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AN ACT
RELATING TO TRANSPORTATION; TRANSFERRING CERTAIN AUTHORITY
AND ADMINISTRATIVE DUTIES FROM THE DEPARTMENT OF PUBLIC
SAFETY TO THE DEPARTMENT OF TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
SECTION 1. Section 7-15-2.1 NMSA 1978 (being Laws 1988,
Chapter 73, Section 23, as amended) is amended to read:

"7-15-2.1. DEFINITIONS.--As used in the Trip Tax Act:

A. "combination gross vehicle weight" means the
sum total of the gross vehicle weights of all units of a
combination;

B. "commercial motor carrier vehicle" means any
motor vehicle with a gross weight of twelve thousand pounds
or more used or reserved for use in the transportation of
persons, property or merchandise for hire, compensation or
profit or in the furtherance of a commercial enterprise or
any vehicle used or maintained primarily for the
transportation of property or merchandise or for drawing
other vehicles so used or maintained;

C. "department" means the department of
transportation, the secretary of transportation and any
employee of the department of transportation exercising
authority lawfully delegated to that employee by the
secretary;

1 D. "gross vehicle weight" means the weight of a
2 vehicle without load, plus the weight of any load;

3 E. "motor vehicle" means every vehicle which is
4 self-propelled and every vehicle which is propelled by
5 electric power obtained from batteries or from overhead
6 trolley wires, but not operated upon rails;

7 F. "registrant" means the person who has
8 registered the vehicle pursuant to the laws of this state or
9 another state;

10 G. "trip tax" means the use fee imposed under the
11 Trip Tax Act; and

12 H. "vehicle" means every device in, upon or by
13 which any person or property is or may be transported or
14 drawn upon a highway, including any frame, chassis or body of
15 any vehicle or motor vehicle, except devices moved by human
16 power or used exclusively upon stationary rails or tracks."

17 SECTION 2. Section 7-15A-12 NMSA 1978 (being Laws 2003
18 (1st S.S.), Chapter 3, Section 6) is amended to read:

19 "7-15A-12. WEIGHT DISTANCE TAX IDENTIFICATION PERMITS--
20 SUSPENSION AND RENEWAL.--

21 A. An operator of a motor vehicle registered in
22 this state and subject to the weight distance tax shall
23 display a weight distance tax identification permit issued
24 for that vehicle to an enforcement officer of the department
25 of public safety upon demand of that employee and when the

1 vehicle passes through a port of entry.

2 B. The department may suspend or decline to renew
3 a weight distance tax identification permit for a motor
4 vehicle if the owner or operator of the vehicle does not
5 comply with the provisions of the Weight Distance Tax Act.

6 C. The department of transportation may collect
7 delinquent weight distance tax on behalf of the taxation and
8 revenue department at ports of entry operated by the
9 department of transportation."

10 SECTION 3. Section 7-15A-14 NMSA 1978 (being Laws 2003
11 (1st S.S.), Chapter 3, Section 8, as amended) is amended to
12 read:

13 "7-15A-14. WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
14 FUND.--The "weight distance tax identification permit fund"
15 is created in the state treasury. The purpose of the fund is
16 to provide an account from which the department and the
17 department of transportation may pay the costs of issuing
18 and administering weight distance tax identification permits
19 and of enforcing weight distance tax compliance. The fund
20 shall consist of administrative fees collected pursuant to
21 the Weight Distance Tax Act. Money in the fund shall be
22 appropriated to the department and the department of
23 transportation to pay for the cost of issuance and
24 administration of weight distance tax identification permits
25 and of enforcement by the department and the department of

1 transportation of weight distance tax compliance for motor
2 carriers with the provisions of the Weight Distance Tax Act.
3 Disbursements from the fund shall be by warrant of the
4 secretary of finance and administration upon vouchers signed
5 by the secretary or the secretary's authorized
6 representative. Money in the fund shall not revert to the
7 general fund at the end of a fiscal year."

8 SECTION 4. Section 7-16A-19 NMSA 1978 (being Laws 1992,
9 Chapter 51, Section 19, as amended) is amended to read:

10 "7-16A-19. SPECIAL FUEL USER PERMITS--VIOLATION.--

11 A. A special fuel user whose vehicle is not
12 registered with the department shall acquire from the
13 department of transportation, before operating the vehicle on
14 New Mexico highways:

15 (1) a temporary special fuel user permit
16 valid for one calendar day only or for one entry into and one
17 exit out of New Mexico; or

18 (2) a border crossing special fuel user
19 permit, as provided for in Section 7-16A-19.1 NMSA 1978.

