

TITLE 18: TRANSPORTATION AND HIGHWAYS
CHAPTER 19: MOTOR VEHICLE PROCEDURES, LICENSES, PERMITS
PART 3: REGISTRATIONS

18.19.3.1 **ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[3/15/96; 18.19.3.1 NMAC - Rn, 18 NMAC 19.3.1, 9/14/00]

18.19.3.2 **SCOPE:** General public, persons registering or titling or who have registered or titled motor vehicles and motor vehicle fee agents.
[3/15/96; 18.19.3.2 NMAC - Rn, 18 NMAC 19.3.2, 9/14/00]

18.19.3.3 **STATUTORY AUTHORITY:** Sections 9-11-6.2 and 66-2-16 NMSA 1978.
[3/15/96; 18.19.3.3 NMAC - Rn, 18 NMAC 19.3.3, 9/14/00]

18.19.3.4 **DURATION:** Permanent.
[3/15/96; 18.19.3.4 NMAC - Rn, 18 NMAC 19.3.4, 9/14/00]

18.19.3.5 **EFFECTIVE DATE:** 3/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[3/15/96, 10/31/96; 18.19.3.5 NMAC - Rn & A, 18 NMAC 19.3.5, 9/14/00]

18.19.3.6 **OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Motor Vehicle Code.
[3/15/96; 18.19.3.6 NMAC - Rn, 18 NMAC 19.3.6, 9/14/00]

18.19.3.7 **DEFINITIONS: [RESERVED]**
[3/15/96; 18.19.3.7 NMAC - Rn, 18 NMAC 19.3.7, 9/14/00]

18.19.3.8 SCHEDULE OF ADMINISTRATIVE SERVICE FEES:

A. In addition to any other fee specified by law, the administrative service fee authorized in Subsection A of Section 66-2-16 NMSA 1978 shall be charged on each of the following transactions:

- (1) registration of a vehicle, except for:
 - (a) vehicles for which a special registration plate is issued under Sections 66-3-409, 66-3-411, 66-3-412, 66-3-414 or 66-3-421 NMSA 1978; and
 - (b) vehicles owned by a government;
- (2) re-registration of a vehicle;
- (3) issuance of a duplicate vehicle registration plate;
- (4) issuance of an original or duplicate vehicle title; and
- (5) issuance of a vehicle title transfer.

B. This regulation is retroactively applicable to registrations, re-registrations or issuances occurring on or after January 1, 1995.
[3/15/96; 18.19.3.8 NMAC - Rn & A, 18 NMAC 19.3.8, 9/14/00]

18.19.3.9 **OPTIONAL SERVICE FEE:** In addition to the fee imposed under Subsection C of Section 66-3-6 NMSA 1978, a fee of fifty cents (\$0.50) will be charged for issuance of the security version of the temporary retail-sale permit.
[3/15/96; 18.19.3.9 NMAC - Rn & A, 18 NMAC 19.3.9, 9/14/00]

18.19.3.10 INSPECTORS OF VEHICLE IDENTIFICATION NUMBERS AND SAFETY EQUIPMENT:

A. The purpose of 18.19.3.10 NMAC is to expedite the process of registering and titling motor vehicles by authorizing certain individuals (other than division employees) to perform the inspections of vehicle identification numbers and safety equipment required under Sections 66-3-8 and 66-3-801 through 887 NMSA 1978. To protect the public, certain conditions must be met by any individual desiring to become an inspector.

B. An "authorized inspector" is an individual, other than an officer or employee of the division, to whom the director has delegated, under the provisions of 18.19.3.10 NMAC, the authority to conduct specified inspections of vehicles.

C. For the purposes of Sections 66-3-8 and 66-3-801 through 887 NMSA 1978, the division will accept an inspection of vehicle identification numbers and safety equipment performed by an authorized inspector as if the inspection had been performed by one of its own officers or employees as long as the inspection was performed in accordance with the Motor Vehicle Code and the regulations thereunder and the policies of the division.

D. The director may appoint any individual to be an authorized inspector if that individual has met the requirements of 18.19.3.10 NMAC. Appointments may be made for specified periods of time. The director may terminate the appointment of any individual as an authorized inspector at any time, without prior notice or explanation.

