



**NOW YOU ARE 18** was put together with you in mind. To help answer the questions you will be faced with as you enter the adult world. To guide you into making the right decisions so you may grow and prosper as a working adult that will contribute to the successes of this nation.

**NOTE: THIS BOOKLET IS BASED ON NEW MEXICO LAW AND IS ISSUED TO INFORM AND NOT TO ADVISE**

*This material is a summary of the laws, as they existed in April, 2015 at the time of publication. This is GENERAL and BASIC information only. Laws are constantly changing. Exceptions and special circumstances exist. You should seek legal advice from an attorney of your choice who can take into account all the factors relevant to your particular situation.*

## IMPOTANT NUMBERS IN YOUR CITY

(Please fill in appropriate numbers.)

City Hall: \_\_\_\_\_

County Courthouse: \_\_\_\_\_

County Clerk: \_\_\_\_\_

District Attorney: \_\_\_\_\_

Voter Registration: \_\_\_\_\_

Police Department, Sheriff, Fire Department, Emergency  
Medical Aid: 911

### NEW MEXICO NUMBERS AND WEBSITES:

State Bar of New Mexico for lawyer referral services  
1-800-87NMBAR ◇ [www.nmbar.org](http://www.nmbar.org)

Attorney General of New Mexico, Consumer Protection  
1-800-678-1508 ◇ [www.nmag.gov](http://www.nmag.gov)

New Mexico Motor Vehicle Department  
888-683-4636 ◇ [www.mvd.newmexico.gov](http://www.mvd.newmexico.gov)

New Mexico Human Rights Division  
1-800-566-9471 ◇ [www.dws.state.nm.us](http://www.dws.state.nm.us)

On the website look under the Labor Relations tab

For a Digital Copy go to the Four Corners Federated  
Republican website: [www.fcfrw.com](http://www.fcfrw.com)

## A Guide to your Future

Welcome to the adult world! **NOW YOU ARE 18** has been prepared especially for you. Our purpose is to explain to you what some of your new rights are. Some areas of the law that you want to know about and indeed should know about are presented. We tried to project what your questions might be: what should you do if you have a car accident? . . . or, what are your rights if you are arrested? . . . or, what should you look for in buying a used car? . . . or, what are your legal obligations if you marry? **NOW YOU ARE 18** gives you some answers.

The rights explained in this booklet are important. They are your **LEGAL** rights. It is also important for you to know and remember that **ALL** the laws that pertain to your rights cannot be listed in such a short guide. It is our purpose to give you these guide- lines to make you aware. Please remember there are exceptions and special circumstances that also affect your rights and responsibilities. **NOW YOU ARE 18** is your basic guide. We hope it will be helpful in your understanding of your rights and responsibilities as an adult.

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## General Principles

**When does a person become an “adult”?** In New Mexico, as in most states, you become an adult at age 18. Each state may determine its own “age of majority.”

**What does it mean to become an “adult”?** When you become an “adult” you then have certain new rights, i.e., to vote, make contracts in your own name, and to become completely independent. You also have certain new responsibilities and are held personally accountable for your actions.

**When I reach age 18, am I automatically given all the rights of an “adult”?** In New Mexico, the answer is “yes” with the exception of the laws relating to alcoholic beverages. For example you are given the following rights:

- A) To vote in federal, state, and local elections
- B) To serve on a jury in court
- C) To marry without parental consent
- D) To make a will
- E) To work for pay
- F) To obtain a driver’s license
- G) To be able to examine your credit report

**Some of the rights you have after age 18 that you did not have before are as follows:**

- A) To sue in court in your own name
- B) To make a contract (rent an apartment, buy a car, and/or take out a loan) in your own name
- C) To obtain medical treatment without parental consent
- D) To be completely independent from parental control

**Avoid borrowing money for personal expenses.** Many people will borrow money for special occasions such as vacations and weddings, or will borrow to consolidate expenses and debts. This is generally a bad idea-instead, budget and save for these extraordinary expenses. Making a payment on a vacation loan for many months after the vacation is over is expensive and tiring.

**Repay debt as quickly as possible.** If you are buying a car, and borrowing the money to do so, set your payments as high as possible so that it is paid off sooner rather than later. Vehicles financed for six or seven years, or even longer, rarely are worth what is owed on the loan. When it comes time to trade in your car, you may owe more than the car is worth.