20 B. A special fuel user applying for a temporary
21 special fuel user permit shall apply for the permit on a form
22 approved by the department.

23 C. The fee for a temporary special fuel user
24 permit is five dollars (\$5.00) for each motor vehicle.

25 D. It is a violation of the Special Fuels Supplier SB 186
Page 4

1 Tax Act for a person to act as a temporary special fuel user
2 without possessing a valid temporary special fuel user permit
3 issued by the department of transportation.

4 E. It is a violation of the Special Fuels Supplier
5 Tax Act for a person holding a valid border crossing special
6 fuel user permit to travel in the motor carrier vehicle for
7 which the permit was issued on New Mexico highways outside
8 the area in which the permit authorizes travel, unless the
9 person may otherwise under law engage in that travel. In
10 addition to any other penalty that may apply, a person who
11 violates this provision is subject to a fine of three hundred
12 dollars (\$300)."

13 SECTION 5. Section 7-16A-19.1 NMSA 1978 (being Laws
14 2018, Chapter 77, Section 1) is amended to read:

15 "7-16A-19.1. BORDER CROSSING SPECIAL FUEL USER
16 PERMIT.--

17 A. A special fuel user who operates a commercial
18 motor carrier vehicle registered or titled in Mexico, who is
19 engaged primarily in movement across the New Mexico-Mexico
20 border and into or from an international border commercial
21 zone and whose exclusive use of New Mexico highways is
22 limited to an area within ten miles of the New Mexico-Mexico
23 border may apply for, on a form approved by the department of
24 transportation, a quarterly, semi-annual or annual border
25 crossing special fuel user permit. The department of

1 transportation shall issue the permit if it approves the
2 application and upon payment of the fee for the permit.

3 B. The department of transportation shall
4 establish by rule the amount, which shall not exceed the
5 following, of fees for border crossing special fuel user
6 permits:

7 (1) for a quarterly permit, one hundred
8 twenty-five dollars (\$125);

9 (2) for a semi-annual permit, two hundred
10 dollars (\$200); and

11 (3) for an annual permit, three hundred
12 fifty dollars (\$350).

13 C. As used in this section, "international border
14 commercial zone" means that part of a commercial zone
15 established by a law of the United States that extends into
16 New Mexico."

17 SECTION 6. Section 65-1-11 NMSA 1978 (being Laws 1967,
18 Chapter 97, Section 13, as amended) is amended to read:

19 "65-1-11. PORTS OF ENTRY.--The department of
20 transportation shall designate the main highways upon which
21 motor carriers shall enter and leave the state and shall
22 designate stations or establish places, either temporary or
23 permanent, where inspection, registration and permit services
24 shall be maintained and shall provide the necessary right of
25 way, approach roads, ramps and other road facilities required

1 for ports of entry."

2 SECTION 7. Section 65-1-28 NMSA 1978 (being Laws 1987,
3 Chapter 128, Section 1, as amended) is amended to read:

4 "65-1-28. PAYMENT BY CREDIT CARD--OPTIONAL SERVICES--
5 FEES--APPROPRIATIONS.--

6 A. Notwithstanding any other provision of law, the
7 department is authorized to enter into agreements with
8 financial institutions and credit card companies under which
9 the department may accept payment by credit card from motor
10 carriers of the taxes, fees or other charges due pursuant to
11 the Motor Transportation Act, Motor Vehicle Code, Trip Tax
12 Act or Weight Distance Tax Act. Any fee payable to the
13 financial institution or credit card company for a payment by
14 credit card authorized under this section may be deducted
15 from the proceeds of the taxes, fees or other charges paid on
16 a pro-rata basis prior to any other distribution of the
17 proceeds required by law. The necessary portion of the
18 proceeds of the taxes, fees and other charges collected under
19 this subsection is appropriated for the purpose of paying the
20 fee payable to the financial institution or credit card
21 company.

22 B. The secretary is authorized to establish by
23 regulation fees to cover the expense of providing additional
24 services for the convenience of the motoring public. Any
25 service established for which a fee is adopted under this

1 section shall be optional, with the fee not being charged to
2 any person not taking advantage of the service. Amounts
3 collected pursuant to this subsection are appropriated to the
4 department for the purpose of defraying the expense of
5 providing the service.

