

SENATE BILL 213

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

INTRODUCED BY

George K. Muñoz

AN ACT

RELATING TO TAXATION; INDEXING THE GASOLINE TAX, THE WEIGHT  
DISTANCE TAX AND THE SPECIAL FUEL EXCISE TAX.

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

SECTION 1. Section 7-13-3 NMSA 1978 (being Laws 1971,  
Chapter 207, Section 3, as amended) is amended to read:

"7-13-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS  
"GASOLINE TAX".--

A. For the privilege of receiving gasoline in this  
state, there is imposed an excise tax at a rate provided in  
Subsection B of this section on each gallon of gasoline  
received in New Mexico.

B. The tax imposed by Subsection A of this section  
shall be:

(1) prior to July 1, 2028, seventeen cents

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1     (\$ .17) per gallon received in New Mexico; and

2                     (2) on and after July 1, 2028, the rate  
3     determined pursuant to Subsection C of this section.

4                     C. No later than April 30, 2028 and April 30 of  
5     each subsequent year, the department shall calculate the rate  
6     of gasoline tax to be imposed as of July 1 of that year. The  
7     rate of the gasoline tax per gallon shall be equal to the  
8     product, rounded down to the nearest whole cent, of seventeen  
9     cents (\$.17) multiplied by a fraction with a numerator equal to  
10    the consumer price index for the previous calendar year and a  
11    denominator equal to the consumer price index for calendar year  
12    2026; provided that the rate of the tax shall not be less than  
13    the rate imposed on July 1 of the previous year. As used in  
14    this subsection, "consumer price index" means the consumer  
15    price index for all urban consumers as published by the United  
16    States bureau of labor statistics.

17                    ~~[E.]~~ D. The tax imposed by this section may be  
18     called the "gasoline tax".

19                    SECTION 2. Section 7-15A-6 NMSA 1978 (being Laws 1988,  
20     Chapter 73, Section 33, as amended) is amended to read:

21                    "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--  
22     REDUCTION OF RATE FOR ONE-WAY HAULS.--

23                    A. For on-highway operations of motor vehicles  
24     other than buses, the weight distance tax shall be:

25                    (1) prior to July 1, 2028, computed in

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1 accordance with the following schedule:

2	Declared Gross Weight	Tax Rate
3	(Gross Vehicle Weight)	(Mills per Mile)
4	26,001 to 28,000	11.01
5	28,001 to 30,000	11.88
6	30,001 to 32,000	12.77
7	32,001 to 34,000	13.64
8	34,001 to 36,000	14.52
9	36,001 to 38,000	15.39
10	38,001 to 40,000	16.73
11	40,001 to 42,000	18.05
12	42,001 to 44,000	19.36
13	44,001 to 46,000	20.69
14	46,001 to 48,000	22.01
15	48,001 to 50,000	23.33
16	50,001 to 52,000	24.65
17	52,001 to 54,000	25.96
18	54,001 to 56,000	27.29
19	56,001 to 58,000	28.62
20	58,001 to 60,000	29.93
21	60,001 to 62,000	31.24
22	62,001 to 64,000	32.58
23	64,001 to 66,000	33.90
24	66,001 to 68,000	35.21
25	68,001 to 70,000	36.52

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70,001 to 72,000 37.86

72,001 to 74,000 39.26

74,001 to 76,000 40.71

76,001 to 78,000 42.21

78,001 and over 43.78; and

(2) on and after July 1, 2028, the rate  
determined pursuant to Subsection B of this section.

B. No later than April 30, 2028 and April 30 of  
each subsequent year, the department shall calculate the rates  
of the weight distance tax to be imposed as of July 1 of that  
year. The rates shall be equal to the product, rounded down to  
the nearest whole cent, of the rates pursuant to Subsection A  
of this section multiplied by a fraction with a numerator equal  
to the consumer price index for the previous calendar year and  
a denominator equal to the consumer price index for calendar  
year 2026; provided that the rates of the tax shall not be less  
than the rates imposed on July 1 of the previous year. As used  
in this subsection, "consumer price index" means the consumer  
price index for all urban consumers as published by the United  
States bureau of labor statistics.