**Establish a retirement account early.** Retirement is many years away, but by starting early to save for retirement, the benefits are substantial. For instance, if you put \$100 monthly in a retirement account beginning at age 20, and continue it until you retire at age 67, you likely will have well over \$100,000 when you retire!

**Building wealth.** Wealth is measured not on how much money you make, but on the value of assets you own. That might include your home, retirement accounts, stocks and bonds, or rental real estate. The total assets you have minus all of your liabilities (the amount you owe) determines your wealth. Assets that increase in value, such as a home, stocks, and real estate, increase your wealth over time. Assets such as cars, boats, and furniture go down in value and decrease your wealth, especially if you owe money on them. To acquire assets that increase in value you generally have to borrow money. And as you have already learned, you must have good credit to borrow money.

## How do I register?

- ⇒ On-line at [www.sss.gov](http://www.sss.gov).
- ⇒ Complete and return a registration form available at any U.S. Post Office.
- ⇒ Return a reminder mail-back card that is sent to many young men around the time they turn 18.
- ⇒ Check “Yes” on Box #29 on the Free Application for Federal Student Aid (FAFSA).
- ⇒ Through the assistance of an appointed Selective Service Registrar at your high school, if available.

**Will draft cards be issued when I register?** You will receive a registration acknowledgment card. This card will be proof that you have complied with the law, so keep it in a safe place. If a draft occurs, you will be notified. You must report for a physical examination and processing. The notice will also provide information on possible exemptions and deferments.

**What happens if I don't register?** Several punishments, including fines, incarceration and loss of privileges.

## Money and Wealth

By far, the most important factor to build financial security and wealth is your personal credit score. Please read the section in this booklet regarding Credit.

A good credit score is critical to your ability to borrow money. A bad score will generally prohibit you from borrowing money for a vehicle, a motorcycle or a home. It will also make it difficult and expensive to get a credit card.

## What are some of the responsibilities I have after age 18 that I did not have before?

- A) In New Mexico at age 18, criminal charges filed against you will be tried in adult criminal court rather than juvenile court.
- B) Your parents are no longer required to support you, and they are not liable for accidents or injuries you cause.
- C) Others may sue you on contracts you make.
- D) You are eligible for jury duty.
- E) As a male you are required to register for military service.

## Voting

**What are the requirements for voting?** Every citizen of the United States, 18 years of age or older who is a resident of the State of New Mexico and who is registered to vote 28 days before an election is qualified to vote, and may vote in the precinct he or she resides. Some exceptions do exist.

**How do I register to vote?** You register to vote at the County Clerk's office by filling out the voter registration form and returning it to the County Clerk's office or return the form to the Secretary of State's office. You may also register to vote at the Motor Vehicle Department when renewing your license or obtaining your identification. You may register to vote before your eighteenth birthday. Yet, you will not be considered a valid registered voter or be able to sign petitions until your eighteenth birthday.

**Where do I vote?** Your local County Clerk establishes voting

locations (polling places), usually at a school, city hall or other similar place, within the precinct in which you live. The City Clerk will establish polling places for municipal elections. Additionally, the County Clerk or the City Clerk can establish voting convenience centers that any eligible voter can vote at on Election Day.

**May college students vote in the city where they go to school?** Yes, for voting purposes, a student has a right to choose his or her place of residency. The student may register at college or at the permanent residence to which he or she intends to return. Students registered in their hometown who will be at school at election time may vote by mail, by applying to their local county clerk for an absentee ballot.

For more information, call (800) 477-3632 or [www.sos.state.nm.us](http://www.sos.state.nm.us)

## Jury Duty

**Why is jury service important?** The United States Constitution and the New Mexico Constitution guarantee all people, regardless of race, religion, sex, national origin, or economic status, the right to trial by an impartial jury.

**If called to serve on a jury, do I have to go?** Yes, unless you are excused for some special reason. This is one of the responsibilities of being an adult. You can be penalized for failure to go.

**How are people called to serve on a jury?** A list of names of potential jurors, is acquired from a master database consisting of licensed drivers, registered voters, and New Mexico Personal Income Tax Filers. Before a jury is needed, names are chosen at random from the list and those people are

You do not have to file a complaint with both commissions so long as you indicate the complaint is a cross complaint.

*New Mexico Department of Labor*

*Human Rights Division*

*1596 Pacheco St.*

*Aspen Plaza, Suite 103*

*Santa Fe, NM 87505*

*Phone: 1-800-566-9471*

*Website: <http://www.dws.state.nm.us/dws-humanrights.html>*

## Military Service and Selective Service Registration

**At what age can a person enlist in the armed forces?** A person can enlist as early as age 17, with parental consent, and at 18, without. Both males and females can choose to enlist in any branch of the military. Enlistees must be citizens of the United States or immigrant aliens with immigration and naturalization papers.

