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SENATE BILL 15

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2003

INTRODUCED BY

Carroll H. Leavell

AN ACT

**RELATING TO TRANSPORTATION; AUTHORIZING THE NEW MEXICO FINANCE
AUTHORITY TO ISSUE BONDS; APPROVING TRANSPORTATION PROJECTS;
REQUIRING MOTOR VEHICLE OPERATORS TO DISPLAY WEIGHT DISTANCE
TAX IDENTIFICATION PERMITS; IMPOSING A FEE FOR WEIGHT DISTANCE
TAX IDENTIFICATION PERMIT ISSUANCE AND ADMINISTRATION; CREATING
A FUND; INCREASING THE WEIGHT DISTANCE TAX, MOTOR VEHICLE
EXCISE TAX AND SPECIAL FUEL EXCISE TAX; INCREASING PERMIT FEES
FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT; INCREASING VEHICLE
REGISTRATION FEES; CHANGING DISTRIBUTIONS; AMENDING, REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.**

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

**Section 1. Section 7-1-6.10 NMSA 1978 (being Laws 1983,
Chapter 211, Section 15, as amended) is amended to read:**

"7-1-6.10. DISTRIBUTIONS--STATE ROAD FUND.--

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1 A. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 shall be made to the state road fund in an amount equal to
3 the net receipts attributable to the taxes, surcharges,
4 penalties and interest imposed pursuant to the Gasoline Tax Act
5 and to the taxes, surtaxes, fees, penalties and interest
6 imposed pursuant to the Special Fuels Supplier Tax Act and the
7 Alternative Fuel Tax Act less:

8 (1) the amount distributed to the state
9 aviation fund pursuant to Subsection B of Section 7-1-6.7 NMSA
10 1978;

11 (2) the amount distributed to the motorboat
12 fuel tax fund pursuant to Section 7-1-6.8 NMSA 1978;

13 (3) the amount distributed to municipalities
14 and counties pursuant to Subsection A of Section 7-1-6.9 NMSA
15 1978;

16 (4) the amount distributed to the county
17 government road fund pursuant to Section 7-1-6.19 NMSA 1978;

18 (5) the amount distributed to the local
19 governments road fund pursuant to Section 7-1-6.39 NMSA 1978;

20 (6) the amount distributed to the
21 municipalities pursuant to Section 7-1-6.27 NMSA 1978;

22 (7) the amount distributed to the municipal
23 arterial program of the local governments road fund pursuant to
24 Section 7-1-6.28 NMSA 1978; and

25 (8) the amount distributed to a qualified

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1 tribe pursuant to a gasoline tax sharing agreement entered into
2 between the secretary of [~~highway and~~] transportation and the
3 qualified tribe pursuant to the provisions of Section
4 67-3-8.1 NMSA 1978.

5 B. A distribution pursuant to Section 7-1-6.1 NMSA
6 1978 shall be made to the state road fund in an amount equal to
7 the net receipts attributable to the taxes, [~~fees~~] interest and
8 penalties from the Weight Distance Tax Act. "

9 Section 2. Section 7-1-6.39 NMSA 1978 (being Laws 1995,
10 Chapter 6, Section 9) is amended to read:

11 "7-1-6.39. DISTRIBUTION OF SPECIAL FUEL EXCISE TAX TO
12 LOCAL GOVERNMENTS ROAD FUND. --A distribution pursuant to
13 Section 7-1-6.1 NMSA 1978 shall be made to the local
14 governments road fund in an amount equal to [~~eleven and eleven-~~
15 ~~hundredths~~] nine and fifty-two hundredths percent of the net
16 receipts attributable to the taxes, exclusive of penalties and
17 interest, from the special fuel excise tax imposed by the
18 Special Fuels Supplier Tax Act. "

19 Section 3. Section 7-14-4 NMSA 1978 (being Laws 1988,
20 Chapter 73, Section 14) is amended to read:

21 "7-14-4. DETERMINATION OF AMOUNT OF MOTOR VEHICLE EXCISE
22 TAX. --

23 A. The rate of the motor vehicle excise tax is:

24 (1) three percent [and] on sales occurring
25 before July 1, 2004; and

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1 "7-15A-2. DEFINITIONS. -- As used in the Weight Distance
2 Tax Act:

3 A. "bus" means ~~every~~ a motor vehicle designed and
4 used for the transportation of ~~persons~~ a person and ~~every~~ a
5 motor vehicle, other than a taxicab, designed and used for the
6 transportation of ~~persons~~ a person for compensation;

7 B. "declared gross weight" means the declared gross
8 weight for purposes of the Motor Transportation Act;

9 C. "department" means the taxation and revenue
10 department, the secretary of taxation and revenue or ~~any~~ an
11 employee of that department exercising authority lawfully
12 delegated to that employee by the secretary;

13 D. "gross vehicle weight" means the weight of a
14 vehicle without load, plus the weight of ~~any~~ a load ~~thereon~~
15 upon the vehicle;

16 E. "motor vehicle" means ~~every~~ a vehicle ~~which~~
17 that is self-propelled and ~~every~~ a vehicle ~~which~~ that is
18 propelled by electric power obtained from batteries or from
19 overhead trolley wires, but not operated upon rails;

20 F. "person" means ~~any~~:

21 (1) an individual, estate, trust, receiver,
22 cooperative association, club, corporation, company, firm,
23 partnership, joint venture, syndicate or other association;
24 ~~["person" also means]~~ and

25 (2) to the extent permitted by law, ~~any~~ a

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1 federal, state or other governmental unit or subdivision or an
2 agency, department or instrumentality [~~thereof~~] of the federal,
3 state or other governmental unit;

4 G. "registrant" means [~~any~~] a person who has
5 registered the vehicle pursuant to the laws of this state or
6 another state;

7 H. "secretary" means the secretary of taxation and
8 revenue or the secretary's delegate;

9 I. "tax" means the weight distance tax imposed by
10 the Weight Distance Tax Act; [~~and~~]

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

17 K. "weight distance tax identification permit"
18 means an administrative certificate that is issued by the
19 department and that identifies a specific vehicle as subject to
20 the tax imposed pursuant to the Weight Distance Tax Act. "

21 Section 6. Section 7-15A-6 NMSA 1978 (being Laws 1988,
22 Chapter 73, Section 33) is amended to read:

23 "7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--
24 REDUCTION OF RATE FOR ONE-WAY HAULS. --

25 A. For on-highway operations of motor vehicles

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1 other than buses, the weight distance tax shall be computed in
2 accordance with the following schedule:

3	Declared Gross Weight	Tax Rate
4	(Gross Vehicle Weight)	(Mills per Mile)
5	26,000 to 28,000	[7.97] <u>11.32</u>
6	28,001 to 30,000	[8.60] <u>12.22</u>
7	30,001 to 32,000	[9.24] <u>13.13</u>
8	32,001 to 34,000	[9.87] <u>14.02</u>
9	34,001 to 36,000	[10.51] <u>14.93</u>
10	36,001 to 38,000	[11.14] <u>15.82</u>
11	38,001 to 40,000	[12.11] <u>17.20</u>
12	40,001 to 42,000	[13.06] <u>18.55</u>
13	42,001 to 44,000	[14.01] <u>19.90</u>
14	44,001 to 46,000	[14.97] <u>21.26</u>
15	46,001 to 48,000	[15.93] <u>22.63</u>
16	48,001 to 50,000	[16.88] <u>23.98</u>
17	50,001 to 52,000	[17.84] <u>25.34</u>
18	52,001 to 54,000	[18.79] <u>26.69</u>
19	54,001 to 56,000	[19.75] <u>28.05</u>
20	56,001 to 58,000	[20.71] <u>29.42</u>
21	58,001 to 60,000	[21.66] <u>30.77</u>
22	60,001 to 62,000	[22.61] <u>32.12</u>
23	62,001 to 64,000	[23.58] <u>33.49</u>
24	64,001 to 66,000	[24.53] <u>34.84</u>
25	66,001 to 68,000	[25.48] <u>36.19</u>

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1	68,001 to 70,000	[26.43] <u>37.54</u>
2	70,001 to 72,000	[27.40] <u>38.92</u>
3	72,001 to 74,000	[28.41] <u>40.36</u>
4	74,001 to 76,000	[29.46] <u>41.85</u>
5	76,001 to 78,000	[30.55] <u>43.39</u>
6	78,001 and over	[31.68] <u>45.00</u> .

