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AN ACT  
RELATING TO MOTOR VEHICLES; PERMITTING THE TAXATION AND  
REVENUE DEPARTMENT TO CONDUCT BACKGROUND CHECKS FOR HAZARDOUS  
MATERIAL ENDORSEMENTS; ELIMINATING REQUIREMENTS PERTAINING TO  
HAZARDOUS MATERIALS TRANSPORTATION PERMITS; AMENDING AND  
REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-5-65 NMSA 1978 (being Laws 1989,  
Chapter 14, Section 14, as amended) is amended to read:

"66-5-65. CLASSIFICATIONS--ENDORSEMENTS--  
RESTRICTIONS.--

A. Commercial driver's licenses may be issued with  
the classifications, endorsements and restrictions enumerated  
in Subsections B, C and D of this section. The holder of a  
valid commercial driver's license may drive all vehicles in  
the class for which that license is issued and all lesser  
classes of vehicles except motorcycles and vehicles that  
require an endorsement, unless the proper endorsement appears  
on the license.

B. The following classifications shall apply to  
commercial driver's licenses:

(1) class A - any combination of vehicles  
with a gross combination weight rating of more than  
twenty-six thousand pounds, if the gross vehicle weight

1 rating of the vehicle or vehicles being towed is in excess of  
2 ten thousand pounds;

3 (2) class B - any single vehicle with a  
4 gross vehicle weight rating of more than twenty-six thousand  
5 pounds and any such vehicle towing a vehicle with a gross  
6 vehicle weight rating of ten thousand pounds or less; and

7 (3) class C - any single vehicle or  
8 combination of vehicles that does not meet either the  
9 definition of Paragraph (1) or (2) of this subsection but is:

10 (a) designed to transport sixteen or  
11 more passengers, including the driver; or

12 (b) used in the transportation of  
13 hazardous materials, which requires the vehicle to be  
14 placarded under applicable law.

15 C. The secretary, by regulation, may provide for  
16 classifications in addition to those set forth in Subsection  
17 B of this section.

18 D. The following endorsements and restrictions  
19 shall apply to commercial driver's licenses:

20 (1) "H" - authorizes driving a vehicle  
21 transporting hazardous material;

22 (2) "L" - restricts the driver to vehicles  
23 not equipped with airbrakes;

24 (3) "T" - authorizes driving a vehicle  
25 towing more than one trailer;

1 (4) "P" - authorizes driving vehicles, other  
2 than school buses, carrying passengers;

3 (5) "N" - authorizes driving tank vehicles;

4 (6) "X" - represents a combination of the  
5 hazardous material ("H") and tank vehicle ("N") endorsements;

6 (7) "S" - authorizes driving a school bus;  
7 and

8 (8) "K" - restricts the driver to driving a  
9 commercial motor vehicle in intrastate commerce only.

10 E. The department shall require an applicant  
11 requesting a hazardous material ("H") endorsement to be  
12 subject to a background check pursuant to the federal Uniting  
13 and Strengthening America by Providing Appropriate Tools  
14 Required to Intercept and Obstruct Terrorism Act of 2001."

15 Section 2. REPEAL.--Section 74-4F-3 NMSA 1978 (being  
16 Laws 1996, Chapter 37, Section 3) is repealed.

17 Section 3. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2004. \_\_\_\_\_