**Who is required to register for Selective Service?** All U.S. citizen males are required to register for Selective Service upon reaching their 18th birthday. Also, all permanent resident aliens and undocumented aliens must register. Lawful non-immigrants on visas should not register. Until the age of 26, men are required to inform the Selective Service Agency whenever they change their permanent address.

**When do I register?** All required males must register within 30 days of their 18th birthday; this provides a 60-day window in which registration is possible. A man may register as early as 17 years and 3 months old.

**Under what circumstances can the landlord enter my premises?** A landlord may enter your premises at reasonable times to inspect, make repairs or show the premises to prospective tenants. The landlord may enter at unusual situations to preserve and protect the premises.

**Can a landlord refuse to rent an apartment to me?** Generally, yes. The denial may not be based on race, religion, familial status or national origin.

## Employment

**Must an employer give employees a written contract?** No. New Mexico has “at will” employment. An employment contract is very rare as employers do not like to be hindered by employment contracts.

**For what reasons can an employee be fired?** No employee has an expectation for continued employment, and an employer has the right to fire any employee for any reason. The employee must show that the termination resulted from a statutory violation. Most statutory violations concern allegations of discrimination of some sort. Illegal discrimination occurs when an employer treats you differently because of your race, sex, religion, national origin, age, or because of a disability. You must be 40 years of age or older to have protection for age discrimination.

**Do these discrimination prohibitions apply to hiring as well?** Yes. An employer is prohibited from basing employment decisions on an applicant’s race, sex, religion, national origin, age, or because of a disability. If discrimination is suspected, an administrative complaint must be filed with the appropriate agency. The federal agency is the Equal Employment Opportunity Commission (EEOC). The EEOC works with the New Mexico Department of Labor, Human Rights Division.

notified to appear at court.

## What are the qualifications for serving on a jury?

Anyone who is “qualified” can serve on a jury. While no citizen can be kept from serving on a jury because of his or her color, disability, economic status, national origin, race, religion, or sex, a person can be “disqualified” or “exempt” from being on a jury for other reasons.

**Qualified.** You are “qualified”, meaning you meet the statutory requirements to be a juror if you:

- 1) Are at least 18 years of age.
- 2) Are a U.S. citizen, and
- 3) Reside in the county in which you would serve as a juror.

NOTE: If you do not meet the above criteria please provide proof to the court that you do not meet requirements. This information is gathered from: personal income taxes, driver’s license information, and voter registration. We occasionally get people under the age of 18, who might pay taxes and/or have a driver’s license. Please provide documentation that the child is under the age of 18 to the courts for excusal.

**Exempt.** Even if you are qualified to be on a jury, you might be released from that responsibility (be “exempt” from jury service) if you are:

- 1) At least 75 years old, and you complete and submit

an Affidavit of Age Request for Permanent Jury Exemption. These forms can be found at: [nmcourts.gov/jury](http://nmcourts.gov/jury)

2) A separate form must be submitted to both the District and Magistrate court in your residing county. Please do not submit a form until you have been officially summoned by the court.

**Disqualified.** A person is disqualified to serve as a juror in a particular case if he or she:

- 1) Is a witness in the case.
  - 2) Is related by blood or by marriage to a party in the case.
  - 3) Has a prejudice in favor of or against a party in the case
- 4) **Do people on a jury lose their salary?** That depends on the employer. Employers are required to give employees time off for jury service but are not required to continue wage payments. Jurors are paid a nominal fee by the county for their service. An employer may require this fee to be rendered to them for payment of wages for jury days. This can vary from county to county.

**How long can people be required to serve on a jury?** Jurors are required to serve until the case for which they have been selected is finished.

## Driving

**Is driving a right or a privilege?** It is a privilege that the State of New Mexico regulates. You must pass a written test, a driving test, and an eye test. This privilege can be revoked and your license to drive can be suspended by the State for many reasons, including bad driving such as multiple collisions, excessive tickets, or driving under the influence of alcohol.

Renter's insurance is relatively inexpensive.

**What are my obligations as a tenant?** Under the law, a tenant must refrain from damaging the rental premises and keep the premises in a fit and livable condition.