6 C. Notwithstanding any other provision of law, the
7 department of transportation is authorized to enter into
8 agreements with financial institutions and credit card
9 companies under which the department of transportation may
10 accept payment by credit card from motor carriers of the
11 taxes, fees or other charges due pursuant to the Trip Tax Act
12 or the Weight Distance Tax Act. Any fee payable to the
13 financial institution or credit card company for a payment by
14 credit card authorized under this section may be deducted
15 from the proceeds of the taxes, fees or other charges paid on
16 a pro-rata basis prior to any other distribution of the
17 proceeds required by law. The necessary portion of the
18 proceeds of the taxes, fees and other charges collected under
19 this subsection is hereby appropriated for the purpose of
20 paying the fee payable to the financial institution or credit
21 card company."

22 SECTION 8. Section 65-1-28.1 NMSA 1978 (being Laws
23 1992, Chapter 106, Section 12) is amended to read:

24 "65-1-28.1. SPECIAL METHODS OF PAYMENT.--The department
25 and the department of transportation may require the motor

1 carriers specified in this section to make payment of taxes,
2 fees and other charges due under the Motor Transportation
3 Act, Motor Vehicle Code, Trip Tax Act or Weight Distance Tax
4 Act by credit card, certified check or other method of
5 guaranteed payment. The provisions of this section apply to
6 any motor carrier whose check in payment of any amount due
7 under any act administered by the department has been
8 dishonored upon presentment on two or more occasions within
9 the previous two years."

10 SECTION 9. Section 66-3-302 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 78, as amended) is amended to read:

12 "66-3-302. CARAVAN FEE.--

13 A. A person or an employee, agent or
14 representative of that person shall not use the highways of
15 New Mexico for the transportation of any vehicle, regardless
16 of whether the vehicle is registered in another state or
17 whether the vehicle is transported on its own wheels or on
18 another vehicle or by being drawn or towed behind another, if
19 the vehicle is transported by any person or the agents or
20 employees of that person engaged in the business of
21 transporting vehicles or if the vehicle is being transported
22 for the purpose of delivery to any purchaser of the vehicle
23 on a sale or contract of sale previously made, unless the
24 vehicle carries:

25 (1) a valid New Mexico registration plate;

1 (2) a valid dealer's plate issued by the
2 department;

3 (3) a special permit for the use of the
4 highways of this state for the transportation of the vehicle
5 in the manner in which the vehicle is being transported,
6 which has first been obtained and the fee paid as specified
7 in this section; or

8 (4) a valid temporary transportation permit
9 issued under Subsection B of Section 66-3-6 NMSA 1978.

10 B. Special permits for the use of the highways of
11 this state for the transportation of such vehicles shall be
12 issued by the department of transportation upon application
13 on the form prescribed by the department of transportation
14 and upon payment of a fee of ten dollars (\$10.00) for each
15 vehicle transported by use of its own power and a fee of
16 seven dollars (\$7.00) for each vehicle carried in or on
17 another vehicle or towed or drawn by another vehicle and not
18 transported in whole or in part by the use of its own power.
19 A fee imposed pursuant to this section may be referred to as
20 a "caravan fee". Every permit shall show upon its face the
21 registration number assigned to each vehicle, the name and
22 address of the owner, the manner of transportation authorized
23 and a description of the vehicle registered, including the
24 engine number. The permit shall be carried at all times by
25 the person in charge of the vehicle. A suitable tag or

1 placard for each vehicle may be issued by the department of
2 public safety and, if issued, shall be at all times displayed
3 on each vehicle being transported. The permit, tag or
4 placard shall not be used upon or in connection with the
5 transportation of any vehicle other than the one for which
6 the permit, tag or placard is issued.

7 C. A caravan fee shall not apply to the
8 transportation of vehicles carried on another vehicle for the
9 operation of which a weight distance tax is paid, nor shall
10 the vehicle transported be required to carry a registration
11 plate or temporary transportation permits. The New Mexico
12 state police division of the department of public safety is
13 authorized to impound any vehicle transported in violation of
14 the Motor Transportation Act until a proper permit has been
15 secured and any fine levied has been paid."

16 SECTION 10. Section 66-7-404 NMSA 1978 (being Laws
17 1978, Chapter 35, Section 475, as amended) is amended to
18 read:

19 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

20 A. A vehicle shall not exceed a height of fourteen
21 feet.

22 B. A vehicle shall not exceed a length of forty
23 feet extreme overall dimension and no motor home shall exceed
24 a length of forty-five feet extreme overall dimension,
25 exclusive of front and rear bumpers, except when operated in

1 combination with another vehicle as provided in this section.
2 A bus may exceed a length of forty-five feet when operating
3 on national network highways. A combination of vehicles,
4 unless otherwise exempted in this section, shall not exceed
5 an overall length of sixty-five feet, exclusive of front and
6 rear bumpers.