E. Any individual desiring to become an authorized inspector must:

- (1) be eighteen years of age or older;
- (2) not have been convicted of a felony;
- (3) demonstrate to the division's satisfaction that he or she has completed satisfactorily training in:
 - (a) conducting inspections of the standard vehicle identification number provided by the

manufacturers and

(b) inspecting vehicles which have been assembled or re-assembled to verify that such vehicles have the safety equipment set forth in Sections 66-3-801 through 66-3-887 and 66-7-401 through 66-7-416 NMSA 1978 or as set forth by federal law or regulation; and

(4) post, in accordance with the Bond Surety Act (Sections 10-2-13 through 10-2-16 NMSA 1978), a bond in the amount of \$30,000 which indemnifies and protects the division against any and all liability in the event that any person is injured or suffers property damage as a result of the actions of the individual in the performance of the duties delegated through 18.19.3.10 NMAC.

F. An individual appointed as an inspector is authorized only to inspect vehicles on behalf of the division for vehicle identification numbers and for verification of safety equipment required by Sections 66-3-801 through 66-3-887 and 66-7-401 through 66-7-416 NMSA 1978 or by federal law or regulation. The authorized inspector may not permit any other individual to perform in the name of the authorized inspector any of the duties delegated under the appointment.

[4/7/89, 7/19/94, 10/31/96; 18.19.3.10 NMAC - Rn & A, 18 NMAC 19.3.10, 9/14/00]

18.19.3.11 [RESERVED]

18.19.3.12 **SEAT BELT STANDARDS:** Safety belts, anchorages and the installation of the safety belts and anchorages meeting the requirements of federal Motor Vehicle Safety Standard Number 209 (seat belt assemblies-passenger cars, multipurpose passenger vehicles, trucks, and buses) and federal Motor Vehicle Safety Standard Number 210 (seat belt assembly anchorages-passenger cars, multipurpose passenger vehicles, trucks, and buses) issued by the United States secretary of transportation, which incorporate the specifications of the society of automotive engineers, are accepted as approved.

[7/20/90, 7/19/94, 10/31/96; 18.19.3.12 NMAC - Rn, 18 NMAC 19.3.14, 9/14/00]

18.19.3.13 **OFF-HIGHWAY MOTOR VEHICLES - AFFIXING OF REGISTRATION PLATES:** The registration plate issued by the department for an off-highway motor vehicle shall be affixed to the rear of the motor vehicle in the place provided by the manufacturer of the motor vehicle for the affixing of registration plates. In the event that no place is specifically provided by the manufacturer for the affixing of registration plates, the plate shall be affixed to the rear of the off-highway motor vehicle so that it is easily readable from a position ten feet to the rear center of the motor vehicle. In the event it is not feasible to affix the registration plate to the rear of the off-highway motor vehicle, the plate may be affixed to the dashboard or other portion of the motor vehicle so that it is easily readable from outside the motor vehicle.

[2/6/91, 7/19/94, 10/31/96; 18.19.3.13 NMAC - Rn, 18 NMAC 19.3.15, 9/14/00]

18.19.3.14 **TEMPORARY OPERATION STICKER - USE OF STICKER TO DEFACE REGISTRATION PLATE:**

A. The temporary operation sticker provided for in Section 66-5-205.1 NMSA 1978 shall be

approximately 4 inches in height by 12 inches in width. The sticker shall consist of two sections separated by perforations.

(1) The first section shall be approximately 4 inches in height and 8 inches in width; this section shall be affixed to the registration plate or the vehicle in accordance with 18.19.3.14 NMAC. This section shall be backed with a self-destruct adhesive material, such as the backing of "evidence tape". The background color shall be any highly luminous color, such as "day-glo" pink or orange; the lettering shall be black. Upon the face of the sticker, in letters at least one-half inch high, shall be printed the words: "uninsured vehicle". Information with respect to the purpose and usage of the sticker and other related material may also be printed. A space shall be provided for the law enforcement officer to write the expiration date of the temporary operation sticker.

