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HOUSE BILL 304

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING EVIDENCE OF MOTOR
VEHICLE REGISTRATION AND PROOF OF FINANCIAL RESPONSIBILITY TO
BE GIVEN ELECTRONICALLY.

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

SECTION 1. Section 66-3-13 NMSA 1978 (being Laws 1978,
Chapter 35, Section 33, as amended) is amended to read:

"66-3-13. EVIDENCE OF REGISTRATION TO BE SIGNED AND
EXHIBITED ON DEMAND.--

A. Every owner, upon receipt of registration
evidence, shall write that owner's signature thereon in a space
provided. Every such registration evidence or duplicate of
registration evidence validated by the division shall be
exhibited upon demand of any police officer. Registration
evidence may be exhibited electronically through the use of a

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1 cellular telephone or similar device.

2 B. A person charged with violating the provisions
3 of this section shall not be convicted if the person produces,
4 in court, evidence of a signed registration valid at the time
5 of issuance of the citation."

6 SECTION 2. Section 66-5-205 NMSA 1978 (being Laws 1983,
7 Chapter 318, Section 6, as amended) is amended to read:

8 "66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE
9 EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

10 A. No owner shall permit the operation of an
11 uninsured motor vehicle, or a motor vehicle for which evidence
12 of financial responsibility as was affirmed to the department
13 is not currently valid, upon the streets or highways of New
14 Mexico unless the vehicle is specifically exempted from the
15 provisions of the Mandatory Financial Responsibility Act.

16 B. No person shall drive an uninsured motor
17 vehicle, or a motor vehicle for which evidence of financial
18 responsibility as was affirmed to the department is not
19 currently valid, upon the streets or highways of New Mexico
20 unless the person is specifically exempted from the provisions
21 of the Mandatory Financial Responsibility Act.

22 C. For the purposes of the Mandatory Financial
23 Responsibility Act, "uninsured motor vehicle" means a motor
24 vehicle for which a motor vehicle insurance policy meeting the
25 requirements of the laws of New Mexico and of the secretary, or

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1 a surety bond or evidence of a sufficient cash deposit with the
2 state treasurer, is not in effect.

3 D. The provisions of the Mandatory Financial
4 Responsibility Act requiring the deposit of evidence of
5 financial responsibility as provided in Section 66-5-218
6 NMSA 1978, subject to certain exemptions, may apply with
7 respect to persons who have been convicted of or forfeited bail
8 for certain offenses under motor vehicle laws or who have
9 failed to pay judgments or written settlement agreements upon
10 causes of action arising out of ownership, maintenance or use
11 of vehicles of a type subject to registration under the laws of
12 New Mexico.

13 E. A person may satisfy the requirements of this
14 section by providing evidence of financial responsibility
15 either through physical documentation of a valid policy of
16 insurance or electronic documentation of a valid policy of
17 insurance through the use of a cellular telephone or similar
18 device.

19 [~~E-~~] F. Any person who violates the provisions of
20 this section is guilty of a misdemeanor as provided in Section
21 66-8-7 NMSA 1978.

22 [~~F-~~] G. A person charged with violating the
23 provisions of this section shall not be convicted if the person
24 produces, in court, evidence of financial responsibility valid
25 at the time of issuance of the citation."

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SECTION 3. A new section of the Motor Vehicle Code is enacted to read:

"~~[NEW MATERIAL]~~ PROOF OF REGISTRATION--PROOF OF FINANCIAL RESPONSIBILITY--ELECTRONIC EVIDENCE.--Whenever a person is required by law to produce evidence of a valid motor vehicle registration or of financial responsibility, such evidence may be provided electronically through the use of a cellular phone or similar device."