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AN ACT

RELATING TO MOTOR VEHICLES; CREATING THE NONTRADITIONAL
COMMUNICATION OR DISABILITY REGISTRY; REQUIRING PEACE
OFFICERS WHILE ENFORCING TRAFFIC LAWS TO, IF PRACTICABLE,
DETERMINE WHETHER A MOTOR VEHICLE IS IN THE NONTRADITIONAL
COMMUNICATION OR DISABILITY REGISTRY.

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:

"NONTRADITIONAL COMMUNICATION OR DISABILITY REGISTRY--
INCLUSION IN VEHICLE RECORD SYSTEM AND NATIONAL CRIME
INFORMATION CENTER SYSTEM.--

A. The department shall create and maintain a
statewide registry referred to as the "nontraditional
communication or disability registry" to identify motor
vehicles that may be driven or occupied by a person who has a
medical diagnosis by a licensed health practitioner of a
condition or disability that may cause the person to fail to
be able to communicate with a peace officer or to respond
appropriately to a peace officer's commands, including an
autism spectrum disorder, deafness, a brain injury, an
intellectual disability, a behavioral health disorder,
dementia or a seizure disorder. The registry shall cite all
of the conditions and disabilities associated with the

1 drivers and occupants of a particular motor vehicle. The
2 department shall provide online internet access to the
3 registry to peace officers. The registry shall not be made
4 available to the public and is exempt from disclosure
5 pursuant to the Inspection of Public Records Act.

6 B. The department shall include in its electronic
7 motor vehicle record management system a data field
8 indicating that a motor vehicle is in the nontraditional
9 communication or disability registry and a link to the
10 registry. The department shall share this data with the
11 department of public safety, which shall include it in the
12 national crime information center system for peace officers
13 to view when enforcing the law."

14 SECTION 2. A new section of Chapter 29, Article 1 NMSA
15 1978 is enacted to read:

16 "CONSULT NONTRADITIONAL COMMUNICATION OR DISABILITY
17 REGISTRY.--Prior to interacting with a driver or occupant of
18 a motor vehicle, every peace officer shall, if practicable,
19 consult the national crime information center system or other
20 electronic motor vehicle record management system to
21 determine if the motor vehicle is on the nontraditional
22 communication or disability registry, and if the motor
23 vehicle is on the registry, take appropriate safety
24 precautions during the interaction. If the registry reveals
25 that a driver or occupant of the motor vehicle has a seizure

1 disorder that may be triggered by flashing lights, including
2 photosensitive epilepsy, the peace officer shall minimize the
3 use of flashing lights to the extent feasible, taking safety
4 into consideration."

5 SECTION 3. Section 66-3-4 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 24, as amended) is amended to read:

7 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE
8 OF TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

9 A. Except for a vehicle owned by a carrier that is
10 from a jurisdiction that is not a participant in the
11 International Fuel Tax Agreement, that is authorized by the
12 United States government or an agency of the United States
13 government to conduct cross-border operations beyond the
14 commercial border zone pursuant to the provisions of the
15 United States-Mexico-Canada Agreement Implementation Act and
16 that identifies New Mexico as the carrier's base
17 jurisdiction, every owner of a vehicle of a type required to
18 be registered in this state shall make application to the
19 division for the registration and issuance of a certificate
20 of title for the vehicle. Applications shall be upon the
21 appropriate forms furnished by the division and shall bear
22 the signature of the owner; provided that the signature may
23 either be made using an electronic signature in conformance
24 with the Electronic Authentication of Documents Act and the
25 Uniform Electronic Transactions Act or written with pen and

1 ink. All applications presented to the division shall
2 contain:

3 (1) for a vehicle other than a recreational
4 vehicle, the name, bona fide New Mexico residence address and
5 mail address of the owner or, if the owner is a firm,
6 association or corporation, the name, bona fide New Mexico
7 business address and mail address of the firm, association or
8 corporation and for a recreational vehicle, the name, bona
9 fide residence address and mail address of the owner and
10 proof of delivery in New Mexico;