(2) The second section shall be approximately four inches in height and 4 inches in width; this section shall be mailed or delivered to the division. Upon this section shall be printed the words "uninsured vehicle" in an appropriate size. Space shall be provided for the law enforcement officer to write the registration plate number of the vehicle and the expiration date of the temporary operation sticker.

B. If the registration plate is removed from the vehicle, the first section of the temporary operation sticker shall be placed on the motor vehicle in such a manner that the face of the sticker is properly oriented and clearly visible from a position directly behind the rear of the vehicle.

C. If the registration plate is not removed but is to be defaced, the registration plate will be considered defaced by application of the first section of the sticker to the face side of the registration plate in such a manner that the entire first section of the sticker is displayed on the registration plate.

[12/29/89, 8/20/93, 10/31/96; 18.19.3.14 NMAC - Rn & A, 18 NMAC 19.3.16, 9/14/00]

18.19.3.15 **METRIC ODOMETERS:**

A. In completing a title application, the seller may report the equivalent reading in miles of an odometer reading displayed in kilometers. For this purpose, one kilometer equals 0.6214 miles. In such a case the seller must attach to the application a document showing the actual kilometer reading of the odometer and the calculation of the conversion from kilometers to miles.

B. When federal law or regulation requires an odometer displaying kilometers to be replaced with an odometer displaying miles, the document required by 18.19.3.15 NMAC must include a statement that the odometer displaying miles has been set at the mileage shown by the conversion of kilometers to miles at the time the odometer was replaced and the document must be notarized.

[12/31/97; 18.19.3.15 NMAC - Rn & A, 18 NMAC 19.3.17, 9/14/00]

18.19.3.16 **DEACTIVATION OF TITLE TO A MANUFACTURED HOME:** Title issued pursuant to the provisions of the Motor Vehicle Code to a manufactured home shall be deactivated by the department when:

A. the person in whose name the manufactured home is titled requests in writing that the department deactivate the title;

B. the title is free and clear of all recorded liens and encumbrances; and

C. the valuation authority certifies to the department that, once title is deactivated, the housing structure will be taxed as real property.

[7/15/98; 18.19.3.16 NMAC - Rn, 18 NMAC 19.3.18, 9/14/00]

18.19.3.17 **REACTIVATION OF A TITLE TO A MANUFACTURED HOME:** If the owner of a housing structure, title to which had been issued pursuant to the Motor Vehicle Code as a manufactured home and which title is deactivated, may request that the title issued pursuant to the Motor Vehicle Code be reactivated. The department shall reactivate the title as a manufactured home pursuant to the provisions of the Motor Vehicle Code and reissue it to the owner only upon receipt of documentation that all liens or mortgages against the housing structure and the land upon which it is affixed have been released. The department shall notify the valuation authority that the title has been reactivated.

[7/15/98; 18.19.3.17 NMAC - Rn, 18 NMAC 19.3.19, 9/14/00]

18.19.3.18 **ATVS ARE OFF-ROAD VEHICLES:** All-terrain vehicles (ATVs) are off-road vehicles and must be registered as such, whether or not the manufacturer supplies the New Mexico dealer with a manufacturer's certificate of origin for the ATVs.

[18.19.3.18 NMAC - N, 3/14/01]

18.19.3.19 through 18.19.3.49 [RESERVED]

18.19.3.50 **SALVAGE-BRANDED TITLES - DEFINITIONS:** For the purposes of 18.19.3.50 through 18.19.3.53 NMAC:

A. “salvage-branded title” or “salvage title” means a title issued by the motor vehicle division which title indicates the subject vehicle is a salvage vehicle; and

B. “salvage vehicle” means a vehicle that meets the definition of a salvage vehicle as defined in Subsection C of Section 66-1-4.16 NMSA 1978 of the Motor Vehicle Code.

