



# CERTIFICATE OF FACTS

The Motor Vehicle Division, upon receipt of a certified copy of a final judgment as defined in Section 66-5-209 NMSA 1978 and a Certificate of Facts relative to the judgment, will suspend the driver's license and registration and any nonresident's operating privilege of any person against whom such a judgment was rendered in accordance with Section 66-5-236, NMSA 1978.

Submit this certificate only if the judgment rendered resulted from ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state as provided in Section 66-5-209, NMSA 1978. Complete the form in its entirety, attach a certified copy of the final judgment and mail both documents to:

**Motor Vehicle Division, Driver Services Bureau  
P.O. Box 1028, Santa Fe, New Mexico 87504-1028**

1. Date and place of accident: \_\_\_\_\_
2. Name of plaintiff (person filing complaint): \_\_\_\_\_
3. Name of defendant (person against whom judgment was rendered)  
\_\_\_\_\_
4. Date of birth of defendant: \_\_\_\_\_
5. Driver's license number of defendant: \_\_\_\_\_
6. License plate number of defendant's vehicle involved in accident: \_\_\_\_\_
7. \_\_\_\_\_ states, under oath, that he/she is the judgment creditor in the attached judgment rendered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in a cause of action filed in the County of \_\_\_\_\_ docket number \_\_\_\_\_.  
\_\_\_\_\_ is plaintiff or counterclaimant and \_\_\_\_\_ is defendant. Judgment was rendered in favor of the plaintiff/counterclaimant for the sum of \_\_\_\_\_ in damages and \_\_\_\_\_ in costs making a total of \_\_\_\_\_. No part of this judgment has been paid except the sum of \_\_\_\_\_, and no written agreement has been entered into by the parties involved to satisfy this judgment.

I hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge.

\_\_\_\_\_ Date  
Plaintiff's signature

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## Explanation and Instructions

Section 66-5-236 NMSA 1978 (Suspension for nonpayment of judgment or for false affirmation) provides that,

A. Except as otherwise provided, the secretary shall suspend:

- (1) the motor vehicle registration for all motor vehicles and the driver's license of any person against whom a judgment has been rendered, the department being in receipt of a certified copy of the judgment on a form provided by the department; or
- (2) the registration for a period not to exceed one year of a person who is operating a motor vehicle in violation of Section 66-5-205 NMSA 1978 or falsely affirms the existence of a motor vehicle insurance policy or some other means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act, but only if evidence of financial responsibility is not submitted within twenty days after the date of the mailing of the department's demand therefor. The department shall notify the person that he may request a hearing within twenty days after the date of the mailing of the department's demand as provided under this subsection.

B. The registration shall remain suspended and shall not be renewed, nor shall any registration be issued thereafter in the name of that person, unless and until every judgment is stayed, satisfied in full or to the extent provided in the Mandatory Financial Responsibility Act and evidence of financial responsibility as required in Section 66-5-218 NMSA 1978 is provided to the department.

The State of New Mexico requires that a judgment be entered against the uninsured party for the damages done to the vehicle, medical costs, etc.

The State also requires that a "Certificate of Facts" (form MVD-10077) be filled out by the plaintiff. This document must include all pertinent information with regard to the accident and court proceedings. A police accident report is optional, but highly recommended.

Once all documents have been received by the Motor Vehicle Division, the suspension process will begin. The suspension will remain in effect for a period of fourteen (14) years or until the plaintiff has been reimbursed for all damages.

Reinstatement must be approved by the plaintiff, since the Motor Vehicle Division is acting on the plaintiff's behalf. Alternatively, the individual can wait for the statute of limitations to expire, and then apply to the Motor Vehicle Division for reinstatement.

The State of New Mexico also is able to suspend on a Default of Agreement, pursuant to Section 66-5-210 NMSA 1978 when an individual has entered into a payment agreement or signed a promissory note and has defaulted on that agreement. In order to suspend on a Default of Agreement, the plaintiff needs to forward a notarized copy of that agreement along with a request to suspend driving and/or vehicle registration privileges. The statute of limitations on this type of suspension is one (1) year. If one year has elapsed from the date of suspension, the individual can apply to the Motor Vehicle Division for reinstatement.

## Questions?

If you have questions, please contact the Motor Vehicle Division at (505) 827-4636.