**How does the landlord terminate a tenancy for non-payment of rent?** If you do not pay the rent when due, a landlord may give you a notice to either pay or leave within three days. This notice to leave or vacate may be preceded by a notice of default if there is a written lease that provides for one. The three-day notice requires the tenant to leave the premises within that time. If you do not leave, the landlord can file an eviction lawsuit in the Magistrate Court. Even if you are evicted, you are liable for the rent until you are evicted by an order of the court.

**What can I do if the landlord refuses to make repairs to the premises?** *The landlord's general duty is to make a diligent effort to repair or remedy a condition if:*

- ⇒ The tenant specifies the condition in a notice to the person to whom rent is normally paid
- ⇒ The tenant is not delinquent in the payment of rent
- ⇒ The condition materially affects the physical health or safety of an ordinary tenant
- ⇒ The condition is not caused by the tenant or a member of the tenant's family or a guest of the tenant

If the cost of the repair is minor in relation to the rent, it may be your responsibility to fix the problem depending on what your written lease may provide. When conditions are so bad as to make the premises "uninhabitable," you should consult an attorney about possible remedies. A landlord has a legal duty to provide security devices such as deadbolt locks, peep holes, and smoke detectors.

**What is a security deposit, how much money is it usually, and what is it used for?** It is an amount of money (often equal to first and last month's rent, but can be any amount) that the landlord may hold as a security against loss for items such as property damages, unclean conditions, and unpaid rent.

The landlord may retain all or part of the security deposit to pay for damage or charges for which you are legally liable under the lease or as a result of breaking the lease. He may not, however, retain any portion of a security deposit to cover normal wear and tear. The tenant must give the landlord a written statement of the tenant's forwarding address upon moving out. If the tenant does this, and is not delinquent in the rent, the landlord must give to the tenant an itemized list of deductions, if any, within 30 days, and a refund of the unused portion of the security deposit.

**May I withhold my last month's rent and request that my landlord applies my deposit to the rent due?** No you may not.

**In a monthly lease, can I end the lease by just leaving at the end of a month?** No. You must give one month's notice, unless a different period of notice is specified in a document signed by both parties.

**If I sign a lease with 3 friends as tenants, and they move out, do I have to pay the full rent or only my quarter share?** It depends on what the lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.

**If I break a lease, what amount can I be sued for?** You can be sued for all unpaid rent, any physical damage including unusual cleaning expenses, for advertising expenses and other costs of re-renting the apartment, and for the landlord's attorney fees and court costs, if the written lease provides for that.

**Should I have renter's insurance?** Yes. The landlord's insurance will cover only the building, not your possessions.

**Do the parents continue to be liable for a child's accidents after the child turns 18?** No. The liability of the parent ends when a child becomes 18.

**Are all drivers required to have car insurance?** Yes. All drivers are required to maintain a liability insurance policy and to carry proof of insurance in the vehicle. A driver is required to show proof of insurance to a law enforcement officer who requests it. Proof of liability insurance is required for driver license renewal, annual vehicle license renewal, and motor vehicle title transfer. Failure to carry insurance is a misdemeanor punishable by a fine determined by the legislature.

**How do driving laws apply to motorcycles?** All laws of the road that apply to cars also apply to motorcycles. A regular driver's license does not permit a person to legally operate a motorcycle on public roads. A person must apply for a permit to operate a motorcycle and must either satisfactorily complete a safety course and/or pass an operators test in order to be able to operate a motor vehicle. You are not required to wear a helmet over the age of 18 but it is highly encouraged.

**What is a work/occupations license and how does one get one?** A work/occupational license grants limited privileges to drive a motor vehicle for those people whose licenses have been suspended. The person must demonstrate an essential need to drive in order to attend school or work.

**What happens if someone is stopped for driving while intoxicated?** You will be arrested and taken to jail if you fail a field sobriety test and/or a breath/blood test. Your license will be suspended for a specific period of time determined by the legislature. In addition, if you refuse to give a breath/blood specimen, the time of suspension will be increased. You have the right to request a hearing to contest the driver's license suspensions.

## What are the penalties for driving while intoxicated?

- 1) **No prior conviction.** Up to a \$500 fine and 90 days in jail. In addition, you will be required to attend alcohol counseling, education programs, screenings, and install an interlock device. Remember your license may have already been suspended or will be suspended upon conviction.
- 2) **One or more convictions.** The fines, confinement, and driver's license suspension increase and can be double what they were on the first conviction.
- 3) **Open Containers:** It is a criminal offense for a driver or passenger to possess an open container of alcoholic beverage in a motor vehicle on any public street or highway, whether the vehicle is moving or is stopped or parked. If you receive two or more convictions within a 12 month time period your license will be suspended.