[3/6/92, 7/19/94, 10/31/96; 18.19.3.50 NMAC - Rn & A, 18 NMAC 19.3.11.1, 9/14/00; A, 9/15/06]

18.19.3.51 **SALVAGE-BRANDED TITLES – STOLEN VEHICLES:**

A. A salvage-branded title need not be issued to a stolen but unrecovered vehicle.

B. If, subsequent to the recovery of a stolen vehicle, it is determined that it meets the definition of a salvage or non-repairable motor vehicle as set forth in Subsection C of Section 66-1-4.16 NMSA 1978 or Subsection A of Section 66-1-4.12 NMSA 1978, the owner must follow the procedures set forth in statute or regulation for obtaining a salvage title or non-repairable certificate.

[3/6/92, 7/19/94, 10/31/96; 18.19.3.51 NMAC - Rn, 18 NMAC 19.3.11.2, 9/14/00; A, 9/15/06]

18.19.3.52 **SALVAGE-BRANDED TITLES - SALVAGE VEHICLES:**

A. A salvage-branded title must be issued to transfer title to a salvage vehicle.

B. In determining whether a vehicle is a salvage vehicle, only costs related to returning the vehicle to a road-worthy condition shall be included as costs of repairing the vehicle. Costs which are beyond those necessary to make a damaged vehicle safely operable on the highways, such as replacing a clear windshield with a tinted one or adding racing stripes, shall be excluded. Payments not related to the repair of the vehicle, such as compensation for medical costs, car rentals, lost work time and the like, shall also be excluded. Fair market value shall be that indicated for the make and model in the national automobile dealers association used car pricing guide, or equivalent publication, exclusive of the fair market value of accessories, such as a stereo system.

C. Example: The interior of a vehicle is vandalized. A stereo system is ripped out and destroyed; the interior is set on fire. The market value of the vehicle, exclusive of the stereo, is \$1,000 prior to the incident. The stereo was worth \$1,500. Costs of restoring the interior to allow safe operation on the highways is \$800. This vehicle is not a salvage vehicle. The costs of repairing the vehicle so that it is safe to operate is \$800, which is less than the \$1,000 fair market value of the vehicle itself, exclusive of the stereo.

D. The declaration by an insurance company that a vehicle is a salvage or non-repairable vehicle makes the vehicle a salvage vehicle or non-repairable vehicle regardless of the relative amounts of repair costs versus fair market value.

E. Example: If, in the preceding example, an insurance company settled claims with respect to the vehicle for \$2,200 and declared the vehicle a salvage or non-repairable vehicle, the vehicle is a salvage vehicle or non-repairable vehicle, depending on the determination of the insurance company, so long as that determination is not inconsistent with statutory definitions.

[3/6/92, 7/19/94, 10/31/96; 18.19.3.52 NMAC - Rn, 18 NMAC 19.3.11.3, 9/14/00; A, 9/15/06]

18.19.3.53 **SALVAGE-BRANDED TITLES - BRANDING OF TITLE:**

A. The procedures specified in 18.19.3.53 NMAC govern the transfer of title to a salvage or non-repairable vehicle.

B. **Transfer to an insurance company:** The steps below are to be followed when an insurance company takes title to a salvage vehicle or non-repairable vehicle in exchange for a payment to a person making a claim for vehicle damages.

(1) The insurance company or its authorized agent shall obtain the title or manufacturer's certificate of origin (MCO) for the vehicle and verify that the document is in the name of the former owner.

(2) The former owner or the former owner's authorized agent shall sign the title or MCO on the seller's release line. If a business was the former owner, the name of the business must appear with the signature of the business's owner, officer or agent.

(3) The name of the insurance company shall be entered in the purchaser section of the title or MCO.

(4) The insurance company shall apply for a salvage title or non-repairable certificate in its name before transferring title to the vehicle.

(5) The insurance company shall submit the endorsed title or MCO to the motor vehicle division, together with a written explanation of the reason for the branding. In the case of a salvage vehicle, a statement must be included of the costs of repair to make the vehicle safe for operation on the highways and the estimate of its fair market value immediately prior to damage. If the title was issued by a jurisdiction other than New Mexico, a copy of the title must be sent to the issuing jurisdiction with a completed "statement of loss".

C. **Transfer to person other than an insurance company:** The steps below are to be followed whenever the owner of a salvage vehicle or a non-repairable vehicle transfers title to any person other than an insurance company.