~~[B.]~~ C. All motor vehicles for which the tax is  
computed under Subsection A of this section shall pay a tax  
that is two-thirds of the tax computed under Subsection A of  
this section if:

(1) the motor vehicle is customarily used for

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1 one-way haul;

2 (2) forty-five percent or more of the mileage  
3 traveled by the motor vehicle for a registration year is  
4 mileage that is traveled empty of all load; and

5 (3) the registrant, owner or operator of the  
6 vehicle attempting to qualify under this subsection has made a  
7 sworn application to the department to be classified under this  
8 subsection for a registration year and has given whatever  
9 information is required by the department to determine the  
10 eligibility of the vehicle to be classified under this  
11 subsection and the vehicle has been so classified."

12 SECTION 3. Section 7-15A-7 NMSA 1978 (being Laws 1988,  
13 Chapter 73, Section 34, as amended) is amended to read:

14 "7-15A-7. TAX RATE FOR BUSES.--

15 A. For all buses, the weight distance tax shall be:

16 (1) prior to July 1, 2028, computed in  
17 accordance with the following schedule:

18 Declared Gross Weight	Tax Rate
19 (Gross Vehicle Weight)	(Mills per Mile)
20 26,001 to 28,000	11.01
21 28,001 to 30,000	11.88
22 30,001 to 32,000	12.77
23 32,001 to 34,000	13.64
24 34,001 to 36,000	14.52
25 36,001 to 38,000	15.39

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1	38,001 to 40,000	16.73
2	40,001 to 42,000	18.05
3	42,001 to 44,000	19.36
4	44,001 to 46,000	20.69
5	46,001 to 48,000	22.01
6	48,001 to 50,000	23.33
7	50,001 to 52,000	24.65
8	52,001 to 54,000	25.96
9	54,001 and over	27.29; <u>and</u>

10                   (2) on and after July 1, 2028, the rate  
11 determined pursuant to Subsection B of this section.

12                   B. No later than April 30, 2028 and April 30 of  
13 each subsequent year, the department shall calculate the rates  
14 of the weight distance tax to be imposed as of July 1 of that  
15 year. The rates shall be equal to the product, rounded down to  
16 the nearest whole cent, of the rates pursuant to Subsection A  
17 of this section multiplied by a fraction with a numerator equal  
18 to the consumer price index for the previous calendar year and  
19 a denominator equal to the consumer price index for calendar  
20 year 2026; provided that the rates of the tax shall not be less  
21 than the rates imposed on July 1 of the previous year. As used  
22 in this subsection, "consumer price index" means the consumer  
23 price index for all urban consumers as published by the United  
24 States bureau of labor statistics."

25                   SECTION 4. Section 7-16A-3 NMSA 1978 (being Laws 1992,

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Chapter 51, Section 3, as amended) is amended to read:

"7-16A-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS  
SPECIAL FUEL EXCISE TAX.--

A. For the privilege of receiving or using special fuel in this state, there is imposed an excise tax at a rate provided in Subsection B of this section on each gallon of special fuel received in New Mexico.

B. The tax imposed by Subsection A of this section shall be:

(1) prior to July 1, 2028, twenty-one cents (\$0.21) per gallon of special fuel received or used in New Mexico; and

(2) on and after July 1, 2028, the rate determined pursuant to Subsection C of this section.

C. No later than April 30, 2028 and April 30 of each subsequent year, the department shall calculate the rate of special fuel excise tax to be imposed as of July 1 of that year. The rate of the special fuel excise tax per gallon shall be equal to the product, rounded down to the nearest whole cent, of twenty-one cents (\$0.21) multiplied by a fraction with a numerator equal to the consumer price index for the previous calendar year and a denominator equal to the consumer price index for calendar year 2026; provided that the rate of the tax shall not be less than the rate imposed on July 1 of the previous year. As used in this subsection, "consumer price

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1 index" means the consumer price index for all urban consumers  
2 as published by the United States bureau of labor statistics.

3 [G.] D. The tax imposed by this section may be  
4 called the "special fuel excise tax".

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