7 C. A combination of vehicles coupled together
8 shall not consist of more than two units, except:

9 (1) a truck tractor and semitrailer shall be
10 permitted to pull one trailer;

11 (2) a vehicle shall be permitted to pull two
12 units, provided that the middle unit is equipped with brakes
13 and has a weight equal to or greater than the last unit and
14 the total combined gross weight of the towed units does not
15 exceed the manufacturer's stated gross weight of the towing
16 units;

17 (3) a double or triple saddle-mount or fifth
18 wheel mount of vehicles in transit by driveaway-towaway
19 methods shall be permitted;

20 (4) vehicles and trailers operated by or
21 under contract for municipal refuse systems;

22 (5) farm trailers, implements of husbandry
23 and fertilizer trailers operated by or under contract to a
24 farmer or rancher in farming or ranching operations; and

25 (6) as provided in Subsections D through G

1 of this section.

2 D. Exclusive of safety and energy conservation
3 devices, refrigeration units and other devices such as
4 coupling devices, vehicles operating a truck tractor
5 semitrailer or truck tractor semitrailer-trailer combinations
6 on the interstate highway system and those qualifying federal
7 aid primary system highways designated by the secretary of
8 the United States department of transportation, pursuant to
9 the federal Surface Transportation Assistance Act of 1982,
10 Public Law 97-424, Section 411, and on those highways
11 designated by the department of transportation by rule may
12 exceed an overall length limitation of sixty-five feet,
13 provided that the length of the semitrailer in a truck
14 tractor semitrailer combination does not exceed fifty-seven
15 feet six inches and the length of the semitrailer or trailer
16 in a truck tractor semitrailer-trailer combination does not
17 exceed twenty-eight feet six inches. The department of
18 transportation shall adopt rules and regulations granting
19 reasonable access to terminals, facilities for food, fuel,
20 repairs and rest and points of loading and unloading for
21 household goods carriers to vehicles operating in combination
22 pursuant to this subsection. As used in this subsection,
23 "truck tractor" means a non-cargo carrying power unit
24 designed to operate in combination with a semitrailer or
25 trailer, except that a truck tractor and semitrailer engaged

1 in the transportation of automobiles may transport motor
2 vehicles on part of the truck tractor.

3 E. The following combination vehicles are
4 specialized equipment and may exceed an overall length of
5 sixty-five feet pursuant to the Code of Federal Regulations,
6 Title 23, Section 658.13:

- 7 (1) automobile transporters;
- 8 (2) boat transporters;
- 9 (3) beverage semitrailers; and
- 10 (4) munitions carriers using dromedary
11 equipment.

12 F. A saddle-mount vehicle is specialized equipment
13 and may not exceed an overall length of ninety-seven feet
14 pursuant to the Code of Federal Regulations, Title 23,
15 Section 658.13.

16 G. Notwithstanding any other subsection of this
17 section, a trailer or semitrailer combination of such
18 dimensions as those that were in actual and lawful use in
19 this state on December 1, 1982 may be lawfully operated on
20 the highways of this state."

21 SECTION 11. Section 66-7-411 NMSA 1978 (being Laws
22 1978, Chapter 35, Section 482, as amended) is amended to
23 read:

24 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
25 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

1 A. A police officer with the New Mexico state
2 police division of the department of public safety, having
3 reason to believe that the weight of a vehicle and load is
4 unlawful, may require the driver to stop and submit to
5 weighing of the vehicle and load by means of either portable
6 or stationary scales and may require the vehicle to be driven
7 to the nearest scales approved by the department of public
8 safety or the department of transportation if the scales are
9 within five miles. A police officer shall not require a
10 driver to weigh a vehicle on a private scale.

11 B. When a police officer with the New Mexico state
12 police division of the department of public safety or a
13 transportation inspector, upon weighing a vehicle or
14 combination, determines that the gross vehicle weight or
15 combination gross vehicle weight exceeds the maximum
16 authorized by Sections 66-7-409 and 66-7-410 NMSA 1978, the
17 officer or inspector shall require the driver or owner of the
18 vehicle or combination to unload that portion of the load
19 necessary to decrease the gross vehicle weight or combination
20 gross vehicle weight to the authorized maximum.