**Do the Driving While Intoxicated laws apply only to cars and trucks?** No. According to New Mexico Law, they apply to operating "motor vehicles" such as motorbikes, motorcycles, boats, snowmobiles, and four-wheelers.

**Distracted Driving.** There is a state-wide ban on texting while driving and many cities within New Mexico have hands free laws. Violations can result in points on your license and fines.

## Drinking Laws

**May the state change the drinking age?** Yes. Buying beer, wine or liquor is considered a privilege rather than a right, so a state may change the drinking age.

can be punishable by fine, imprisonment, or both.

**Can an abused spouse have a criminal complaint pursued against the offending spouse?** Yes. If you are abused, immediately call the police or prosecuting attorney's office. Get hospital treatment and keep records of injuries, witnesses, police officers, and medical attendants. Get copies of medical reports. A temporary protective order may be requested to keep your spouse away from your home and place of employment.

**Can an abused spouse bring an action for personal injuries against the offending spouse?** Yes. To do so, a civil action must be started. You should see an attorney to discuss the sufficiency of evidence, the facts that must be proved, and the amount of damages or other remedies you could obtain.

## Apartments

**Must a lease be written to be enforceable?** No, unless the lease is for longer than one year.

### What are the advantages of having a written lease?

- ⇒ You will have a better idea of all your rights and obligations
- ⇒ You will have protection against dishonesty
- ⇒ You will have protection against poor memories

### What are the disadvantages of a written lease?

- ⇒ Printed form leases usually favor the landlord
- ⇒ The lease could change some of the rules that would otherwise favor the tenant

**In a marriage, who has to provide support?** Both husband and wife have an obligation to provide for support of the other and of all minor children. Either spouse may be held liable for necessities furnished to the other, or to all minor children.

**What happens in a divorce?** A judge will consider child custody, child support, and property division. As a general rule, all assets and debts acquired during the marriage are divided equally.

**What are the grounds for divorce?** There are four statutory grounds for divorce in New Mexico. They are abandonment, adultery, cruel and inhumane treatment, and incompatibility.

**Can a father be required to support a child if he is not married?** Yes. The child, the child's mother, a child support agency, or certain other parties can sue a father. A wage assignment can be obtained that will automatically deduct the amount from the father's paycheck.

**What if the man denies that he is the child's father?** The child, the child's mother, a child support agency, or certain other parties can start a paternity action. The court will require blood tests. Very accurate blood tests now exist. If the question is not settled, a trial will be held to determine who the child's father is.

**May a parent's rights be terminated?** Yes. A court may terminate parental rights for a variety of reasons, including abandonment, failure to support, endangerment of the physical or emotional well-being of the child, and various other grounds.

**Does an abused spouse have to start a divorce action to get assistance from the courts?** No. You can get a protective order from the court if you or a member of your family or household have been subject to abuse and the court finds that abuse is likely to occur in the foreseeable future. The order may contain a wide variety of remedies. Failure to comply with the terms of the order

**Is the drinking age different for beer and liquor?** No. In New Mexico it is the same. No person under the age of 21 may legally purchase beer, wine, or liquor. Furthermore, it is an offense to consume it except in the presence of an adult parent, guardian, or spouse or to be in possession of it under most circumstances. The only time a person under the age of 21 can even possess an alcoholic beverage is in the course and scope of employment at a licensed premise that receives the majority of its income from food.

**May a person under the state drinking age buy beer, wine or liquor with parental consent?** A person under the legal drinking age may not buy beer, wine, or liquor even if accompanied by a parent, legal guardian, or spouse who is over the drinking age. All places that sell beer, wine, or liquor have the duty to ask for identification for proof of age of all persons who appear to be and might be under the drinking age. All places have the right to refuse to sell beer, wine, or liquor to all persons who cannot show true proof of age, even if that person is 21 years or older.

**What is the penalty for using a fake ID?** If a minor knowingly makes a false entry or alteration on a state driver's license or ID certificate or makes, presents, sells, or offers to sell a state driver's license or ID certificate with knowledge that it was obtained unlawfully and falsely, he/she commits an offense punishable by fines, confinement, and community service as set by the legislature.

