
FYI-702

New Mexico
Taxation and Revenue Department

FOR YOUR INFORMATION

Tax Information/Policy Office ♦ P.O. Box 630 ♦ Santa Fe, New Mexico 87504-0630

REMEDIES TO MVD ACTION

This FYI explains how you can dispute the **denial** by the Motor Vehicle Division (MVD) of the Taxation and Revenue Department of any license, permit, placard or registration issued under the Motor Vehicle Code (MVC) or the **failure** of MVD to either allow or deny such license, permit, placard or registration. This remedy only applies when the basis of MVD's decision does not have a specific statutory hearing provision. *The information in this publication does not apply to the revocation of a driver's license for DWI.*

HOW TO PROTEST

Section 66-2-17 NMSA 1978 of the Motor Vehicle Code provides you a formal process for resolving these disputes. Here's how it works.

If you wish to protest, you must act within 30 days of the mailing or verbal notification of the action proposed to be taken by the Department. Your protest must be in writing. A letter will do; there is no form for this. Your written protest must state:

- who you are,
- your date of birth and social security number,
- the action or inaction that is in dispute,
- why you believe your position is correct (the "statement of the grounds")
- and what you expect us to do to resolve the problem.

The statement of the grounds for the protest must specify each reason (e.g. a law or Department regulation or MVD policy) upon which the protest is based and either the evidence supporting each reason or a summary statement of the evidence you expected to produce supporting each reason.

If MVD agrees with you, MVD will take the appropriate action.

If the MVD does not agree with your position, a formal hearing will be scheduled before one of the Department's hearing officers to resolve the issue raised in the protest. You, or the MVD, may request an informal conference prior to a formal hearing; we expect that most issues can be resolved through informal contacts between us.

If the issues cannot be resolved informally, the hearing will be held at the time and date scheduled. (If you need to re-schedule, you must let the hearing officer know at least 3 days in advance of the hearing.) You may appear at the formal hearing for yourself, be represented by an attorney, or if you are a business, by an employee. The hearing officer will make and preserve a complete record of the hearing and notify the parties of the result within thirty (30) days.

HOW TO APPEAL

If you are dissatisfied with the result of the hearing, you may appeal the decision to district court in the county in which the hearing took place under Section 39-3-1.1 NMSA 1978. The appeal must be filed within thirty (30) days of the agency decision. If you do not appeal within thirty (30) days, the decision becomes final. An appeal is based solely on the information presented to the hearing officer at the formal hearing; you may not present new evidence to the district court.

FOR FURTHER ASSISTANCE

All protests should be mailed to the Motor Vehicle Division of the Taxation and Revenue Department, Protest Office, P.O. Box 1028, Santa Fe, New Mexico 87504-1028. The MVD can provide further information on your situation and your remedies. You can call 505-827-2239.

This publication provides general information. It does not constitute a regulation, ruling, or decision issued by the Secretary of the New Mexico Taxation and Revenue Department. The Department is legally bound only by a regulation or a ruling [7-1-60, *New Mexico Statutes Annotated, 1978*]. In the event of a conflict between FYI and statute, regulation, case law or policy, the information in FYIs is overridden by statutes, regulations and case law. Taxpayers and preparers are responsible for being aware of New Mexico tax laws and rules. Consult the Department directly if you have questions or concerns about information provided in this FYI.