21 C. A driver of a vehicle who fails or refuses to
22 stop and submit the vehicle and load to weighing or who fails
23 or refuses, when directed by a duly authorized police officer
24 with the New Mexico state police division of the department
25 of public safety or a transportation inspector, upon a

1 weighing of the vehicle, to unload the vehicle and otherwise
2 comply with the provisions of this section is guilty of a
3 misdemeanor.

4 D. A shipper or a person loading the vehicle who
5 intentionally overloads a vehicle that the shipper or person
6 has reason to believe will travel in that condition upon a
7 public highway is guilty of a misdemeanor and shall be fined
8 in accordance with Section 66-8-116.1 NMSA 1978.

9 E. In all cases of violations of weight
10 limitations, the penalties shall be assessed and imposed in
11 accordance with Section 66-8-116.1 NMSA 1978."

12 SECTION 12. Section 66-7-412 NMSA 1978 (being Laws
13 1959, Chapter 247, Section 1, as amended) is amended to read:

14 "66-7-412. SPECIAL FARM PERMITS.--The department of
15 transportation shall have the authority to issue special
16 permits at all ports of entry where registration stations or
17 places where inspection and registration services are
18 maintained by the department of transportation to all
19 implements of husbandry using the highways, including farm
20 tractors, and to the instrumentalities or vehicles that may
21 be carrying the implements of husbandry, including farm
22 tractors, when the securing of these permits is required by
23 law."

24 SECTION 13. Section 66-7-413 NMSA 1978 (being Laws
25 1978, Chapter 35, Section 484, as amended) is amended to

1 read:

2 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--
3 SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED
4 HOMES.--

5 A. The department of transportation and local
6 highway authorities may, in their discretion, upon
7 application in writing and good cause being shown, issue a
8 special permit in writing authorizing the applicant to
9 operate or move a vehicle or load of a size or weight
10 exceeding the maximum specified in Sections 66-7-401 through
11 66-7-416 NMSA 1978 on a highway under the jurisdiction of the
12 state transportation commission or local authorities. Except
13 for the movement of manufactured homes, a permit may be
14 granted, in cases of emergency, for the transportation of
15 loads on a certain unit or combination of equipment for a
16 specified period of time not to exceed one year, and the
17 permit shall contain the route to be traversed, the type of
18 load to be transported and any other restrictions or
19 conditions deemed necessary by the body granting the permit.
20 In every other case, the permit shall be issued for a single
21 trip and may designate the route to be traversed and contain
22 any other restrictions or conditions deemed necessary by the
23 body granting the permit. Every permit shall be carried in
24 the vehicle to which it refers and shall be opened for
25 inspection to any peace officer. It is a misdemeanor for a

1 person to violate a condition or term of the special permit.

2 B. The department of transportation shall
3 promulgate rules in accordance with the State Rules Act
4 pertaining to safety practices, liability insurance and
5 equipment for escort vehicles provided by the motor carrier
6 and for escort vehicles provided by a private business in
7 this state.

8 (1) The department of public safety or the
9 department of transportation shall provide the escort
10 personnel with a copy of applicable rules and shall inspect
11 the escort vehicles for the safety equipment required by the
12 rules. If the escort vehicles and personnel meet the
13 requirements set forth in the rules, the department of public
14 safety shall issue the special permit.

15 (2) The movement of vehicles upon the
16 highways of this state requiring a special permit and
17 required to use an escort of the type noted in Paragraph (1)
18 of this subsection is subject to the authority of the
19 department of transportation and the department of public
20 safety and to inspection at all times.

21 (3) The department of transportation shall
22 conduct engineering investigations and engineering
23 inspections to determine which four-lane highways are safe
24 for the operation or movement of manufactured homes without
25 an escort. After making that determination, the department

1 of transportation shall hold public hearings in the area of
2 the state affected by the determination, after which it may
3 adopt rules designating those four-lane highways as being
4 safe for the operation or movement of manufactured homes
5 without an escort. If a portion of such a four-lane highway
6 lies within the boundaries of a municipality, the department
7 of transportation, after obtaining the approval of the
8 municipal governing body, shall include such portions in its
9 rules.

10 C. Except for the movement of manufactured homes,
11 special permits may be issued for a single vehicle or
12 combination of vehicles by the department of transportation
13 for a period not to exceed one year for a fee of two hundred
14 fifty dollars (\$250). The special permits may allow
15 excessive height, length and width for a vehicle or
16 combination of vehicles or load thereon and may include a
17 provision for excessive weight if the weight of the vehicle
18 or combination of vehicles is not greater than one hundred
19 forty thousand pounds. Utility service vehicles, operating
20 with special permits pursuant to this subsection, shall be
21 exempt from prohibitions or restrictions relating to hours or
22 days of operation or restrictions on movement because of poor
23 weather conditions.

