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HOUSE BILL 317

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO MOTOR VEHICLES; ESTABLISHING THE SPECIAL PERMIT
REVIEW BOARD; CREATING A MISDEMEANOR FOR THE OPERATION OF AN
OVERWEIGHT VEHICLE IN VIOLATION OF TIME SPECIFIED IN A SPECIAL
PERMIT ISSUED BY THE DEPARTMENT OF TRANSPORTATION OR LOCAL
HIGHWAY AUTHORITIES; PROVIDING AN OPPORTUNITY FOR A HEARING;
PROVIDING CIVIL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] SPECIAL PERMIT REVIEW BOARD CREATED.--

A. The "special permit review board" is established
within the department of transportation, composed of:

(1) the secretary of public safety or the
secretary's designee;

.233467.3

1 (2) the secretary of transportation or the
2 secretary's designee; and

3 (3) the managing director of the New Mexico
4 trucking association or the managing director's designee.

5 B. The special permit review board shall meet as
6 necessary to review applications by vehicle operators who are
7 otherwise ineligible pursuant to Section 66-8-116.1 NMSA 1978
8 to receive special permits pursuant to the Motor Vehicle Code
9 for continued eligibility to receive such permits.

10 C. The department of transportation shall establish
11 the criteria and procedures for the review of applications for
12 continued eligibility to receive special permits pursuant to
13 this section by the special permit review board by rule."

14 SECTION 2. A new section of the Motor Vehicle Code,
15 Section 66-7-413.9 NMSA 1978, is enacted to read:

16 "66-7-413.9. [NEW MATERIAL] PERMITS FOR EXCESSIVE SIZE
17 AND WEIGHT--VIOLATION OF TIME.--Except as a result of a
18 mechanical failure or other circumstance outside of an
19 operator's control, it is a misdemeanor to operate or move a
20 vehicle pursuant to a special permit issued by the department
21 of transportation or local highway authorities pursuant to
22 Sections 66-7-412 through 66-7-413.8 NMSA 1978 in violation of
23 a time specified in the permit for such operation or movement
24 on a specified highway."

25 SECTION 3. Section 66-8-116.1 NMSA 1978 (being Laws 1989,
.233467.3

Chapter 319, Section 12, as amended) is amended to read:

"66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS--OVERSIZE
LOAD.--

A. As used in the Motor Vehicle Code and the Motor
Carrier Act, "penalty assessment misdemeanor" means, in
addition to the definition of that term in Section 66-8-116
NMSA 1978, violation of the following listed sections of the
NMSA 1978 for which, except as provided in Subsection B of this
section, the listed penalty is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Oversize load		
1,000 to 3,000 pounds	66-7-411	\$ 50.00
Oversize load		
3,001 to 4,000 pounds	66-7-411	80.00
Oversize load		
4,001 to 5,000 pounds	66-7-411	150.00
Oversize load		
5,001 to 6,000 pounds	66-7-411	250.00
Oversize load		
6,001 to 7,000 pounds	66-7-411	400.00
Oversize load		
7,001 to 8,000 pounds	66-7-411	550.00
Oversize load		
8,001 to 9,000 pounds	66-7-411	700.00

.233467.3

Oversize load

9,001 to 10,000 pounds	66-7-411	850.00
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Oversize load

over 10,000 pounds	66-7-411	1,000.00
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<u>First violation of time</u>	<u>66-7-413.9</u>	<u>1,000.00</u>
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<u>Second violation of time</u>	<u>66-7-413.9</u>	<u>2,000.00.</u>
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B. Upon a third violation of a special permit issued by the department of transportation to operate or move a vehicle or load pursuant to Sections 66-7-412 through 66-7-413.8 NMSA 1978, an operator shall not be eligible to receive a subsequent special permit for the movement of an oversized or overweight vehicle or load pursuant to the Motor Vehicle Code; provided that the operator may apply to the special permit review board in accordance with Section 1 of this 2026 act for continued eligibility to receive such permits."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2026.

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