## Criminal Charges

**If someone is arrested for a criminal offense, what does he or she have a right to expect from the arresting officer(s)?** If arrested, you can expect to be thoroughly searched for weapons, handcuffed, and taken to jail unless the offense is a minor one like a traffic violation. If the police wish to question you about the

offense, you will be advised of your rights under the United States Constitution (your “Miranda” rights); that is, you will be told that you have the right to remain silent, that you have the right to a lawyer present during questioning, and that a lawyer will be appointed to assist you if you cannot afford one. If the police do not wish to question you, they are not required to give these warnings.

**What basic things should a person remember if arrested?** You have an absolute right to refuse to discuss the case with anyone, and you should not answer questions without consulting a lawyer. If you request a lawyer but cannot afford to pay the lawyer’s fee, one will be appointed to represent you. If you do answer questions or volunteer information, your statements can almost certainly be used as evidence against you at your trial. This is often true of oral statements as well as those that are written. Police officers cannot force you to answer questions by threats, and cannot bargain leniency in exchange for your statements. If you voluntarily agree to permit police to search you or your property, anything they find can be used as evidence against you. If you choose to answer questions, take tests, or permit a search, you may change your mind at any time and refuse further cooperation but anything already obtained by the police can be used as evidence.

**How soon after an arrest must that person appear before a judge?** You must be taken in front of a magistrate within “twenty-four” hours of the time of arrest. The magistrate will tell you what you are charged with, inform you of certain rights, and set the amount of your bail, unless you are charged in one of the circumstances in which bail may be denied. If you cannot afford an attorney and you wish to have one appointed, you should tell the magistrate during this hearing.

**What does it mean to be released on bail?** Bail is a security, usually money, given by a person arrested to assure his appearance in court. In New Mexico, bail is permitted in almost all

**Whom should I contact if I have consumer questions?** Attorney General of New Mexico, Consumer Protection at (505) 827-6000 or on the web at [www.nmag.gov](http://www.nmag.gov).

## Marriage, Divorce and Children

**When can a person marry without a parents’ consent?** At age 17 you can marry without the consent of your parents.

**What is the youngest age at which a person can marry with parents’ consent?** The youngest age at which a person may marry with parents’ consent is 16 years of age but younger parties may receive a license by reason of pregnancy or birth of a child or other special circumstance.

**Is a marriage a contract?** Yes, it is a contract between two consenting individuals. State law creates the relationship and describes the consequences of divorce or other marital problems.

**How does one get a marriage license?** You apply to the county clerk’s office before the marriage ceremony and pay the application fee. The license does not expire and only requires you be married in a New Mexico County.

**What is required for a valid ceremonial marriage?** *All you need is:*

- ⇒A valid marriage license
- ⇒An authorized official (generally a clergyman, judge, or others authorized to perform marriages under the law)
- ⇒A marriage ceremony

**Does New Mexico recognize “informal” or common law marriages?** No, New Mexico does not recognize informal or common law marriages.

**Do I have any protection after the stated warranty period ends?** Maybe. There is usually an implied (unwritten) warranty created by statute that, for a reasonable time, an item purchased from a dealer will be fit for the purpose for which it was sold.

**Do these warranties apply to used items?** After the stated warranty period, there are no warranties.

**Do I have to pay for unauthorized work done by a repair shop?** It depends on what you told the shop when you asked them to do the repairs. The law protects all consumers on repair contracts, requiring written estimates under certain circumstances.

**What if I bought a “lemon”?** The New Mexico Lemon Law is a state law that helps consumer who buy or lease new or used motor vehicles and have repeated problems getting their vehicles properly repaired, repurchased, or replaced. The Lemon Law is limited to vehicles purchased and registered in New Mexico.

**What vehicles are covered by the Lemon Law?** New and Used “passenger vehicles” are covered which includes, cars, trucks, vans, motorcycles or any other type of car that is generally used for personal use. Additionally, other consumer products such as computers and RV’s may be covered as well.

**How do I file a complaint?** A Lemon Law complaint must be filed with the New Mexico Attorney General Consumer Complaint Division. It is important that all records be kept of repair orders, letters to manufacturers, and calls.

For further information and forms, contact the New Mexico Attorney General Consumer Complaints Division, PO Drawer 1508, Santa Fe, NM 87504, or call (505) 827-6000.

cases; a magistrate will determine the amount at which the bail is set. You may be released on your own promise to appear in court, or you may be required to post an amount of cash or a “surety bond” in which someone guarantees your appearance in court. In any case, if you do not appear as promised, the amount of your bail will be forfeited and a warrant can be issued for your arrest.

