORCEMENT OFFICERS TO CONSULT THE
15 NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "[NEW MATERIAL] NONTRADITIONAL COMMUNICATION OR DISABILITY
21 REGISTRY.--The department shall create and maintain a statewide
22 registry referred to as the "nontraditional communication or
23 disability registry" to identify motor vehicles that may be
24 driven or occupied by a person who has a medical diagnosis by a
25 licensed health practitioner of a condition or disability that

.205104.4

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 may cause the person to fail to be able to communicate with a
2 law enforcement officer or to respond appropriately to a law
3 enforcement officer's commands, including but not limited to an
4 autism spectrum disorder, deafness, a brain injury, an
5 intellectual disability or a seizure disorder. The registry
6 shall cite all of the conditions and disabilities associated
7 with the drivers and occupants of a particular motor vehicle.
8 The department shall provide online internet access to the
9 registry to members of law enforcement agencies that enforce
10 traffic laws. The registry shall not be made available to the
11 public and is exempt from disclosure pursuant to the Inspection
12 of Public Records Act."

13 **SECTION 2.** Section 66-3-4 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 24, as amended by Laws 2007, Chapter 319,
15 Section 16 and by Laws 2007, Chapter 320, Section 2) is amended
16 to read:

17 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
18 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

19 A. Except for a vehicle owned by a carrier that is
20 from a jurisdiction that is not a participant in the
21 International Fuel Tax Agreement, that is authorized by the
22 United States government or an agency of the United States
23 government to conduct cross-border operations beyond the
24 commercial border zone pursuant to the provisions of the North
25 American Free Trade Agreement and that identifies New Mexico as

.205104.4

underscoring material = new
~~[bracketed material] = delete~~

1 the carrier's base jurisdiction, every owner of a vehicle of a
2 type required to be registered in this state shall make
3 application to the division for the registration and issuance
4 of a certificate of title for the vehicle. Applications shall
5 be upon the appropriate forms furnished by the division and
6 shall bear the signature of the owner written with pen and ink.
7 All applications presented to the division shall contain:

8 (1) for a vehicle other than a recreational
9 vehicle, the name, bona fide New Mexico residence address and
10 mail address of the owner or, if the owner is a firm,
11 association or corporation, the name, bona fide New Mexico
12 business address and mail address of the firm, association or
13 corporation and for a recreational vehicle, the name, bona fide
14 residence address and mail address of the owner and proof of
15 delivery in New Mexico;

16 (2) a description of the vehicle including, to
17 the extent that the following specified data may exist with
18 respect to a given vehicle, the make, model, type of body,
19 number of cylinders, type of fuel used, serial number of the
20 vehicle, odometer reading, engine or other identification
21 number provided by the manufacturer of the vehicle, whether new
22 or used and, if a vehicle not previously registered, date of
23 sale by the manufacturer or dealer to the person intending to
24 operate the vehicle. In the event a vehicle is designed,
25 constructed, converted or rebuilt for the transportation of

.205104.4

underscored material = new
[bracketed material] = delete

1 property, the application shall include a statement of its
2 rated capacity as established by the manufacturer of the
3 chassis or the complete vehicle;

4 (3) a statement of the applicant's title and
5 of all liens or encumbrances upon the vehicle and the names and
6 addresses of all persons having an interest in the vehicle, the
7 nature of each interest and the name and address of the person
8 to whom the certificate of title shall be delivered by the
9 division;

10 (4) a space to allow the applicant the option
11 of adding the applicant's vehicle to the nontraditional
12 communication or disability registry; provided that the
13 applicant submits evidence satisfactory to the division that
14 the vehicle will regularly be driven or occupied by a person
15 who has a medical diagnosis by a licensed health practitioner
16 of a condition or disability that may cause the person to fail
17 to be able to communicate with a law enforcement officer or to
18 respond appropriately to a law enforcement officer's commands,
19 including but not limited to an autism spectrum disorder,
20 deafness, a brain injury, an intellectual disability or a
21 seizure disorder;

22 [~~4~~] (5) if the vehicle required to be
23 registered is a house trailer, as defined in the Motor Vehicle
24 Code, a certificate from the treasurer or assessor of the
25 county in which the house trailer is located showing that

.205104.4

underscored material = new
[bracketed material] = delete

1 either:

2 (a) all property taxes due or to become
3 due on the house trailer for the current tax year or any past
4 tax years have been paid; or

5 (b) no liability for property taxes on
6 the house trailer exists for the current year or any past tax
7 years; and

8 [~~5~~] (6) further information as may
9 reasonably be required by the division to enable it to
10 determine whether the vehicle is lawfully entitled to
11 registration and the owner entitled to a certificate of title.

12 B. The owner of a vehicle subject to registration
13 that has never been registered in this state and that has been
14 registered in another state, except manufactured homes, shall
15 have the vehicle examined and inspected for its identification
16 number or engine number by the division or an officer or a
17 designated agent of the division incident to securing
18 registration, reregistration or a certificate of title from the
19 division.