24 D. Special permits for a single trip for a vehicle
25 or combination of vehicles or load thereon of excessive

1 weight, width, length and height may be issued by the
2 department of transportation for a single vehicle for a fee
3 of twenty-five dollars (\$25.00) plus the product of two and
4 one-half cents (\$.025) for each two thousand pounds in excess
5 of eighty-six thousand four hundred pounds or major fraction
6 thereof multiplied by the number of miles to be traveled by
7 the vehicle or combination of vehicles on the highways of
8 this state.

9 E. If a vehicle for which a permit is issued
10 pursuant to this section is a manufactured home, the
11 department of transportation or local highway authority
12 issuing the permit shall furnish the following information to
13 the property tax division of the taxation and revenue
14 department, which shall forward the information:

15 (1) to the county assessor of a county from
16 which a manufactured home is being moved, the date the permit
17 was issued, the location being moved from, the location being
18 moved to if within the same county, the name of the owner of
19 the manufactured home and the identification and registration
20 numbers of the manufactured home;

21 (2) to the county assessor of any county in
22 this state to which a manufactured home is being moved, the
23 date the permit was issued, the location being moved from,
24 the location being moved to, the name of the owner of the
25 manufactured home and the registration and identification

1 numbers of the manufactured home; and

2 (3) to the owner of a manufactured home
3 having a destination in this state, notification that the
4 information required in Paragraphs (1) and (2) of this
5 subsection is being given to the respective county assessors
6 and that manufactured homes are subject to property taxation.

7 F. Except as provided in Subsection G of this
8 section, if the movement of a manufactured home originates in
9 this state, a permit shall not be issued pursuant to
10 Subsection E of this section until the owner of the
11 manufactured home or the authorized agent of the owner
12 obtains and presents to the department of transportation
13 proof that a certificate has been issued by the county
14 assessor or treasurer of the county in which the manufactured
15 home movement originates showing that either:

16 (1) all property taxes due or to become due
17 on the manufactured home for the current tax year or any past
18 tax years have been paid, except for manufactured homes
19 located on an Indian reservation; or

20 (2) liability for property taxes on the
21 manufactured home does not exist for the current tax year or
22 a past tax year, except for manufactured homes located on an
23 Indian reservation.

24 G. The movement of a manufactured home from the
25 lot or business location of a manufactured home dealer to its

1 destination designated by an owner-purchaser is not subject
2 to the requirements of Subsection F of this section if the
3 manufactured home movement originates from the lot or
4 business location of the dealer and the manufactured home was
5 part of the dealer's inventory prior to the sale to the
6 owner-purchaser; however, the movement of a manufactured home
7 by a dealer or the dealer's authorized agent as a result of a
8 sale or trade-in from a nondealer-owner is subject to the
9 requirements of Subsection F of this section whether the
10 destination is the business location of a dealer or some
11 other destination.

12 H. A permit shall not be issued pursuant to this
13 section for movement of a manufactured home whose width
14 exceeds eighteen feet with no more than a six-inch roof
15 overhang on the left side or twelve inches on the right side
16 in addition to the eighteen-foot width of the manufactured
17 home. Manufactured homes exceeding the limitations of this
18 section shall only be moved on dollies placed on the front
19 and the rear of the structure.

20 I. The secretary of transportation may by rule
21 provide for movers of manufactured homes to self-issue
22 permits for certain sizes of manufactured homes over
23 specific routes. The cost of a permit shall not be less than
24 twenty-five dollars (\$25.00).

25 J. The secretary of transportation may provide by

1 rule for dealers of implements of husbandry to self-issue
2 permits for the movement of certain sizes of implements of
3 husbandry from the lot or business location of the dealer
4 over specific routes with specific escort requirements, if
5 necessary, to a destination designated by an owner-purchaser
6 or for purposes of a working demonstration on the property of
7 a proposed owner-purchaser. The department of transportation
8 shall charge a fee for each self-issued permit not to exceed
9 fifteen dollars (\$15.00).

10 K. A private motor carrier requesting an oversize
11 or overweight permit shall provide proof of insurance in at
12 least the following amounts:

13 (1) bodily injury liability, providing:

14 (a) fifty thousand dollars (\$50,000)

15 for each person; and

16 (b) one hundred thousand dollars

17 (\$100,000) for each accident; and

18 (2) property damage liability, providing
19 twenty-five thousand dollars (\$25,000) for each accident.