## Contracts

**What is a contract?** A contract is any agreement between two or more people from which each receives some benefit.

**Can I make a contract before turning 18?** Yes, but as a minor you could have terminated most contracts. Once you reach the age of 18 you can reaffirm a contract made as a minor either expressly or by failure to disaffirm it. Adults cannot usually enforce contracts against minors. That is why your parents, or some adult, probably had to co-sign any contracts you made as a minor. You may be liable for the fair market value of necessary items purchased as a minor. In New Mexico, if married and under the age of 18 you are considered an adult.

**What are some likely contracts I may soon be a part of?**

- ⇒ Employment contract
- ⇒ Loan for education or to buy a car or to make another large purchase
- ⇒ Installment purchase of some product
- ⇒ Apartment Rental
- ⇒ Insurance
- ⇒ Marriage
- ⇒ Medical Care

**Do all contracts have to be in writing?** No. Many contracts (employment, some apartment leases, a promise to pay for medical care) are rarely in writing. *However, some contracts must be in writing;*

- ⇒ Any purchase of an item costing more than \$500
- ⇒ Any contract to buy or sell land
- ⇒ An agreement that cannot be fully performed within one year

### **What are some advantages of written contracts?**

- ⇒ Protection against dishonesty- against lies by the other person as to what you had agreed
- ⇒ Protection against poor memories- after a time people will usually have different recollections of their agreement even if there is no dishonesty

### **What are some of the disadvantages of written contracts?**

Consumers are often forced to sign printed form contracts that are written to favor the seller; for example, attempting to limit warranties and saying that the consumer must pay the business legal fees if there is a lawsuit to enforce the contract. Some words contained in written contracts have technical legal meanings, which are unknown to most people.

### **What are some general rules to follow when I am asked to sign a contract?**

- ⇒ Do not sign anything until you are sure you understand the agreement
- ⇒ Read the entire contract before signing it
- ⇒ Ask questions about anything in the contract you do not understand
- ⇒ Cross out parts of the contract that conflict with your agreement. If you do this, initial the cancellations and have the other party do so as well.
- ⇒ Write in parts of your agreement that are not in the contract and have the other party initial the additions
- ⇒ Do not sign a contract if it contains any blank

⇒ **Fair Credit Reporting Act:** This law ensures fair, timely and accurate reporting of credit information. It also restricts the use of reports on consumers, and in certain situations, requires the deletion of obsolete information. The law applies to lenders and employers, as well as any business that provides credit reports.

⇒ **Equal Credit Opportunity Act:** This prohibits discrimination in lending because of race, religion, sex, marital status or age. The law applies to all lenders and credit transactions, not just consumer credit transactions. There are rules for taking, evaluating and acting on a credit application except when the spouse's credit history is part of the loan or the signature is needed for the lender to take a security interest in collateral for the loan. Other rules apply to furnishing and maintaining credit information.

**What is the difference between a “full” and “limited” warranty?** All warranties must be labeled as either “full” or “limited.” Under a “full” warranty, the dealer/manufacturer is given a reasonable number of chances to fix defects but then must allow you to choose a full refund or a replacement without charge. A “full” warranty applies to anyone who owns the product during the warranty period. Few “full” warranties are given. The refund or replacement rights do not exist under “limited” warranties. Most warranties are “limited.”

**Are warranties important?** Yes, they establish your right to have defects fixed at no charge. You should always ask for a copy of the warranty. A dealer is required to give you a copy. New Mexico has an Unfair Trade Practices Act, which gives you additional rights for breach of warranty or for other deceptive trade practices.

applicant's credit worthiness. A married person who does not have an outside job might have problems obtaining a loan unless that person has sufficient collateral to provide security for the loan. If the person's spouse has an established credit rating, the spouse could guarantee the loan or provide other security, which would support the loan.

## Consumer Protection

**What are some consumer protection laws and what do they do?** State regulations have been adopted in many areas including term paper sales, motor vehicle sales and repair, home solicitation selling, and home improvement contracts.

⇒**Truth in lending:** This requires disclosure of credit costs and contract provisions so that consumers can compare credit terms. It also gives a three-day right to cancel any credit sales when the collateral for the debt is a residence.

⇒**F.T.C. Door-to-Door Rule:** This regulation creates a three-day rescission right for any contract on credit and cash sales of \$25.00 or more, which take place away from the seller's regular place of business. Door-to-door contracts are required to contain a bold-faced notice of the cancellation right.