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

11 (1) the motor vehicle is customarily used for
12 one-way haul;

13 (2) forty-five percent or more of the mileage
14 traveled by the motor vehicle for a registration year is
15 mileage [~~which~~] that is traveled empty of all load; and

16 (3) the registrant, owner or operator of the
17 vehicle attempting to qualify under this subsection has made a
18 sworn application to the department to be classified under this
19 subsection for a registration year and has given whatever
20 information is required by the department to determine the
21 eligibility of the vehicle to be classified under this
22 subsection and the vehicle has been so classified."

23 Section 7. Section 7-15A-7 NMSA 1978 (being Laws 1988,
24 Chapter 73, Section 34) is amended to read:

25 "7-15A-7. TAX RATE FOR BUSES. -- For all buses, the weight

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1 distance tax shall be computed in accordance with the following
2 schedule:

3 Declared Gross Weight	Tax Rate
4 (Gross Vehicle Weight)	(Mills per Mile)
5 26,000 to 28,000	[7.97] <u>11.32</u>
6 28,001 to 30,000	[8.60] <u>12.22</u>
7 30,001 to 32,000	[9.24] <u>13.13</u>
8 32,001 to 34,000	[9.87] <u>14.02</u>
9 34,001 to 36,000	[10.52] <u>14.93</u>
10 36,001 to 38,000	[11.15] <u>15.82</u>
11 38,001 to 40,000	[12.12] <u>17.20</u>
12 40,001 to 42,000	[13.07] <u>18.55</u>
13 42,001 to 44,000	[14.02] <u>19.90</u>
14 44,001 to 46,000	[14.97] <u>21.26</u>
15 46,001 to 48,000	[15.94] <u>22.63</u>
16 48,001 to 50,000	[16.89] <u>23.98</u>
17 50,001 to 52,000	[17.85] <u>25.34</u>
18 52,001 to 54,000	[18.80] <u>26.69</u>
19 54,001 and over	[19.76] <u>28.05.</u> "

20 Section 8. A new section of the Weight Distance Tax Act
21 is enacted to read:

22 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION
23 PERMITS--SUSPENSION AND RENEWAL.--

24 A. An operator of a motor vehicle registered in this
25 state and subject to the weight distance tax shall display a

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1 weight distance tax identification permit issued for that
2 vehicle to an enforcement officer of the department of public
3 safety upon demand of that employee and when the vehicle passes
4 through a port of entry.

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

9 Section 9. A new section of the Weight Distance Tax Act
10 is enacted to read:

11 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
12 ADMINISTRATIVE FEE. --

13 A. A person that obtains a weight distance tax
14 identification permit shall pay an administrative fee to the
15 department for the reasonable and necessary expense that the
16 department incurs for processing and issuing a weight distance
17 tax identification permit. The fee shall be paid in addition
18 to a weight distance tax, special fuel excise tax and other use
19 fee imposed for the use of public highways of this state. The
20 department shall determine the amount of the fee pursuant to
21 regulation. The fee shall not exceed ten dollars (\$10.00).

22 B. The department shall deposit to the weight
23 distance tax identification permit administration fund all
24 proceeds from administrative fees collected by the department
25 pursuant to this section. "

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1 Section 10. A new section of the Weight Distance Tax Act
2 is enacted to read:

3 "[NEW MATERIAL] WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
4 ADMINISTRATION FUND. --The "weight distance tax identification
5 permit administration fund" is created in the state treasury.
6 The purpose of the fund is to provide an account from which the
7 department may pay the costs of issuing and administering
8 weight distance tax identification permits. The fund shall
9 consist of administrative fees collected pursuant to the Weight
10 Distance Tax Act. Money in the fund shall be appropriated to
11 the department to pay for the cost of issuing and administering
12 weight distance tax identification permits. Disbursements from
13 the fund shall be by warrant of the secretary of finance and
14 administration upon vouchers signed by the secretary or the
15 secretary's authorized representative. Money in the fund shall
16 not revert to the general fund at the end of a fiscal year."

17 Section 11. Section 7-16A-3 NMSA 1978 (being Laws 1992,
18 Chapter 51, Section 3, as amended) is amended to read:

19 "7-16A-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
20 SPECIAL FUEL EXCISE TAX. --

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

25 B. The tax imposed by Subsection A of this section

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1 shall be [~~eighteen cents (\$.18)~~] twenty-one cents (\$.21) per
2 gallon of special fuel received or used in New Mexico.

3 C. The tax imposed by this section may be called the
4 "special fuel excise tax". "

5 Section 12. Section 66-3-3.1 NMSA 1978 (being Laws 1992,
6 Chapter 106, Section 7, as amended) is amended to read:

7 "66-3-3.1. TAX IDENTIFICATION CARD. --The department shall
8 implement a system for identifying motor carriers subject to
9 the weight distance tax and special fuel user permit
10 requirements, including an identifying number for each motor
11 carrier covered by the system. Annually, the department shall
12 issue [~~a tax identification card in~~] one or more [~~copies to~~]
13 original tax identification cards sufficient for the number of
14 vehicles specified by each motor carrier who applies for a tax
15 identification card; provided that [~~the card shall be renewed~~
16 ~~automatically each year as long as~~] the motor carrier continues
17 to be subject to and in compliance with the weight distance tax
18 and special fuel user permit requirements. The tax
19 identification card shall contain the department's identifying
20 number for the motor carrier and [~~such~~] other information [~~as~~]
21 that the department deems necessary. "

22 Section 13. Section 66-6-1 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 336, as amended) is amended to read:

24 "66-6-1. MOTORCYCLES--REGISTRATION FEES. --

25 A. For the registration of motorcycles, the

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1 department shall collect the following fees for a twelve-month
2 registration period:

3 (1) for a motorcycle having not more than two
4 wheels in contact with the ground, [~~eleven dollars (\$11.00)~~]
5 fifteen dollars (\$15.00); and

6 (2) for a motorcycle having three wheels in
7 contact with the ground or having a sidecar, [~~eleven dollars~~
8 ~~(\$11.00)~~] fifteen dollars (\$15.00).