20 L. A motor carrier requesting an oversize permit
21 shall produce a copy of a warrant or a single state
22 registration receipt as evidence that the motor carrier
23 maintains the insurance minimums prescribed by the public
24 regulation commission.

25 M. The department of transportation may provide by SB 186
Page 23

1 rule the time periods during which a vehicle or load of a
2 size or weight exceeding the maximum specified in Sections
3 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved
4 by a motor carrier on a highway under the jurisdiction of the
5 state transportation commission or local authorities.

6 N. An applicant for a special permit to operate a
7 vehicle or combination of vehicles with a gross weight not
8 exceeding ninety-six thousand pounds within six miles of the
9 port of entry at the border with Mexico at Santa Teresa or
10 within a circular quadrant starting at that port of entry
11 with an east boundary line running due north twelve miles
12 from the Santa Teresa port of entry to a point, then along an
13 arc to the west with a twelve-mile radius and central angle
14 of approximately ninety degrees to a point on the
15 international boundary with Mexico, then returning due east
16 twelve miles to the starting point at that port of entry, and
17 twelve miles of other ports of entry on the border with
18 Mexico shall not be required to demonstrate to the department
19 of transportation that the load cannot be reduced as a
20 condition of the issuance of the permit.

21 O. Revenue from fees for special permits
22 authorizing vehicles and loads of excessive size or weight to
23 operate or move upon a highway under the jurisdiction of the
24 state transportation commission or local authorities shall be
25 collected for the department of transportation and

1 transferred to the state road fund."

2 SECTION 14. Section 66-7-413.2 NMSA 1978 (being Laws
3 1989, Chapter 291, Section 1, as amended) is amended to read:

4 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
5 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

6 A. All vehicles with a gross vehicle weight in
7 excess of one hundred seventy thousand pounds shall require a
8 special permit as provided for in Section 66-7-413 NMSA 1978,
9 and no such permit shall be issued unless:

10 (1) an engineering investigation and review
11 have been conducted to:

12 (a) establish whether the move could be
13 made without visible or documented damages to the portion of
14 road or bridges upon which the move is to be made;

15 (b) establish whether the move could be
16 made without visible or documented damages to any private
17 facilities along the road upon which the move is to be made;
18 and

19 (c) estimate the cost for any necessary
20 modifications the move may cause; and

21 (2) when required, the applicant has
22 submitted to the department of transportation and the local
23 highway authorities all pertinent information requested of
24 the applicant by the department of transportation and the
25 New Mexico state police division. If the submitted data are

1 not acceptable to the department of transportation, the
2 applicant will be advised by the New Mexico state police
3 division that engineering investigations will be conducted by
4 the department of transportation, and the cost incurred by
5 the department of transportation will be paid by the
6 applicant as an added cost to the permit fee.

7 B. The department of transportation shall adopt
8 the necessary rules for the development of data for an
9 investigation to determine whether to issue any special
10 permit pursuant to Section 66-7-413 NMSA 1978.

11 C. The applicant or the applicant's employer shall
12 pay the costs for any modifications to the road, bridges or
13 private facilities along the road that the department of
14 transportation has determined are necessary for the issuance
15 of the special permit and the costs for any damages to the
16 road or bridges that are the result of the move and the fault
17 of the mover and not the department of transportation.

18 D. Any person who violates the provisions of
19 Subsection A of this section is guilty of a misdemeanor and
20 shall be punished by a fine of not more than one thousand
21 dollars (\$1,000) or imprisonment for a definite term not to
22 exceed six months, or both.

23 E. Nothing contained in this section shall limit
24 in any manner the authority of the state, a county, a
25 municipality or a political subdivision to collect damages

1 for any unlawful use of highways as provided by law."

2 SECTION 15. Section 66-7-413.4 NMSA 1978 (being Laws
3 2001, Chapter 20, Section 2, as amended) is amended to read:

4 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

5 A. In addition to the authority granted in
6 Section 66-7-413 NMSA 1978, the department of transportation
7 may issue special permits authorizing an increase of up to
8 twenty-five percent in axle weight for liquid hauling tank
9 vehicles whenever the liquid hauling tank vehicles would have
10 to haul less than a full tank under the maximum weights
11 authorized in Sections 66-7-409 and 66-7-410 NMSA 1978. A
12 special permit under this section may be issued for a single
13 trip or for a year. The fee for the permits shall be
14 thirty-five dollars (\$35.00) for a single-trip permit and one
15 hundred twenty dollars (\$120) for an annual permit. Revenue
16 from the permit fee shall be used to build, maintain, repair
17 or reconstruct the highways and bridges of this state.
18 Revenue from the permit shall be collected for the department
19 of transportation and transferred to the state road fund.