(1) The transferee will make reasonable efforts to verify that the title or manufacturer's certificate of origin (MCO) is properly in the name of the transferor.

(2) The transferor or transferor's authorized agent shall sign the title or MCO on the seller's release line. If a business is the transferor, the name of the business must appear with the signature of the business's owner, officer or agent.

(3) The name of the transferee shall be entered in the purchaser section of the title or MCO.

(4) If the title or MCO is not already branded with the word "SALVAGE" or "NON-REPAIRABLE", the transferor shall stamp or otherwise mark in ink the face of the title or MCO with the word "SALVAGE" or "NON-REPAIRABLE" in letters no less than one-half inch high, at an angle of approximately 45 degrees to the text of the title or MCO. The branding shall not cover the portion of the title or MCO which describes the vehicle.

(5) If the vehicle is a non-repairable vehicle, the owner may not transfer ownership to any person who is not a licensed auto recycler.

(6) The transferor shall submit a copy of the branded title or MCO to the motor vehicle division. If the title or MCO had not previously been branded with the word "SALVAGE" or "NON-REPAIRABLE", the transferor shall submit with the title or MCO a written explanation explaining the reason for the branding.

D. Once a title has been salvage-branded, all subsequent transfers of title must be by salvage-branded title. Once a non-repairable vehicle certificate has been issued for a vehicle, the motor vehicle division shall not issue further ownership certificates for that vehicle.

[3/6/92, 7/19/94, 10/31/96; 18.19.3.53 NMAC - Rn & A, 18 NMAC 19.3.11.4, 9/14/00; A, 9/15/06]

18.19.3.54 through 18.19.3.59 **[RESERVED]**

18.19.3.60 **PRESTIGE PLATES - DEFINITIONS:** As used in 18.19.3.60 through 18.19.3.63 NMAC:

A. "set" means the combination of symbols selected by an applicant to appear on a prestige plate; and

B. "prestige plate" means the special registration plates authorized by Section 66-3-15 NMSA 1978.

[9/1/88, 7/19/94, 10/31/96; 18.19.3.60 NMAC - Rn & A, 18 NMAC 19.3.12.1, 9/14/00]

18.19.3.61 **PRESTIGE PLATES - FORMAT - PERMISSIBLE CHARACTERS:**

A. The set on prestige plates, other than motorcycles prestige plates, will consist of a combination of not fewer than one nor more than seven characters. The set on motorcycle prestige plates will consist of a combination of not fewer than one nor more than six characters.

B. Only the letters, numerals or special symbols used by the division for registration plates may be selected as characters for inclusion in a set, except that a full space between letters, numerals or special symbols is also a permissible character. The wheelchair symbol may be selected only by those persons who are eligible for a special registration plate under Section 66-3-16 NMSA 1978.

[9/1/88, 7/19/94, 10/31/96; 18.19.3.61 NMAC - Rn & A, 18 NMAC 19.3.12.2, 9/14/00]

18.19.3.62 **PRESTIGE PLATES - CONTENT OF SET - REVIEW OF SET BY DIVISION:**

A. Except as otherwise provided in 18.19.3.62 NMAC, a set may be composed of any permissible characters in any order as long as the set is consistent with the requirements of 18.19.3.61 NMAC. Prior to approval for the establishment and issuance of the prestige plate, the division will review the set.

B. No prestige plate will be established or approved for issuance which displays a set that:

(1) duplicates that of any existing registration plate or registration plate or set for which an application is in process;

(2) the division finds to be derogatory or obscene; or

(3) falsely states or implies that the vehicle or the driver represents the authority of a governmental agency or official.