9 B. In addition to other fees required by this
10 section, the department shall collect for each motorcycle an
11 annual tire recycling fee of one dollar (\$1.00) for a twelve-
12 month registration period. "

13 Section 14. Section 66-6-2 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 337, as amended) is amended to read:

15 "66-6-2. PASSENGER VEHICLES--REGISTRATION FEES.--For the
16 registration of motor vehicles other than motorcycles, trucks,
17 buses and tractors, the division shall collect the following
18 fees for each twelve-month registration period:

19 A. for a vehicle whose gross factory shipping
20 weight is not more than two thousand pounds, [~~twenty dollars~~
21 ~~(\$20.00)~~] twenty-seven dollars (\$27.00); provided, however,
22 that after five years of registration, calculated from the date
23 when the vehicle was first registered in this or another state,
24 the fee is [~~sixteen dollars (\$16.00)~~] twenty-one dollars
25 (\$21.00);

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1 B. for a vehicle whose gross factory shipping
2 weight is more than two thousand but not more than three
3 thousand pounds, [~~twenty-nine dollars (\$29.00)~~] thirty-nine
4 dollars (\$39.00); provided, however, that after five years of
5 registration, calculated from the date when the vehicle was
6 first registered in this or another state, the fee is [~~twenty-~~
7 ~~three dollars (\$23.00)~~] thirty-one dollars (\$31.00);

8 C. for a vehicle whose gross factory shipping
9 weight is more than three thousand pounds, [~~forty-two dollars~~
10 ~~(\$42.00)~~] fifty-six dollars (\$56.00); provided, however, that
11 after five years of registration, calculated from the date when
12 the vehicle was first registered in this or another state, the
13 fee is [~~thirty-four dollars (\$34.00)~~] forty-five dollars
14 (\$45.00); and

15 D. for a vehicle registered pursuant to the
16 provisions of this section, a tire recycling fee of one dollar
17 fifty cents (\$1.50). "

18 Section 15. Section 66-6-3 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 338, as amended) is amended to read:

20 "66-6-3. TRAILERS--REGISTRATION FEES. --

21 A. For the registration of freight trailers and
22 utility trailers, the following fees shall be collected:

23 (1) for the permanent registration or
24 reregistration of freight trailers, [~~ten dollars (\$10.00)~~]
25 thirteen dollars (\$13.00);

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1 (2) for the annual registration of each
2 utility trailer not permanently registered, [~~five dollars~~
3 ~~(\$5.00) plus one dollar (\$1.00)~~] seven dollars (\$7.00) plus one
4 dollar (\$1.00) for each one hundred pounds or major fraction
5 thereof of actual empty weight over five hundred pounds actual
6 empty weight; except that in the case of travel trailers,
7 actual empty weight shall be one-half of the gross factory
8 shipping weight or, if gross factory shipping weight is not
9 available, then actual empty weight shall be one-half of actual
10 gross vehicle weight; and

11 (3) for the permanent registration of utility
12 trailers not used in commerce that have a gross vehicle weight
13 of less than six thousand one pounds, [~~twenty-five dollars~~
14 ~~(\$25.00) plus five dollars (\$5.00)~~] thirty-three dollars
15 (\$33.00) plus seven dollars (\$7.00) for each one hundred pounds
16 or major fraction thereof of actual empty weight over five
17 hundred pounds actual empty weight; except that in the case of
18 travel trailers, actual empty weight shall be one-half of the
19 gross factory shipping weight or, if gross factory shipping
20 weight is not available, then actual empty weight shall be one-
21 half of actual gross vehicle weight and for the reregistration
22 of such utility trailers upon their sale or transfer, [~~five~~
23 ~~dollars (\$5.00)~~] seven dollars (\$7.00).

24 B. At the option of the owner of a fleet of fifty
25 or more utility trailers wishing to register them in New

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1 Mexico, the [~~motor vehicle~~] division shall issue a registration
2 and registration plate for each trailer in the fleet, the
3 registration and registration plate to expire on the last day
4 of the final month of a five-year period. Registrations and
5 registration plates shall be issued for five years only if the
6 owner of the trailers meets the following requirements:

7 (1) application is made on forms prescribed by
8 the [~~motor vehicle~~] division and payment of the proper fee is
9 made;

10 (2) upon the option of the director,
11 presentation is made at the time of registration of a surety
12 bond, certificate of deposit or of other financial security;
13 and

14 (3) payment is made by the fleet owner of all
15 registration fees due each year prior to the expiration date.
16 If such fees are not paid, all registrations and registration
17 plates in the fleet shall be canceled."

18 Section 16. Section 66-6-4 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 339, as amended) is amended to read:

20 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS, ROAD
21 TRACTORS AND BUSES.--

22 A. Within their respective jurisdictions, the motor
23 vehicle division and the motor transportation division of the
24 department of public safety shall charge registration fees for
25 trucks, truck tractors, road tractors and buses, except as

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1 otherwise provided by law, according to the schedule of
2 Subsection B of this section.

3	B. Declared Gross Weight	Fee
4	001 to 4,000	[\$30] \$ <u>40</u>
5	4,001 to 6,000	[41] <u>55</u>
6	6,001 to 8,000	[52] <u>69</u>
7	8,001 to 10,000	[63] <u>84</u>
8	10,001 to 12,000	[74] <u>99</u>
9	12,001 to 14,000	[85] <u>113</u>
10	14,001 to 16,000	[96] <u>128</u>
11	16,001 to 18,000	[107] <u>143</u>
12	18,001 to 20,000	[118] <u>157</u>
13	20,001 to 22,000	[129] <u>172</u>
14	22,001 to 24,000	[140] <u>187</u>
15	24,001 to 26,000	[151] <u>201</u>
16	26,001 to 48,000	[88-50] <u>118</u>
17	48,001 and over	[129-50] <u>172.</u>

18 C. All trucks whose declared gross weight or whose
19 gross vehicle weight is less than twenty-six thousand pounds,
20 after five years of registration, calculated from the date when
21 the vehicle was first registered in this or another state,
22 shall be charged registration fees at eighty percent of the
23 rate set out in Subsection B of this section.

24 D. All trucks with a gross vehicle weight of more
25 than twenty-six thousand pounds and all truck tractors and road

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1 tractors used to tow freight trailers shall be registered on
2 the basis of combination gross vehicle weight.

3 E. All trucks with a gross vehicle weight of twenty-
4 six thousand pounds or less shall be registered on the basis of
5 gross vehicle weight. A trailer, semitrailer or pole trailer
6 towed by a truck of such gross vehicle weight shall be
7 classified as a utility trailer for registration purposes
8 unless otherwise provided by law.

9 F. All farm vehicles having a declared gross weight
10 of more than six thousand pounds shall be charged registration
11 fees of two-thirds of the rate of the respective fees provided
12 in this section and shall be issued distinctive registration
13 plates. "Farm vehicle" means ~~any~~ a vehicle owned by a person
14 whose principal occupation is farming or ranching and which
15 vehicle is used principally in the transportation of farm and
16 ranch products to market and farm and ranch supplies and
17 livestock from the place of purchase to farms and ranches in
18 this state; provided that the vehicle is not used for hire.

19 G. In addition to other registration fees imposed by
20 this section, beginning July 1, 1994, there is imposed at the
21 time of registration an annual tire recycling fee of one dollar
22 fifty cents (\$1.50) on each vehicle subject to a registration
23 fee pursuant to this section, except for vehicles with a
24 declared gross weight of greater than twenty-six thousand
25 pounds upon which registration fees are imposed by Subsection B

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1 of this section.