20 C. When an application refers to a vehicle not
21 previously registered and the vehicle is purchased from a
22 dealer licensed in this state or a dealer licensed or
23 recognized as such in any other state, territory or possession
24 of the United States, the application shall be accompanied by a
25 manufacturer's certificate of origin duly assigned by the

.205104.4

underscoring material = new
~~[bracketed material] = delete~~

1 dealer to the purchaser. In the event that a vehicle not
2 previously registered is sold by the manufacturer to a dealer
3 in a state not requiring a manufacturer's certificate of origin
4 and in the event that the vehicle is subsequently purchased by
5 a dealer or any person in this state, the application for title
6 shall be accompanied by the evidence of title accepted by the
7 state in which the vehicle was sold by the manufacturer to a
8 dealer in that state together with evidence of subsequent
9 transfers.

10 D. Prior to the sale or disposal of a nonrepairable
11 vehicle, the owner, owner's agent or salvage pool shall obtain
12 a properly endorsed nonrepairable vehicle certificate from the
13 department and deliver it to the purchaser within twenty days
14 after payment in full for the nonrepairable vehicle and shall
15 also comply with Section 66-3-10.1 NMSA 1978. The department
16 shall accept the endorsed nonrepairable vehicle certificate in
17 lieu of the certificate of ownership or other evidence of
18 ownership when accompanied by an application and other
19 documents and fees as may be required by the department. A
20 vehicle for which a nonrepairable vehicle certificate has been
21 issued shall not be titled or registered for use on the
22 highways of this state.

23 E. If an insurance company makes a total loss
24 settlement on a nonrepairable vehicle and takes possession of
25 that vehicle, either itself or through an agent or salvage

.205104.4

underscoring material = new
~~[bracketed material] = delete~~

1 pool, the insurance company or an authorized agent of the
2 insurance company shall:

3 (1) stamp the face of the title or
4 manufacturer's certificate of origin with the word
5 "NONREPAIRABLE", in letters no less than one-half inch high, at
6 an angle of approximately forty-five degrees to the text of the
7 title or manufacturer's certificate of origin; and

8 (2) within twenty days after receipt of title
9 by the insurer, free and clear of all liens, submit a copy of
10 the branded title or manufacturer's certificate of title to the
11 department together with documents explaining the reason for
12 branding, and shall forward a properly endorsed certificate of
13 title or manufacturer's certificate of origin or other evidence
14 of ownership acceptable to the department together with the
15 proper fee to the department. The department, upon receipt of
16 the title or manufacturer's certificate of origin or other
17 evidence of ownership, shall issue a nonrepairable vehicle
18 certificate for the vehicle.

19 F. If an owner of a nonrepairable vehicle elects to
20 retain possession of the vehicle, the insurance company shall
21 notify the department of the retention on a form prescribed by
22 the department. The insurance company shall also notify the
23 insured or owner of the insured's or owner's responsibility to
24 comply with this section. The owner shall, within twenty days
25 from the date of settlement of the loss, forward a properly

.205104.4

underscored material = new
[bracketed material] = delete

1 endorsed certificate of title or manufacturer's certificate of
2 origin or other evidence of ownership acceptable to the
3 department together with the proper fee to the department. The
4 department, upon receipt of the title or manufacturer's
5 certificate of origin or other evidence of ownership, shall
6 issue a nonrepairable vehicle certificate for the vehicle.

7 G. If a nonrepairable vehicle is not the subject of
8 an insurance settlement, the owner shall, within twenty days
9 from the date of the loss, forward a properly endorsed
10 certificate of title or manufacturer's certificate of origin or
11 other evidence of ownership acceptable to the department
12 together with the proper fee to the department. The
13 department, upon receipt of the title or manufacturer's
14 certificate of origin or other evidence of ownership, shall
15 issue a nonrepairable vehicle certificate for the vehicle.

16 H. The department shall not issue a new
17 registration card and certificate of ownership pursuant to
18 Subsection A, B or C of this section on a vehicle that has been
19 issued a nonrepairable vehicle certificate pursuant to
20 Subsections E, F and G of this section."

21 SECTION 3. A new section of Chapter 29, Article 1 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] CONSULT NONTRADITIONAL COMMUNICATION OR
24 DISABILITY REGISTRY.--Prior to interacting with a person inside
25 a motor vehicle, every sheriff, deputy sheriff and constable

.205104.4

underscoring material = new
~~[bracketed material] = delete~~

1 and every other peace officer shall consult the nontraditional
2 communication or disability registry, if practicable, and if
3 the motor vehicle is on the registry, in the interest of the
4 safety of all sheriffs, deputy sheriffs, constables, peace
5 officers, occupants and the driver of the motor vehicle, take
6 appropriate precaution during the interaction. If the registry
7 reveals that a driver or occupant of the motor vehicle has a
8 seizure disorder that may be triggered by flashing lights,
9 including photosensitive epilepsy, the sheriff, deputy sheriff,
10 constable or other peace officer shall minimize the use of
11 flashing lights to the extent feasible, taking safety into
12 consideration."

13 SECTION 4. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2017.