11 (2) a description of the vehicle, including,
12 to the extent that the following specified data may exist
13 with respect to a given vehicle, the make, model, type of
14 body, number of cylinders, type of fuel used, serial number
15 of the vehicle, odometer reading, engine or other
16 identification number provided by the manufacturer of the
17 vehicle, whether new or used, and, if a vehicle not
18 previously registered, date of sale by the manufacturer or
19 dealer to the person intending to operate the vehicle. In
20 the event a vehicle is designed, constructed, converted or
21 rebuilt for the transportation of property, the application
22 shall include a statement of its rated capacity as
23 established by the manufacturer of the chassis or the
24 complete vehicle;

25 (3) a statement of the applicant's title and

1 of all liens or encumbrances upon the vehicle and the names
2 and addresses of all persons having an interest in the
3 vehicle, the nature of each interest and the name and address
4 of the person to whom the certificate of title shall be
5 delivered by the division;

6 (4) a space to allow the applicant the
7 option of adding the applicant's vehicle to the
8 nontraditional communication or disability registry; provided
9 that the applicant submits evidence satisfactory to the
10 division that the vehicle will regularly be driven or
11 occupied by a person who has a medical diagnosis by a
12 licensed health practitioner of a condition or disability
13 that may cause the person to fail to be able to communicate
14 with a peace officer or to respond appropriately to a peace
15 officer's commands, including an autism spectrum disorder,
16 deafness, a brain injury, an intellectual disability, a
17 behavioral health disorder, dementia or a seizure disorder;

18 (5) if the vehicle required to be registered
19 is a house trailer, as defined in the Motor Vehicle Code, a
20 certificate from the treasurer or assessor of the county in
21 which the house trailer is located showing that either:

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

25 (b) no liability for property taxes on

1 the house trailer exists for the current year or any past tax
2 years; and

3 (6) further information as may reasonably be
4 required by the division to enable it to determine whether
5 the vehicle is lawfully entitled to registration and the
6 owner entitled to a certificate of title.

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

15 C. When an application refers to a vehicle not
16 previously registered and the vehicle is purchased from a
17 dealer licensed in this state or a dealer licensed or
18 recognized as such in any other state, territory or
19 possession of the United States, the application shall be
20 accompanied by a manufacturer's certificate of origin duly
21 assigned by the dealer to the purchaser. In the event that a
22 vehicle not previously registered is sold by the manufacturer
23 to a dealer in a state not requiring a manufacturer's
24 certificate of origin and in the event that the vehicle is
25 subsequently purchased by a dealer or any person in this

1 state, the application for title shall be accompanied by the
2 evidence of title accepted by the state in which the vehicle
3 was sold by the manufacturer to a dealer in that state
4 together with evidence of subsequent transfers.

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

19 E. If an insurance company makes a total loss
20 settlement on a nonrepairable vehicle and takes possession of
21 that vehicle, either itself or through an agent or salvage
22 pool, the insurance company or an authorized agent of the
23 insurance company shall:

24 (1) stamp the face of the title or
25 manufacturer's certificate of origin with the word

1 "NONREPAIRABLE", in letters no less than one-half inch high,
2 at an angle of approximately forty-five degrees to the text
3 of the title or manufacturer's certificate of origin; and

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

15 F. If an owner of a nonrepairable vehicle elects
16 to retain possession of the vehicle, the insurance company
17 shall notify the department of the retention on a form
18 prescribed by the department. The insurance company shall
19 also notify the insured or owner of the insured's or owner's
20 responsibility to comply with this section. The owner shall,
21 within twenty days from the date of settlement of the loss,
22 forward a properly endorsed certificate of title or
23 manufacturer's certificate of origin or other evidence of
24 ownership acceptable to the department together with the
25 proper fee to the department. The department, upon receipt

1 of the title or manufacturer's certificate of origin or other
2 evidence of ownership, shall issue a nonrepairable vehicle
3 certificate for the vehicle.

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

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

18 SECTION 4. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2024. _____

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