2 H. [~~Four~~] Three percent of registration fees of
3 trucks having from twenty-six thousand one pounds to forty-
4 eight thousand pounds declared gross vehicle weight is to be
5 transferred to the tire recycling fund pursuant to the
6 provisions of Section 66-6-23 NMSA 1978.

7 I. [~~Five~~] Three and seventy-five hundredths percent
8 of registration fees of trucks in excess of forty-eight
9 thousand pounds declared gross vehicle weight is to be
10 transferred to the tire recycling fund pursuant to the
11 provisions of Section 66-6-23 NMSA 1978. "

12 Section 17. Section 66-6-5 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 340, as amended) is amended to read:

14 "66-6-5. BUS REGISTRATION FEES.--All buses shall pay the
15 registration fees provided in Section 66-6-4 NMSA 1978, except
16 for school buses and buses operated by religious or nonprofit
17 charitable organizations for the express purpose of the
18 organization for which the annual registration fee is [~~five~~
19 ~~dollars (\$5.00)~~] seven dollars (\$7.00). In addition to other
20 registration fees imposed by this section, beginning July 1,
21 1994, there is imposed at the time of registration an annual
22 tire recycling fee of fifty cents (\$.50) per wheel that is in
23 contact with the ground on each vehicle subject to a
24 registration fee pursuant to this section. "

25 Section 18. Section 66-6-8 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 343, as amended) is amended to read:

2 "66-6-8. BUS REGISTRATION--AGRICULTURAL LABOR FEES. --

3 A. A bus that has a normal seating capacity of forty
4 passengers or less and that is used exclusively for the
5 transportation of agricultural laborers may be registered upon
6 payment to the division of a fee of [~~twenty-five dollars~~
7 ~~(\$25.00)~~] thirty-three dollars (\$33.00).

8 B. In addition to the registration fee imposed by
9 this section, there is imposed at the time of registration an
10 annual tire recycling fee of fifty cents (\$.50) per wheel that
11 is in contact with the ground on each vehicle subject to a
12 registration fee pursuant to this section.

13 C. Application for registration of a bus [~~under~~]
14 pursuant to this section shall be made in the form prescribed
15 by the division and shall be accompanied by an affidavit that
16 the bus will be used exclusively for the transportation of
17 agricultural laborers. Upon registration, the bus is exempt
18 from tariff-filing requirements of the public regulation
19 commi ssi on. "

20 Section 19. Section 66-6-9 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 344) is amended to read:

22 "66-6-9. FEE FOR FERTILIZER TRAILERS.--In lieu of the
23 registration fee provided for in Section [~~64-6-3 NMSA 1953~~]
24 66-6-3 NMSA 1978, the division shall collect a registration fee
25 of [~~five dollars (\$5.00)~~] seven dollars (\$7.00) for each

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1 trailer used on the highways of this state by any commercial
2 fertilizer company solely for the delivery or distribution of
3 liquid fertilizer to a farmer; provided [~~such~~] the trailer has
4 an empty weight not in excess of three thousand five hundred
5 pounds. "

6 Section 20. Section 66-6-10 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 345, as amended) is amended to read:

8 "66-6-10. REGISTRATION FEES FOR MANUFACTURED HOMES AND
9 TRAVEL TRAILERS--DIVISION TO NOTIFY COUNTY ASSESSOR OF
10 MANUFACTURED HOME REGISTRATION. --

11 A. For the registration of each manufactured home,
12 the division shall collect a fee of [~~five dollars (\$5.00)~~]
13 seven dollars (\$7.00).

14 B. The division shall compile and transmit to each
15 county assessor each year a list of the manufactured homes that
16 are registered with the division showing [~~his~~] the assessor's
17 county as the principal location of the manufactured home. The
18 listing shall include all data pertinent to and necessary for
19 the county assessor to value the manufactured homes in
20 accordance with valuation [~~regulations~~] rules promulgated by
21 the property tax division [~~under~~] pursuant to Section 7-36-26
22 NMSA 1978. The listing required by this subsection shall be
23 transmitted no later than thirty days following the close of
24 the annual registration process and shall be supplemented no
25 less often than every thirty days to provide information to the

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1 appropriate county assessors on registrations occurring
2 throughout the year.

3 C. At the time a person registers [~~his~~] a
4 manufactured home and pays the fee required by this section,
5 [~~he~~] the person shall be notified in writing by the division
6 that the information required by Subsection B of this section
7 will be furnished to the county assessor of the county of the
8 principal location of the manufactured home and that the
9 manufactured home is subject to property taxation under the
10 Property Tax Code. "

11 Section 21. Section 66-6-12 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 347) is amended to read:

13 "66-6-12. FEES FOR SCHOOL BUSES. --

14 A. Registration fees for school buses used solely for
15 the purpose of transportation of school children and other
16 school activities shall be [~~five dollars (\$5.00)]~~ seven dollars
17 (\$7.00) a year.

18 B. The application for registration of a school bus
19 shall be accompanied by the certificate of the director of
20 transportation of the [~~state department of~~] public education
21 department stating that the vehicle is used solely and
22 exclusively as a school bus. [~~No~~] A passenger car shall not be
23 considered [~~as~~] a school bus for the purposes of this section. "

24 Section 22. Section 66-6-23.1 NMSA 1978 (being Laws 1999,
25 Chapter 49, Section 8) is amended to read:

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1 "66-6-23. 1. FORMULAIC DISTRIBUTION. --

2 A. The balance from Section 66-6-23 NMSA 1978 shall
3 be transferred or distributed by the state treasurer on or
4 before the last day of the month next after its receipt, as
5 follows:

6 (1) [~~sixty-six and five hundred forty-one~~
7 ~~thousandths~~] seventy-four and sixty-five hundredths percent
8 shall be distributed to the state road fund;

9 (2) [~~ten and thirty-two thousandths~~] seven and
10 six-tenths percent shall be transferred to each county in the
11 proportion, determined by the department in accordance with
12 Subsection B of this section, that the registration fees for
13 vehicles in that county are to the total registration fees for
14 vehicles in all counties;

15 (3) [~~ten and thirty-two thousandths~~] seven and
16 six-tenths percent shall be transferred to the counties, with
17 each county receiving an amount equal to the proportion,
18 determined by the secretary of [~~highway and~~] transportation in
19 accordance with Subsection D of this section, that the mileage
20 of public roads maintained by the county is to the total
21 mileage of public roads maintained by all counties of the
22 state. Amounts distributed to each county in accordance with
23 this paragraph shall be credited to the respective county road
24 fund and be used for the improvement and maintenance of the
25 public roads in the county and to pay for the acquisition of

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1 rights of way and material pits. For this purpose, the board
2 of county commissioners of each of the respective counties
3 shall certify by April 1 of each year to the secretary of
4 ~~[highway and]~~ transportation the total mileage as of April 1 of
5 that year; provided that in their report, the boards of county
6 commissioners shall identify each of the public roads
7 maintained by them by name, route and location. By agreement
8 and in cooperation with the ~~[state highway and]~~ department of
9 transportation ~~[department]~~, the boards of county commissioners
10 of the various counties may use or designate any of the funds
11 provided in this paragraph for ~~[any]~~ a federal aid program;