20 B. The special permits authorized by this section
21 shall not be valid for transportation of excessive weights on
22 the interstate system as currently defined in federal law or
23 as that system may be defined in the future. A special
24 permit issued pursuant to this section shall not be valid for
25 gross vehicle weights in excess of eighty-six thousand four

1 hundred pounds or for a combination vehicle.

2 C. If the federal highway administration of the
3 United States department of transportation gives official
4 notice that money will be withheld or that this section
5 violates the grandfather provision of 23 USCA 127, the
6 secretary may withdraw all special permits and discontinue
7 issuance of all special permits authorized in this section
8 until such time that final determination is made. If the
9 final determination allows the state to issue the special
10 permits without sanction of funds or weight tables, the
11 secretary shall reissue the special permits previously
12 withdrawn and make the special permits available pursuant to
13 this section."

14 SECTION 16. Section 66-7-413.5 NMSA 1978 (being Laws
15 2003, Chapter 333, Section 1) is amended to read:

16 "66-7-413.5. EXEMPTION--VEHICLES USED TO TRANSPORT SEED
17 COTTON MODULES--LIMITATIONS.--

18 A. A seed cotton module transport vehicle may
19 transport loads without securing a permit or escort if:

20 (1) the vehicle is:

21 (a) no wider than nine feet;

22 (b) no longer than forty-eight feet;

23 and

24 (c) no higher than fourteen feet six

25 inches;

1 (2) the load is not transported for a
2 distance greater than one hundred miles;

3 (3) the gross vehicle weight of the vehicle
4 is less than fifty-nine thousand four hundred pounds;

5 (4) the vehicle is marked on the front and
6 the rear with "OVERSIZED LOAD" signs; and

7 (5) the vehicle is not operated on highways
8 for which a more strict size or weight limitation is required
9 by federal law.

10 B. If the owner of a seed cotton module transport
11 vehicle transports a load of more than fifty-nine thousand
12 four hundred pounds, the owner is liable to the state, county
13 or municipality for damage to a highway, street, road or
14 bridge caused by the weight of the load and transport.

15 C. If the seed cotton module transport vehicle is
16 not operated on routes identified by the department of
17 transportation as having deficient bridge structures, the
18 owner or operator shall obtain and have in possession the
19 deficient bridge information from the department on an annual
20 basis.

21 D. As used in this section, "seed cotton module
22 transport vehicle" means a motor vehicle, trailer or
23 combination of motor vehicle with trailer used exclusively to
24 transport a seed cotton module."

1 2008, Chapter 63, Section 2) is amended to read:

2 "66-7-413.7. MULTIPLE TRIP SPECIAL PERMIT ALLOWANCE--
3 FEE--VEHICLES USED TO TRANSPORT AGRICULTURAL PRODUCTS--
4 LIMITATIONS.--

5 A. An agricultural product transport vehicle may
6 be issued a special permit for an annual fee of two hundred
7 fifty dollars (\$250) to transport loads for multiple trips
8 pursuant to Section 66-7-413 NMSA 1978. The area covered by
9 the special permit shall be specified on the permit.

10 B. The multiple trip special permits for
11 agricultural product transport vehicles may be issued for up
12 to five thousand pounds over the gross vehicle weight
13 pursuant to Section 66-7-410 NMSA 1978.

14 C. An agricultural product transport vehicle shall
15 not be operated on highways for which a more strict size or
16 weight limitation is required by federal law.

17 D. An agricultural product transport vehicle shall
18 not be operated on routes identified by the department of
19 transportation as having deficient bridge structures. The
20 owner or operator of the agricultural product transport
21 vehicle shall obtain and have in the owner's or operator's
22 possession a copy of the restrictions imposed by the state
23 transportation commission pursuant to Section 66-7-415 NMSA
24 1978 regarding the size and weight of vehicles operated on a
25 highway under the jurisdiction of that commission.

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E. As used in this section, "agricultural product transport vehicle" means a motor vehicle, freight trailer or utility trailer or a combination thereof used exclusively for hauling agricultural products harvested in an agricultural area that lies within New Mexico or within New Mexico and in an adjacent state."
