

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 168

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO MOTOR VEHICLES; RESTRICTING APPLICATION OF MAXIMUM DRIVING AND ON-DUTY TIME VIOLATION PENALTIES TO PASSENGER CARRIER TRANSPORTATION; PROVIDING ADDITIONAL MAXIMUM DRIVING AND ON-DUTY TIME VIOLATION PENALTIES.

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

Section 1. Section 66-8-116.2 NMSA 1978 (being Laws 1989, Chapter 319, Section 13, as amended) is amended to read:

"65-8-116.2. PENALTY ASSESSMENT MISDEMEANORS-- MOTOR CARRIER ACT.--As used in the Motor Vehicle Code and the Motor Carrier Act, "penalty assessment misdemeanor" means, in addition to the definitions of that term in Sections 66-8-116 and 66-8-116.1 NMSA 1978, violation of the following listed sections of the NMSA 1978 for which the listed penalty is established:

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = del ete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. GENERAL

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Failure to register motor carrier	[65-1-12] <u>66-3-1.1</u>	\$100.00
Failure to carry identification card	65-1-26	50.00
Failure to comply with public regulation commission rules and regulations	[Section 7 of the Motor Carrier Act] <u>65-2A-7</u>	50.00
Failure to carry single state registration receipt issued by a base state	[Section 7 of the Motor Carrier Act] <u>65-2A-7</u>	50.00
Failure to stop at designated registration place	65-5-1	100.00
Failure to obtain proper clearance certificates	65-5-3	100.00.

B. VEHICLE OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Absence of braking action	65-3-9	\$100.00

. 149367. 1

underscored material = new
[bracketed material] = delete

1	Damaged brake lining or pads	65-3-9	50.00
2	Loose or missing brake		
3	components	65-3-12	100.00
4	Inoperable breakaway braking		
5	system	65-3-12	50.00
6	Defective or damaged brake		
7	tubing	65-3-12	50.00
8	Inoperative low pressure		
9	warning device	65-3-9	50.00
10	Reservoir pressure not		
11	maintained	65-3-12	100.00
12	Inoperative tractor		
13	protection valve	65-3-9	100.00
14	Damaged or loose air		
15	compressor	65-3-12	100.00
16	Audible air leak at brake		
17	chamber	65-3-12	50.00
18	Defective safety devices--		
19	chains or hooks	65-3-9	100.00
20	Defective towing or coupling		
21	devices	65-3-9	100.00
22	Defective exhaust systems	65-3-9	30.00
23	Frame defects-- trailers	65-3-12	100.00
24	Frame defects-- other	65-3-9	100.00
25	Defective fuel systems	65-3-9	50.00

. 149367. 1

underscored material = new
[bracketed material] = delete

1	Missing or inoperative		
2	lamps	65-3-9	25.00
3	Missing lamps on projecting		
4	loads	65-3-9	50.00
5	Missing or inoperative		
6	turn signal	65-3-9	25.00
7	Unsafe loading	65-3-8	100.00
8	Excessive steering wheel		
9	play	65-3-9	100.00
10	Steering column defects	65-3-9	100.00
11	Steering box or steering		
12	system defects	65-3-9	100.00
13	Suspension system defects	65-3-9	50.00
14	Defective springs or spring		
15	assembly	65-3-9	50.00
16	Defective tires--steering		
17	axle	65-3-9	100.00
18	Defective tires--other axles	65-3-9	30.00
19	Defective wheels and rims	65-3-9	50.00
20	Defective or missing		
21	windshield wipers	65-3-9	30.00
22	Defective or inoperative		
23	emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

. 149367. 1

underscored material = new
[bracketed material] = delete

1	Driver's age	65-3-7	<u>\$30.00</u>
2	Driver not licensed for		
3	type of vehicle being		
4	operated	65-3-7	30.00
5	Failure to have valid		
6	commercial driver's license		
7	in possession	66-5-59	30.00
8	No waiver of physical		
9	disqualification		
10	in possession	65-3-7	30.00
11	Sickness or fatigue	65-3-8	100.00
12	Driver disqualification	65-3-7	500.00
13	Exceeding the 10-hour		
14	driving rule <u>for</u>		
15	<u>passenger carrier</u>		
16	<u>transportation</u>	65-3-11	100.00
17	<u>Exceeding the 11-hour</u>		
18	<u>driving rule for property</u>		
19	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
20	<u>Exceeding the 14-hour on duty</u>		
21	<u>rule for property carrier</u>		
22	<u>transportation</u>	<u>65-3-11</u>	<u>100.00</u>
23	Exceeding the 15-hour on		
24	duty rule <u>for passenger</u>		
25	<u>carrier transportation</u>	65-3-11	100.00

. 149367. 1

underscored material = new
[bracketed material] = delete

1	Exceeding the 60 hours in 7		
2	days on duty rule	65-3-11	100.00
3	Exceeding <u>the</u> 70 hours in 8		
4	days on duty rule	65-3-11	100.00
5	False log book	65-3-11	100.00
6	<u>No log book</u>	<u>65-3-11</u>	<u>100.00</u>
7	<u>No record for previous</u>		
8	<u>7 days</u>	<u>65-3-11</u>	<u>100.00.</u>

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

10	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
11	Placarding violations	65-3-13	<u>\$250.00</u>
12	Cargo tank not meeting		
13	specifications	65-3-13	250.00
14	Internal valve operation		
15	violations	65-3-13	250.00
16	Hazardous materials		
17	packaging violations	65-3-13	250.00
18	Insecure load--hazardous		
19	materials	65-3-13	250.00
20	Shipping papers violations	65-3-13	30.00
21	Shipment of forbidden		
22	combination of hazardous		
23	materials	65-3-13	250.00
24	No hazardous waste manifest	65-3-13	30.00
25	Bulk packaging marking		

. 149367. 1

underscored material = new
[bracketed material] = delete

1	violations	65-3-13	30.00
2	Cargo tank marking violations	65-3-13	30.00. "
3		- 7 -	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			