12 (4) ~~[five and three hundred fifty eight~~
13 ~~thousandths]~~ four and six-hundredths percent shall be allocated
14 among the counties in the proportion, determined by the
15 department in accordance with Subsection B of this section,
16 that the registration fees for vehicles in that county are to
17 the total registration fees for vehicles in all counties. The
18 amount allocated to each county shall be transferred to the
19 incorporated municipalities within the county in the
20 proportion, determined by the department of finance and
21 administration in accordance with Subsection C of this section,
22 that the sum of net taxable value, as that term is defined in
23 the Property Tax Code, plus the assessed value, as that term is
24 used in the Oil and Gas Ad Valorem Production Tax Act and in
25 the Oil and Gas Production Equipment Ad Valorem Tax Act,

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1 determined for the incorporated municipality is to the sum of
2 net taxable value plus assessed value determined for all
3 incorporated municipalities within the county. Amounts
4 transferred to incorporated municipalities pursuant to the
5 provisions of this paragraph shall be used for the
6 construction, maintenance and repair of streets within the
7 municipality and for payment of paving assessments against
8 property owned by federal, county or municipal governments. In
9 [any] a county in which there are no incorporated
10 municipalities, the amount allocated pursuant to this paragraph
11 shall be transferred to the county government road fund and
12 used in accordance with the provisions of Paragraph (3) of this
13 subsection; and

14 (5) [~~eight and thirty seven thousandths~~] six and
15 nine-hundredths percent shall be allocated among the counties
16 in the proportion, determined by the department of finance and
17 administration in accordance with Subsection C of this section,
18 that the registration fees for vehicles in that county are to
19 the total registration fees for vehicles in all counties. The
20 amount allocated to each county shall be transferred to the
21 county and incorporated municipalities within the county in the
22 proportion, determined by the department of finance and
23 administration in accordance with Subsection B of this section,
24 that the computed taxes due for the county and each
25 incorporated municipality within the county bear to the total

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1 computed taxes due for the county and incorporated
2 municipalities within the county. For the purposes of this
3 paragraph, the term "computed taxes due" for ~~any~~ a
4 jurisdiction means the sum of the net taxable value, as that
5 term is defined in the Property Tax Code, plus the assessed
6 value, as that term is used in the Oil and Gas Ad Valorem
7 Production Tax Act and in the Oil and Gas Production Equipment
8 Ad Valorem Tax Act, for that jurisdiction multiplied by an
9 average of the rates for residential and nonresidential
10 property imposed for that jurisdiction pursuant to Subsection B
11 of Section 7-37-7 NMSA 1978.

12 B. To carry out the provisions of this section,
13 during the month of June of each year:

14 (1) the department shall determine and certify
15 to the department of finance and administration the proportions
16 ~~which~~ that the department is required to determine pursuant
17 to Subsection A of this section using information for the
18 preceding calendar year on the number of vehicles registered in
19 each county based on the address of the owner or place where
20 the vehicle is principally located, the registration fees for
21 the vehicles registered in each county, the total number of
22 vehicles registered in the state and the total registration
23 fees for all vehicles registered in the state; and

24 (2) the department of finance and administration
25 shall determine the proportions that the department of finance

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1 and administration is required to determine pursuant to
2 [~~Subsection B of this section~~] this subsection based upon the
3 net taxable value, as that term is defined in the Property Tax
4 Code, and the assessed value, as that term is used in the Oil
5 and Gas Ad Valorem Production Tax Act and the Oil and Gas
6 Production Equipment Ad Valorem Tax Act, for the preceding tax
7 year and the tax rates imposed pursuant to Subsection B of
8 Section 7-37-7 NMSA 1978 in the preceding September.

9 C. By June 30 of each year, the department of finance
10 and administration shall determine the appropriate percentage
11 of money to be transferred to each county and municipality for
12 each purpose in accordance with Subsection A of this section
13 based upon the proportions determined by or certified to the
14 department of finance and administration. The percentages
15 determined shall be used to compute the amounts to be
16 transferred to the counties and municipalities during the
17 succeeding fiscal year.

18 D. The board of county commissioners of each of the
19 respective counties shall, by April 1 of every year, certify
20 reports to the secretary of [~~highway and~~] transportation of the
21 total mileage of public roads maintained by each county as of
22 April 1 of every year; provided that in their reports, the
23 boards of county commissioners shall identify each of the
24 public roads maintained by them by name, route and location.
25 By July 1 of every year, the secretary of [~~highway and~~]

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1 transportation shall verify the reports of the counties and
2 revise, if necessary, the total mileage of public roads
3 maintained by each county. The mileage verified by the
4 secretary of [~~highway and~~] transportation shall be the official
5 mileage of public roads maintained by each county.

6 Distribution of amounts to [~~any~~] a county for road purposes
7 shall be made in accordance with this section.

8 E. If a county has not made the required mileage
9 certification pursuant to Section 67-3-28.3 NMSA 1978 by April
10 1 of any year, the secretary of [~~highway and~~] transportation
11 shall estimate the mileage maintained by those counties for the
12 purpose of making distribution to all counties, and the amount
13 calculated to be distributed each month to those counties not
14 certifying mileage shall be reduced by one-third each month for
15 that fiscal year, and that amount not distributed to those
16 counties shall be distributed equally to all counties that have
17 certified mileages. "

18 Section 23. Section 66-7-413 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 484, as amended by Laws 2003, Chapter 141,
20 Section 4 and by Laws 2003, Chapter 142, Section 23 and by Laws
21 2003, Chapter 359, Section 42 and also by Laws 2003, Chapter
22 361, Section 1) is amended to read:

23 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
24 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

25 A. The department of public safety and local highway

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

22 B. The department of public safety shall charge and
23 collect, when the movement consists of ~~any~~ a load of a width
24 of twenty feet or greater for a distance of five miles or more,
25 the sum of three hundred dollars (\$300) a day or fraction

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1 thereof to defray the cost of state or local police escort.
2 The permit issued and the fee charged shall be based upon the
3 entire movement at one time requiring police escort and not
4 upon the number of vehicles involved.

5 C. The department of public safety shall promulgate
6 ~~[regulations]~~ rules in accordance with the State Rules Act
7 pertaining to safety practices, liability insurance and
8 equipment for escort vehicles provided by the motor carrier
9 himself and for escort vehicles provided by a private business
10 in this state.

11 (1) ~~[If a motor carrier provides his own escort~~
12 ~~vehicles and personnel]~~ The department ~~[shall not charge an~~
13 ~~escort fee but]~~ of public safety shall provide the ~~[motor~~
14 ~~carrier]~~ escort personnel with a copy of applicable
15 ~~[regulations]~~ rules and shall inspect the escort vehicles for
16 the safety equipment required by the ~~[regulations]~~ rules. If
17 the escort vehicles and personnel meet the requirements set
18 forth in the ~~[regulations and if the motor carrier holds a~~
19 ~~valid certificate of public convenience and necessity or~~
20 ~~permit, as applicable, issued pursuant to Chapter 65, Article 2~~
21 ~~NMSA 1978]~~ rules, the department of public safety shall issue
22 the special permit, but shall not charge an escort fee. If the
23 motor carrier provides its own escort vehicles and personnel,
24 the department of public safety shall require that the motor
25 carrier have a warrant issued by the public regulation

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1 commi ssi on.

2 [~~(2)~~ If the escort service is a private
3 business, the business shall have applied to the public
4 regulation commi ssi on for and been issued a permit or
5 certificate to operate as a contract or common motor carrier
6 pursuant to Chapter 65, Article 2 NMSA 1978. The public
7 regulation commi ssi on shall supply copies of applicable
8 regulations to the business by mail and shall supply additional
9 copies upon request. If the escort vehicles and personnel meet
10 the requirements set forth in the regulations and if the escort
11 service holds a certificate, the special permit shall be issued
12 and the department shall not charge an escort fee.

