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AN ACT

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

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:

"AUTO RECYCLERS--NOTIFICATION OF PURCHASE.--

A. Prior to taking actual possession of a vehicle that an auto recycler has purchased, the auto recycler shall verify with the department if the vehicle has been reported stolen by checking an electronic system maintained by the department. The auto recycler shall include the seller's name, address, contact information and unique auto recycling license number of the purchaser, unless the purchaser is not a licensed auto recycler, in which case the auto recycler shall include the unique number of the purchaser's government-issued identification document.

B. Within two business days following the date the vehicle purchase transaction is completed, the auto recycler shall report the purchase to the department in an electronic format.

1 C. The reporting requirements pursuant to
2 Subsection B of this section shall include:

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

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

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

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

16 (5) the dates of the transfer of ownership
17 of the vehicle;

18 (6) a statement specifying if the vehicle
19 was, or will be, crushed, disposed of or used for other
20 purposes; and

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

23 D. The department shall maintain and make
24 available to auto recyclers an electronic system that allows
25 auto recyclers to verify, prior to taking actual possession

1 of a vehicle that an auto recycler has purchased, that the
2 vehicle has not been reported stolen. If the electronic
3 system shows that the vehicle was reported stolen, the auto
4 recycler shall not complete the transaction and shall notify
5 a law enforcement agency of the current location of the
6 vehicle and identification information provided by the person
7 attempting to transfer ownership of the vehicle. If the
8 electronic system shows that the vehicle was not reported
9 stolen, the auto recycler may proceed with the transaction
10 and shall not be held criminally or civilly liable if the
11 vehicle was stolen, unless the auto recycler had knowledge
12 that the vehicle was stolen.

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

21 F. This section shall not apply to sales at
22 salvage pools."

23 SECTION 2. Section 66-2-5 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 9) is amended to read:

25 "66-2-5. DIRECTOR TO PRESCRIBE FORMS.--

1 A. The director shall prescribe and provide
2 suitable forms of applications, certificates of title,
3 evidences of registration, driver's licenses and all other
4 forms requisite or deemed necessary to carry out the
5 provisions of the Motor Vehicle Code and any other laws, the
6 enforcement and administration of which are vested in the
7 division.

8 B. The director shall make available to the public
9 electronic versions of all forms requisite or deemed
10 necessary to carry out the provisions of the Motor Vehicle
11 Code and any other laws, the enforcement and administration
12 of which are vested in the division."

13 **SECTION 3.** Section 66-3-119 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 66) is amended to read:

15 "66-3-119. VEHICLE TO BE DISMANTLED.--In addition to
16 any requirements pursuant to Section 1 of this 2018 act:

17 A. except as provided in Sections 66-3-115,
18 66-3-116 and 66-3-118 through 66-3-121 NMSA 1978, any person
19 who sells, gives away, trades or disposes of any vehicle as
20 scrap or to be dismantled or destroyed by any person required
21 to be licensed under Section 66-4-1 NMSA 1978 shall assign
22 the certificate of title of the vehicle to the recipient and
23 shall deliver the certificate of title to the recipient. A
24 licensed dismantler receiving any registration plates shall
25 either return them to the owner upon demand or destroy them

1 within five days;

2 B. except as provided in Sections 66-3-115,
3 66-3-116 and 66-3-118 through 66-3-121 NMSA 1978, no person
4 shall dismantle or destroy a vehicle unless the person
5 possesses a certificate of title or other proof of ownership
6 of the vehicle and completes and sends in the dismantler's
7 notification form to the division and any law enforcement
8 agency designated by the division for that purpose; and

9 C. any person licensed under Section 66-4-1 NMSA
10 1978 may take possession of an abandoned vehicle; provided
11 that:

12 (1) the person obtains at the time of
13 acquisition a written clearance form from a law enforcement
14 agency mentioned in Section 66-3-121 NMSA 1978;

15 (2) within five days after acquisition of
16 the abandoned vehicle, the person requests from the division
17 an official form indicating the names and addresses of all
18 lienholders and owners of record. If the abandoned vehicle
19 has out-of-state license plates or the licensee has some
20 other reason to believe that the abandoned vehicle is
21 registered in a state other than New Mexico, the person shall
22 request the same information from the appropriate agency of
23 that state;

24 (3) within five days after receiving the
25 names and addresses of all lienholders and owners of record,

1 the person informs them by certified mail, return receipt
2 requested, of the person's possession of the abandoned
3 vehicle and of all charges, if any, against the abandoned
4 vehicle and of the person's intent to dispose of the vehicle
5 if no claim is made within thirty days after the delivery of
6 the letter;

7 (4) in those cases where neither the
8 division nor the appropriate state agency specified in this
9 section is able to furnish the names of any lienholders or
10 owners of record, the vehicle shall then be deemed as
11 abandoned, and a licensed dismantler may dispose of the
12 abandoned vehicle once the dismantler has properly completed
13 a dismantler's notification form for the abandoned vehicle
14 and has submitted the form to the division together with a
15 copy of the correspondence with either the division or the
16 state agency specified in this section indicating that there
17 are no lienholders or owners of record;