⇒**Unsolicited credit cards:** This law prohibits issuance of unsolicited credit cards. You may file a complaint with the Federal Trade Commission if you receive an unsolicited credit card. However, you may have applied for one and forgotten about it (in the mall, at the football stadium), or you may simply have received a renewed card for an account that you have recently cancelled. If you do receive a card that you do not want, cut it up and contact the card issuer and tell them that you do not want an account.

- ⇒ spaces; either fill them in or cross them out if they do not apply
- ⇒ Do not be intimidated by the sales people
- ⇒ Do not be taken in by friendly sales people
- ⇒ Do not think that a printed form contract is O.K.
- ⇒ Never sign anything unless you understand why you are being asked to sign and what you are agreeing to do
- ⇒ Be sure that you get a complete, accurate, signed copy of the contract

**What can happen if I do not honor a contract - miss payments or other obligations?** You can be sued. You, as a "defendant," can be required to appear against the other person's (plaintiff) claim against you. The judge or jury decides what the facts are and the judge decides who wins. If you do not defend yourself, you will lose by default. If you lose, a "judgment" will exist against you. Interest is added to the amount of the judgment until it is paid.

**What can I do if I owe more money than I can pay?** Some options include working out agreements to pay your debts back over a period of time, taking out a new loan to pay back existing debts, and bankruptcy, which is a formal court proceeding and quite complicated. **Bankruptcy can have a bad effect on your credit rating, making it harder for you to obtain a loan in the future.**

## Credit

**How do I get a good credit rating?** A credit rating, or "credit worthiness," measures your ability to repay a debt. This can be established by a past record of completing payments or by showing a regular salary or other source of money. You can also get a

good credit rating by maintaining a savings account, showing uninterrupted employment, and using, and timely paying on, credit cards.

**How do I know what my credit rating is?** The Fair Credit Reporting Act guarantees you access to a free credit report from each consumer reporting agency that compiles and maintains files on consumers nationwide every twelve months.

**How long does it take to clear up a bad credit report?** There are multiple time periods for how long negative events stay on one's credit reports. Generally, bankruptcy, judgments, collections (including unpaid student loans), and unpaid tax liens/judgments can last for between 7 to 15 years.

**What is collateral?** Collateral is anything that has value that can be given as security for a loan. The lender wants to identify property that has a value at least equal to the amount of the loan so that the property can be used to pay back the debt if you are unable to repay the loan.

**What if I buy a TV or stereo on installments and have a problem getting it fixed? If the store refuses to fix the set, can I refuse to make payments?** In most cases, it is not wise to discontinue payments, since the seller will claim that you are in default on your obligations. In general, you may stop making payments if the selling merchant financed your purchase himself, and if you validly revoke your acceptance by notifying the seller of the reason for revocation and returning or offering to return the goods. To use this remedy, however, the non-conformity of the goods (i.e. broken TV set), at the time of purchase, must be such that its value to you is substantially impaired and the non-conformity complained of was not caused by you. On the other hand if the seller sold your promissory note to another party, your payments would most likely have to continue, although the holder of your consumer note may also be subject

to a revocation, repair or replacement action. Note that in some instances a seller has a right to repair the set if defective under consumer warranties. In such cases, you may not revoke your acceptance and discontinue making payments.

**If I buy something with a high interest rate loan and later have money to pay off the loan, must I pay the entire amount of interest, which would have been due over the term of the original contract?** No. Generally, a consumer has a right to prepay a loan at any time without penalty. It is important to follow the general rules given in the contracts section of this book prior to signing. You should read and understand all provisions of a contract and check to see if it has a prepayment penalty provision.

**Can a purchase contract say that if I do not pay, the store can automatically get its money from my wages?** No. New Mexico law requires that the creditor get a court order for garnishment before wages can be taken out with a few exceptions. Wages can be taken out without a court order for Child Support, Student Loans in Default, and Unpaid Taxes. However, once the creditor gets a garnishment order, the payroll check deposited into the debtor's bank account are subject to the garnishment. Note, in New Mexico the creditor is generally limited to 25% or 40 times the Minimum Wage for any given work week that can be garnished.

**Can the purchase contract say that if I default, I agree to assign my wages to the store?** No. In New Mexico, no retail installment contract or retail charge agreement can include an assignment of wages. This is generally true of all consumer credit loans as well.

**Can a lender have different rules for making loans to women than to men?** No. It is unlawful for any creditor to discriminate against any applicant because of race, religion, gender, marital status or age. Lenders may only make distinctions based on the