13 ~~(3)~~ (2) The movement of vehicles upon the
14 highways of this state requiring a special permit and required
15 to use an escort of the type noted in [~~Paragraphs (1) and (2)~~]
16 Paragraph (1) of this subsection is subject to department of
17 public safety authority and inspection at all times.

18 [~~(4)~~ (3) The [~~state highway and~~] department of
19 transportation [~~department~~] shall conduct engineering
20 investigations and engineering inspections to determine which
21 four-lane highways are safe for the operation or movement of
22 manufactured homes without an escort. After making that
23 determination, the [~~state highway and~~] department of
24 transportation [~~department~~] shall hold public hearings in the
25 area of the state affected by the determination, after which it

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1 may adopt [~~regulations~~] rules designating those four-lane
2 highways as being safe for the operation or movement of
3 manufactured homes without an escort. If [~~any~~] a portion of
4 such a four-lane highway lies within the boundaries of a
5 municipality, the [~~state highway and~~] department of
6 transportation [~~department~~], after obtaining the approval of
7 the municipal governing body, shall include such portions in
8 its [~~regulations~~] rules.

9 D. Except for the movement of manufactured homes,
10 special permits may be issued for a single vehicle or
11 combination of vehicles by the department of public safety for
12 a period not to exceed one year for a fee of [~~sixty dollars~~
13 ~~(\$60.00)~~] three hundred dollars (\$300). The permits may allow
14 excessive height, length and width for a vehicle or combination
15 of vehicles or load thereon and may include a provision for
16 excessive weight if [~~the operation is to be within the vicinity~~
17 ~~of a municipality~~] the distance between the origin and the
18 destination of each single trip is thirty miles or less.

19 Utility service vehicles, operating with special permits
20 pursuant to this subsection, shall be exempt from prohibitions
21 or restrictions relating to hours or days of operation or
22 restrictions on movement because of poor weather conditions.

23 E. Special permits for a single trip for a vehicle or
24 combination of vehicles or load thereon of excessive weight,
25 width, length and height may be issued by the department of

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1 public safety for a single vehicle for a fee of [~~fifteen~~
2 ~~dollars (\$15.00)~~] twenty-five dollars (\$25.00) plus the product
3 of four cents (\$.04) for each two thousand pounds in excess of
4 eighty-six thousand four hundred pounds or major fraction
5 thereof multiplied by the number of miles to be traveled by the
6 vehicle or combination of vehicles on the highways of this
7 state.

8 F. If [~~the~~] a vehicle for which a permit is issued
9 [~~under~~] pursuant to this section is a manufactured home, the
10 department of public safety or local highway authority issuing
11 the permit shall furnish the following information to the
12 property tax division of the taxation and revenue department,
13 which shall [~~then~~] forward the information:

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

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

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

6 G. Except as provided in Subsection H of this
7 section, if the movement of a manufactured home originates in
8 this state, ~~[no]~~ a permit shall not be issued ~~[under]~~ pursuant
9 to Subsection F of this section until the owner of the
10 manufactured home or ~~[his]~~ the authorized agent of the owner
11 obtains and presents to the department of public safety proof
12 that a certificate has been issued by the county assessor or
13 treasurer of the county in which the manufactured home movement
14 originates showing that either:

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

19 (2) ~~[no]~~ liability for property taxes on the
20 manufactured home ~~[exists]~~ does not exist for the current tax
21 year or ~~[any]~~ a past tax ~~[years]~~ year, except for manufactured
22 homes located on an Indian reservation.

23 H. The movement of a manufactured home from the lot
24 or business location of a manufactured home dealer to its
25 destination designated by an owner-purchaser is not subject to

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1 the requirements of Subsection G of this section if the
2 manufactured home movement originates from the lot or business
3 location of the dealer and the manufactured home was part of
4 ~~[his]~~ the dealer's inventory prior to the sale to the owner-
5 purchaser; however, the movement of a manufactured home by a
6 dealer or ~~[his]~~ the dealer's authorized agent as a result of a
7 sale or trade-in from a nondealer-owner is subject to the
8 requirements of Subsection G of this section whether the
9 destination is the business location of a dealer or some other
10 destination.

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

19 J. The secretary of public safety may by ~~[regulation]~~
20 rule provide for movers of manufactured homes to self-issue
21 permits for certain sizes of manufactured homes over specific
22 routes ~~[however, in no case may]~~. The cost of ~~[each]~~ a permit
23 shall not be less than ~~[fifteen dollars (\$15.00)]~~ twenty-five
24 dollars (\$25.00).

25 K. The secretary of public safety may provide by

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

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

13 (1) bodily injury liability, providing:

14 (a) fifty thousand dollars (\$50,000) for
15 each person; and

16 (b) one hundred thousand dollars (\$100,000)
17 for each accident; and

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

20 M. ~~[Any common]~~ A motor carrier requesting an
21 oversize permit shall produce a copy of a ~~[form "e" or other~~
22 ~~acceptable]~~ warrant or single state registration receipts as
23 evidence that the ~~[common]~~ motor carrier maintains the
24 insurance ~~minimums~~ prescribed by the public regulation
25 commi ssi on.

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

7 O. Revenue from fees for special permits authorizing
8 vehicles and loads of excessive size or weight to operate or
9 move upon a highway under the jurisdiction of the state
10 transportation commission or local authorities shall be
11 collected for the department of transportation and transferred
12 to the state road fund."

13 Section 24. Section 66-7-413.4 NMSA 1978 (being Laws
14 2001, Chapter 20, Section 2) is amended to read:

15 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

16 A. In addition to the authority granted in Section
17 66-7-413 NMSA 1978, the motor transportation division of the
18 department of public safety may issue special permits
19 authorizing an increase of up to twenty-five percent in axle
20 weight for liquid hauling tank vehicles whenever the liquid
21 hauling tank vehicles would have to haul less than a full tank
22 under the maximum weights authorized in Section 66-7-409 and
23 66-7-410 NMSA 1978. A special permit under this section may be
24 issued for a single trip or for a year. The fee for the
25 permits shall be thirty-five dollars (\$35.00) for a single-trip

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1 permit and one hundred twenty dollars (\$120) for an annual
2 permit. Revenue from the permit fee shall be used to build,
3 maintain, repair or reconstruct the highways and bridges of
4 this state. Revenue from the permit shall be collected for the
5 department of transportation and transferred to the state road
6 fund.

7 B. The special permits authorized by this section
8 shall not be valid for transportation of excessive weights on
9 the interstate system as currently defined in federal law or as
10 that system may be defined in the future. [No] A special
11 permit issued pursuant to this section shall not be valid for
12 gross vehicle weights in excess of eighty-six thousand four
13 hundred pounds or for [~~any~~] a combination vehicle.