18 (5) when a lienholder or owner of record is
19 known and the required notice has been sent and the
20 dismantler has waited the required thirty days and has not
21 received a valid claim, the dismantler shall properly
22 complete a dismantler's notification form for the abandoned
23 vehicle and submit the form together with any correspondence
24 with the division or appropriate state agency specified in
25 this subsection indicating the names and addresses of

1 lienholders and owners of record plus proof of notification
2 together with an affidavit signed by the dismantler stating
3 under oath or affirmation that the dismantler has complied
4 with provisions of this section and the dismantler has not
5 received during the thirty-day period following notification
6 any valid claim against the abandoned vehicle in question or,
7 while a valid claim has been made, the dismantler has not
8 received within sixty days following the notification payment
9 for fees connected with towing and storage of the abandoned
10 vehicle in question;

11 (6) any person who fails to give notice
12 required in this subsection within the time limit specified
13 shall forfeit all liens, interest and claims to the abandoned
14 vehicle in question if claimed by an owner or lienholder;

15 (7) failure of an owner or lienholder to
16 assert a claim or to pay all legal storage or towing fees, if
17 any, within the specified period of time shall result in that
18 person's forfeiture of liens, interest or claims to the
19 abandoned vehicle; and

20 (8) upon complying with the conditions of
21 this section and waiting the required period of time, the
22 abandoned vehicle is the property of the dismantler for
23 dismantling or salvage purposes, and the dismantler shall not
24 be required to take further action under the lien laws of
25 this state unless the abandoned vehicle is used for other

1 than dismantling or salvage purposes, and any person licensed
2 under Section 66-4-1 NMSA 1978 may dismantle or destroy the
3 abandoned vehicle."

4 SECTION 4. Section 66-3-123 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 70, as amended) is amended to read:

6 "66-3-123. REQUIREMENTS OF PURCHASER--FORMS--
7 DISTRIBUTION.--In addition to any requirements pursuant to
8 Section 1 of this 2018 act, purchasers licensed under the
9 provisions of Section 66-4-1 NMSA 1978 shall, upon purchase
10 of a vehicle to be dismantled, crushed or otherwise
11 destroyed, submit copies of the dismantler's notification
12 form as provided for in Section 66-3-124 NMSA 1978 as
13 follows:

14 A. electronically to the department as required
15 by Section 66-3-121 NMSA 1978, along with the actual title or
16 proof of ownership required in the state in which the vehicle
17 is registered or licensed;

18 B. one copy by certified mail within thirty days
19 of acquisition to the local law enforcement agency designated
20 by the department. The agency shall process the form through
21 the files of stolen or embezzled vehicles within five days of
22 receipt of the form;

23 C. one copy to be retained by the purchaser for as
24 long as the vehicle remains in the purchaser's possession or
25 until the vehicle is destroyed, but in no instance fewer than

1 three years; and

2 D. one copy to be retained and provided to any
3 subsequent purchaser of the vehicle. The purchaser shall
4 retain the copy for as long as the vehicle remains in the
5 purchaser's possession or until the vehicle is destroyed."

6 **SECTION 5.** Section 66-3-124 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 71, as amended) is amended to read:

8 "66-3-124. DEPARTMENT TO PROVIDE FORMS.--In addition to
9 any requirements pursuant to Section 1 of this 2018 act, the
10 department shall issue a dismantler's notification form to be
11 used by any persons licensed under the provisions of Section
12 66-4-1 NMSA 1978 for all vehicles purchased to be dismantled,
13 crushed or otherwise destroyed. The form shall require such
14 information as is determined by the department to be
15 necessary."

16 **SECTION 6.** Section 66-3-125 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 72, as amended) is amended to read:

18 "66-3-125. RESTRICTIONS UPON LICENSEES.--In addition to
19 any requirements pursuant to Section 1 of this 2018 act, a
20 person licensed under the provisions of Sections 66-4-1
21 through 66-4-7 and 66-4-9 NMSA 1978 may, no earlier than
22 thirty days after sending the dismantler's notification form
23 as required by Section 66-3-123 NMSA 1978, proceed with the
24 business of shredding, compacting, crushing or otherwise
25 disposing of a vehicle purchased in accordance with the

1 provisions of Sections 66-4-1 through 66-4-7 and 66-4-9 NMSA
2 1978; provided, however, dismantling of the vehicle may
3 proceed immediately upon the sending of the dismantler's
4 notification form."

5 SECTION 7. Section 66-4-9 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 222) is amended to read:

7 "66-4-9. PENALTY FOR DESTROYING OR DISMANTLING IN
8 VIOLATION OF CERTAIN SECTIONS OF THE MOTOR VEHICLE CODE.--

9 A. Any person violating any provision of Sections
10 66-3-119, 66-3-121, 66-3-123 through 66-3-125, 66-4-1 through
11 66-4-7 and 66-4-9 NMSA 1978 or Section 1 of this 2018 act is
12 guilty of a misdemeanor and shall be punished by a fine of
13 three hundred dollars (\$300) or by imprisonment for not less
14 than thirty days or both.

15 B. The penalty upon second conviction of such
16 offense shall be that provided for a fourth degree felony."

17 SECTION 8. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2019._____