[9/1/88, 7/19/94, 10/31/96; 18.19.3.62 NMAC - Rn & A, 18 NMAC 19.3.12.3, 9/14/00]

18.19.3.63 **PRESTIGE PLATES - APPEAL TO DIRECTOR:** Any person whose selected set for a prestige plate is found by the division to be derogatory or obscene or a false representation of governmental authority may appeal that finding to the director within thirty days of the day on which the person is notified of the finding. The applicant may present arguments and evidence that the set is not derogatory or obscene or a false representation of governmental authority. The director, in his discretion, may hold a hearing on the matter and may delegate conduct of the hearing. In any such hearing, the technical rules of evidence shall not apply but, in ruling on the admissibility of evidence, the officer conducting the hearing may require reasonable substantiation of statements or records, the accuracy or truth of which is in reasonable doubt. The rules of civil procedure for the district courts shall not apply but the hearing shall be conducted so that both complaints and defenses are amply and fairly presented. Based upon the arguments and evidence presented, the director will decide whether the set is derogatory, obscene or a false representation of governmental authority; the decision is final. Only if the director finds the set to be not derogatory, obscene or a false representation of governmental authority will the prestige plate with that set be established and issued.

[9/1/88, 7/19/94, 10/31/96; 18.19.3.63 NMAC - Rn, 18 NMAC 19.3.12.4, 9/14/00]

18.19.3.64 through 18.19.3.69 **[RESERVED]**

18.19.3.70 **COMPLETE VEHICLE IDENTIFICATION NUMBER REQUIRED:** In order to establish a security interest in and a lien upon the manufactured home, the notification of property tax delinquency must include both the location of the manufactured home and the complete vehicle identification number of the manufactured home. Notifications of property tax delinquency on manufactured homes which do not contain the complete vehicle identification number do not contain sufficient information to establish whether or not a manufactured home is registered with the motor vehicle division. Therefore such copies will not be filed and will not constitute a security interest in and a lien upon the vehicle.

[7/19/94, 10/31/96; 18.19.3.70 NMAC - Rn, 18 NMAC 19.3.13, 9/14/00]

18.19.3.71 **DEACTIVATION OF TITLE TO A MANUFACTURED HOME:** Title issued pursuant to the provisions of the Motor Vehicle Code to a manufactured home shall be deactivated by the department when:

- A. the person in whose name the manufactured home is titled requests in writing that the department deactivate the title;
- B. the title is free and clear of all recorded liens and encumbrances; and
- C. the valuation authority certifies to the department that, once title is deactivated, the housing structure will be taxed as real property.

[7/15/98; 18.19.3.71 NMAC - Rn, 18 NMAC 19.3.18, 9/14/00]

18.19.3.72 **REACTIVATION OF A TITLE TO A MANUFACTURED HOME:** If the owner of a housing structure, title to which had been issued pursuant to the Motor Vehicle Code as a manufactured home and which title is deactivated, may request that the title issued pursuant to the Motor Vehicle Code be reactivated. The department shall reactivate the title as a manufactured home pursuant to the provisions of the Motor Vehicle Code and reissue it to the owner only upon receipt of documentation that all liens or mortgages against the housing structure and the land upon which it is affixed have been released. The department shall notify the valuation authority that the title has been reactivated.

[7/15/98; 18.19.3.72 NMAC - Rn, 18 NMAC 19.3.19, 9/14/00]

HISTORY OF 18.19.3 NMAC:

Pre-NMAC History: Certain material of this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

MVD 70-21, Special personalized prestige plates, filed 9/2/70

MVC 3-8:1, Regulation pertaining to the Motor Vehicle Code, 4/7/89; superseded by TRD Rule MVC 3-94, 7/19/94

MVC 3-875:1, Regulation pertaining to the Motor Vehicle Code, 7/20/90; superseded by TRD Rule MVC 3-94, 7/19/94

MVC 3-1003:1, Regulation pertaining to the Motor Vehicle Code, 2/6/91; superseded by TRD Rule MVC 3-94, 7/19/94

MVC 5-205.1:1, Regulation pertaining to the Motor Vehicle Code, 12/29/89; superseded by TRD Rule MVC 5-93, 8/20/93

MVC 3-10:1 through 3-10:4, Regulations pertaining to the Motor Vehicle Code, 3/6/92; superseded by TRD Rule MVC 3-94, 7/19/94

MVC 3-15:1 through 3-15:4, Regulations pertaining to the Motor Vehicle Code, 9/1/88; superseded by TRD Rule MVC 3-94, 7/19/94

TRD Rule MVC 3-94, Regulations pertaining to the Motor Vehicle Code, 7/19/94.