14 C. If the federal highway administration of the
15 United States department of transportation gives official
16 notice that money will be withheld or that this section
17 violates the grandfather provision of 23 USCA 127, the
18 secretary may withdraw all special permits and discontinue
19 issuance of all special permits authorized in this section
20 until such time that final determination is made. If the final
21 determination allows the state to issue the special permits
22 without sanction of funds or weight tables, [~~then~~] the
23 secretary shall reissue the special permits previously
24 withdrawn and make the special permits available pursuant to
25 this section. "

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1 Section 25. Section 67-3-59.2 NMSA 1978 (being Laws 1999
2 (1st S.S.), Chapter 9, Section 3) is amended to read:

3 "67-3-59.2. HIGHWAY INFRASTRUCTURE FUND CREATED--

4 PURPOSE. --

5 A. The "highway infrastructure fund" is created in
6 the state treasury and shall be administered by the department.
7 The fund shall consist of money from various fees and taxes
8 distributed to the fund. Earnings on investment of the fund
9 shall be credited to the fund. Balances in the fund at the end
10 of any fiscal year shall not revert and shall remain in the
11 fund for the purposes authorized in this section.

12 B. Money in the fund shall be used solely for
13 acquisition of rights of way or planning, design, engineering,
14 construction or improvement of state highway projects
15 authorized pursuant to the provisions of Laws 1998, Chapter 84,
16 [~~and~~] Subsections C through H of Section 1 of Chapter 85 of
17 Laws 1998 and Sections 28 and 29 of this 2003 act and is
18 appropriated to the department for expenditure for those
19 purposes.

20 C. The taxes and fees required by law to be
21 distributed to the highway infrastructure fund may be pledged
22 for the payment of state highway bonds issued pursuant to
23 [~~Section~~] Sections 67-3-59.1 and 67-3-59.3 NMSA 1978 for the
24 highway projects authorized in the laws specified in Subsection
25 B of this section. "

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1 Section 26. A new section of Chapter 67, Article 3 NMSA
2 1978, Section 67-3-59.3 NMSA 1978, is enacted to read:

3 "67-3-59.3. [NEW MATERIAL] STATE TRANSPORTATION PROJECT
4 BONDS--ISSUANCE--LIMITS--APPROVAL.--

5 A. In order to provide funds to finance state
6 transportation projects, the New Mexico finance authority, when
7 directed by the state transportation commission, is authorized,
8 subject to the limitations of this section, to issue bonds from
9 time to time, payable from:

10 (1) federal funds not otherwise obligated that
11 are paid into the state road fund;

12 (2) proceeds of the collection of taxes and fees
13 that are required to be paid into the state road fund and not
14 otherwise pledged exclusively to the payment of outstanding
15 bonds and debentures; and

16 (3) taxes and fees required by law to be paid
17 into the highway infrastructure fund.

18 B. Upon authorization of state transportation
19 projects and appropriation of net bond proceeds by the
20 legislature, bonds in the total aggregate principal amount of
21 one billion five hundred eighty-five million dollars
22 (\$1,585,000,000) may be issued by the New Mexico finance
23 authority pursuant to this section for state transportation
24 projects, to be secured by or payable from taxes or fees
25 required by law to be paid into the state road fund, federal

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1 funds not otherwise obligated that are paid into the state road
2 fund and taxes or fees required by law to be paid into the
3 highway infrastructure fund.

4 C. The New Mexico finance authority, when directed by
5 the state transportation commission, may issue bonds to refund
6 other bonds issued by or at the direction of the state
7 transportation commission pursuant to this section or Section
8 67-3-59.1 NMSA 1978 by exchange or current or advance
9 refunding.

10 D. In consultation with the state transportation
11 commission, the New Mexico finance authority shall determine
12 all terms, covenants and conditions of the bonds; provided that
13 the project design life of a project meets or exceeds the life
14 of the bond issued for that project, and each series of bonds
15 shall be sold, executed and delivered in accordance with the
16 provisions of the New Mexico Finance Authority Act. The New
17 Mexico finance authority may enter into interest rate exchange
18 agreements, interest rate swap contracts, insurance agreements,
19 remarketing agreements and any other agreements deemed
20 necessary in connection with the issuance of the bonds without
21 obtaining the approval of such agreements by any agency or
22 board of the state, notwithstanding the provisions of any other
23 law of the state.

24 E. Proceeds of the bonds and amounts on deposit in
25 the state road fund and the highway infrastructure fund may be

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1 used to pay expenses incurred in the preparation,
2 administration, issuance and sale of the bonds and, together
3 with the earnings on the proceeds of the bonds, may be used to
4 pay rebate, penalty, interest and other obligations relating to
5 the bonds and the proceeds of the bonds under the Internal
6 Revenue Code of 1986, as amended.

7 F. This section is full authority for the issuance
8 and sale of the bonds, and the bonds shall not be invalid for
9 any irregularity or defect in the proceedings for their
10 issuance and sale and shall be incontestable in the hands of
11 bona fide purchasers or holders of the bond for value.

12 G. The bonds shall be legal investments for a person
13 or board charged with the investment of public funds and may be
14 accepted as security for a deposit of public money and, with
15 the interest thereon, are exempt from taxation by the state and
16 a political subdivision or agency of the state.

17 H. Any law authorizing the imposition or distribution
18 of taxes or fees paid into the state road fund or the highway
19 infrastructure fund or that affects those taxes and fees shall
20 not be amended or repealed or otherwise directly or indirectly
21 modified so as to impair outstanding bonds secured by a pledge
22 of revenues from those taxes and fees paid into the state road
23 fund or the highway infrastructure fund, unless the bonds have
24 been discharged in full or provisions have been made for a full
25 discharge. In addition, while any bonds issued by the New

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1 Mexico finance authority pursuant to the provisions of this
2 section remain outstanding, the powers or duties of the state
3 transportation commission or the authority shall not be
4 diminished or impaired in any manner that will affect adversely
5 the interests and rights of the holder of such bonds.

6 I. In contracting for state transportation projects
7 to be paid in whole or in part with proceeds of bonds
8 authorized by this section, the department shall require that
9 any sand, gravel, caliche or similar material needed for the
10 project shall, if practicable, be mined from state lands. Each
11 contract shall provide that the contractor notify the
12 commissioner of public lands of the need for the material and
13 that, through lease or purchase, the material shall be mined
14 from state lands if:

15 (1) the material needed is available from state
16 lands in the vicinity of the project;

17 (2) the commissioner determines that the lease
18 or purchase is in the best interest of the state land trust
19 beneficiaries; and

20 (3) the cost to the contractor for the material,
21 including the costs of transportation, is competitive with
22 other available material from nonstate lands.

23 J. Bonds issued pursuant to this section shall be
24 paid solely from federal funds not otherwise obligated and
25 taxes and fees deposited into the state road fund and the

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1 highway infrastructure fund and shall not constitute a general
2 obligation of the state.

3 K. For purposes of this section, "state
4 transportation project bonds" includes only those bonds issued
5 pursuant to this section and excludes transportation bonds as
6 defined in Section 67-3-72 NMSA 1978. "

7 Section 27. Section 67-3-65.1 NMSA 1978 (being Laws 1983,
8 Chapter 211, Section 40) is amended to read:

9 "67-3-65.1. STATE ROAD FUND DISTRIBUTION.--The amounts
10 distributed to the state road fund pursuant to [~~Section~~]
11 Sections 7-1-6.10, 66-6-23 and 66-6-23.1 NMSA 1978 shall be
12 used for maintenance, construction and improvement of [~~the~~
13 ~~public highways~~] state transportation projects and to meet
14 federal allotments under the federal-aid road laws, but
15 sufficient money from the state road fund shall be set aside
16 each year by the state treasurer to pay the principal and
17 interest [~~coupons of highway debentures~~] due each year on state
18 transportation revenue bonds issued to anticipate the
19 collection of this revenue [~~as the principal and interest~~
20 ~~coupons mature~~]. "

21 Section 28. [NEW MATERIAL] APPROPRIATION OF BOND
22 PROCEEDS-- AUTHORIZED TRANSPORTATION PROJECTS.--

23 A. The net proceeds of state transportation project
24 bonds issued by the New Mexico finance authority pursuant to
25 Section 67-3-59.3 NMSA 1978 and Subsection B of this section

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1 are appropriated to the department of transportation for the
2 following authorized transportation projects:

3 (1) for the reconstruction of the interchange at
4 the intersection of Coors boulevard and interstate 40 in
5 Albuquerque;

6 (2) for the reconstruction and improvement of
7 interstate 25 to accommodate public transportation elements,
8 including commuter rail from Albuquerque to Santa Fe;

9 (3) for the reconstruction and improvement of
10 United States highway 54 from Tularosa to Santa Rosa;

11 (4) for the reconstruction and improvement of
12 United States highway 64/87 from Raton to Clayton;

13 (5) for the reconstruction and improvement of
14 United States highway 491 from Tohatchi to Shiprock;

15 (6) for the reconstruction and improvement of
16 United States highway 491 from Shiprock to the Colorado state
17 line;

18 (7) for the reconstruction and improvement of
19 United States highway 62/180 from the Texas state line to
20 Carlsbad;

21 (8) for the reconstruction and improvement of
22 various sections of interstate 40 from Newkirk to Tucumcari;

23 (9) for the reconstruction and improvement of
24 various sections of interstate 40 between Gallup and the
25 Arizona state line;

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1 (10) for the reconstruction and improvement of
2 various sections of interstate 40 between Thoreau and Grants;

3 (11) for the reconstruction and improvement of
4 interstate 40 in Albuquerque from Carlisle boulevard to Juan
5 Tabo boulevard;

6 (12) for the reconstruction and improvement of
7 interstate 40 east of Albuquerque from Carnuel to Sedillo;

8 (13) for the reconstruction and improvement of
9 interstate 40 in Albuquerque from Central avenue to Coors
10 boulevard;

11 (14) for the reconstruction and improvement of
12 interstate 40 at various locations from the Pueblo of Laguna to
13 Mesita;

14 (15) for the reconstruction and improvement of
15 interstate 40 from Canoncito to Rio Puerco;

16 (16) for the reconstruction and improvement of
17 interstate 40 in Moriarty from the west interchange to the east
18 interchange;

19 (17) for the reconstruction and improvement of
20 interstate 10 from Lordsburg to the junction of state highway
21 146;

22 (18) for the reconstruction and improvement to
23 accommodate public transportation elements of interstate 10
24 from the Texas state line to Las Cruces;

25 (19) for the reconstruction and improvement of

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1 United States highway 84/285 from Pojoaque to Espanola;

2 (20) for the reconstruction and improvement of
3 state highway 45 in Albuquerque from the junction above
4 interstate 25 north to Central avenue;

5 (21) for the reconstruction and improvement of
6 state highway 128 from state highway 31 to the Texas state
7 line;

8 (22) for the reconstruction and improvement of
9 state highway 11 from Columbus to Deming;

10 (23) for the reconstruction and improvement of
11 United States highway 60 from Abo to Willard;

12 (24) for the reconstruction and improvement of
13 United States highway 56 from Springer east to Abbott;

14 (25) for the reconstruction and improvement of
15 United States highway 380 west of Tatum east to the Texas state
16 line;

17 (26) for the reconstruction and improvement of
18 various sections of United States highway 380 from Capitan to
19 Hondo;

20 (27) for the reconstruction and improvement of
21 various sections of United States highway 64 from the San Juan-
22 Rio Arriba county line to the junction of United States highway
23 84;

24 (28) for the reconstruction and improvement of
25 state highway 8 from Eunice to United States highway 62;

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1 (29) for the reconstruction and improvement of
2 United States highway 285 from Encino to Clines Corners;

3 (30) for the reconstruction and improvement of
4 various sections of United States highway 84 from interstate 25
5 south to Dilia;

6 (31) for the reconstruction and improvement of
7 various sections of state highway 26 between Deming and Hatch;

8 (32) for the reconstruction and improvement of
9 state highway 83 from Lovington to the junction of state
10 highway 132;

11 (33) for the reconstruction and improvement of
12 state highway 209 from NM 268 to Grady;

13 (34) for the reconstruction and improvement of
14 United States highway 84 from Fort Sumner to Santa Rosa;

15 (35) for the reconstruction and improvement of
16 various sections of United States highway 62/180 from the Texas
17 state line to the Lea-Eddy county line;

18 (36) for the reconstruction and improvement of
19 United States highway 285 from Clines Corners to Lamy;

20 (37) for the reconstruction and improvement of
21 United States highway 180 from Deming to Bayard; and

22 (38) for improvements to the physical facilities
23 of the department of transportation.

24 B. The New Mexico finance authority may issue and
25 sell state transportation project bonds for the state

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1 transportation projects authorized in this section when
2 directed by the state transportation commission and when the
3 commission certifies a need for issuance of the bonds for the
4 projects. Within thirty days of commission authorization for a
5 bond sale, the New Mexico finance authority oversight committee
6 and the legislative finance committee shall hold a joint
7 meeting at which the New Mexico finance authority and the
8 department of transportation shall present details of the
9 proposed bond sale to the committees.

10 C. Any unexpended or unencumbered balance after the
11 completion of the projects authorized in this section shall
12 revert to the state road fund.

13 D. For purposes of this section, "construction",
14 "reconstruction", "rehabilitation" and "improvement" include
15 planning, designing, engineering, constructing and acquiring
16 rights of way.

17 Section 29. [NEW MATERIAL] APPROPRIATION OF BOND
18 PROCEEDS-- AUTHORIZED TRANSPORTATION PROJECTS-- MATCHING FUNDS. --

19 A. The net proceeds of state transportation project
20 bonds issued by the New Mexico finance authority pursuant to
21 Section 67-3-59.3 NMSA 1978 and Subsection B of this section
22 are appropriated to the department of transportation for the
23 following transportation projects subject to the provisions of
24 Subsection B of this section:

25 (1) for the Rio Bravo boulevard extension and

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1 interchange construction to access Mesa del Sol in Albuquerque
2 and Bernalillo county; and

3 (2) for the reconstruction of an interchange at
4 interstate 40 and West Central avenue in Albuquerque and
5 Bernalillo county.

6 B. The New Mexico finance authority may issue and
7 sell state transportation project bonds for six million dollars
8 (\$6,000,000) per project for the state transportation projects
9 authorized in this section if:

10 (1) directed by the state transportation
11 commission;

12 (2) the state transportation commission
13 certifies a need for issuance of the bonds for the projects;
14 and

15 (3) prior to issuing bonds, the political
16 subdivision benefiting from the project deposits local matching
17 funds with the state transportation commission for the
18 authorized project in an amount that, when added to the net
19 proceeds of the bonds, would be adequate to complete the
20 project.

21 C. The amount of the local match for projects
22 authorized by this section shall be determined by a sliding
23 scale based on the political subdivision's financial capacity
24 to pay a portion of the project from local resources pursuant
25 to rules promulgated by the state transportation commission.

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