

AN ACT

RELATING TO MOTOR CARRIERS; CHANGING PROVISIONS OF THE MOTOR CARRIER ACT TO COMPLY WITH THE FEDERAL UNIFIED CARRIER REGISTRATION ACT OF 2005; PRESCRIBING A PENALTY ASSESSMENT MISDEMEANOR FOR FAILURE TO REGISTER WITH A BASE STATE; PROVIDING FOR A CONTINGENT EFFECTIVE DATE, WITH NOTIFICATION TO THE NEW MEXICO COMPILATION COMMISSION AND THE LEGISLATIVE COUNCIL SERVICE.

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

Section 1. Section 65-2A-16 NMSA 1978 (being Laws 2003, Chapter 359, Section 16) is amended to read:

"65-2A-16. INTERSTATE MOTOR CARRIERS.--

A. Foreign and domestic motor carriers, motor private carriers, leasing companies, brokers and freight forwarders shall not operate in interstate commerce in this state without first registering with a base state and paying all fees as required under the federal Unified Carrier Registration Act of 2005. The commission is authorized to register applicants and collect all fees without notice or a public hearing.

B. The commission is authorized to follow rules and collect fee assessments set by the federal secretary of transportation from foreign and domestic motor carriers, motor private carriers, leasing companies, brokers and freight

forwarders, and do all things necessary to enable New Mexico to participate in the federal unified carrier registration system pursuant to the federal Unified Carrier Registration Act of 2005, including the collection of an equal amount of revenue as was collected by the commission in the last registration year under Section 4005 of the federal Intermodal Surface Transportation Efficiency Act of 1991 and the collection of an equal amount of revenue annually from all other sources allowed under the Unified Carrier Registration Act of 2005 in the last year that such collections were not prohibited by federal law.

C. The commission is the state agency in New Mexico responsible for operation of the federal Unified Carrier Registration Act of 2005, including participating in the development, implementation and administration of the unified carrier registration agreement. The commission is authorized to follow rules governing the unified carrier registration agreement issued under the unified carrier registration plan by its board of directors.

D. Compliance by an interstate motor carrier with the provisions of the federal Unified Carrier Registration Act of 2005 shall not authorize a carrier to provide intrastate transportation services in New Mexico. An interstate motor carrier wishing to provide compensated transportation in intrastate commerce shall apply for the appropriate intrastate

operating authority from the commission. A taxicab service or terminal shuttle service is engaged in nonexempt intrastate business within the state regardless of a prior exemption if its service provides, with regard to any service run, for both:

(1) initiation of the transportation of one or more passengers within this state; and

(2) delivery to a departure point within this state of one or more passengers whose transportation on that service run was initiated at a point within this state."

Section 2. Section 66-8-116.2 NMSA 1978 (being Laws 1989, Chapter 319, Section 13, as amended) is amended to read:

"66-8-116.2. 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:

A. GENERAL

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Failure to register		
motor carrier	66-3-1.1	\$100.00
Failure to carry		
identification card	65-1-26	50.00

Failure to comply with public regulation commission rules and regulations	65-2A-7	50.00
Failure to carry single state registration receipt issued by a base state	65-2A-7	50.00
Failure to register with a base state under the federal Unified Carrier Registration Act of 2005	65-2A-7	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
Damaged brake lining or pads	65-3-9	50.00
Loose or missing brake components	65-3-12	100.00
Inoperable breakaway braking		

system	65-3-12	50.00
Defective or damaged brake		
tubing	65-3-12	50.00
Inoperative low pressure		
warning device	65-3-9	50.00
Reservoir pressure not		
maintained	65-3-12	100.00
Inoperative tractor		
protection valve	65-3-9	100.00
Damaged or loose air		
compressor	65-3-12	100.00
Audible air leak at brake		
chamber	65-3-12	50.00
Defective safety devices--		
chains or hooks	65-3-9	100.00
Defective towing or coupling		
devices	65-3-9	100.00
Defective exhaust systems	65-3-9	30.00
Frame defects--trailers	65-3-12	100.00
Frame defects--other	65-3-9	100.00
Defective fuel systems	65-3-9	50.00
Missing or inoperative		
lamps	65-3-9	25.00
Missing lamps on projecting		
loads	65-3-9	50.00

Missing or inoperative		
turn signal	65-3-9	25.00
Unsafe loading	65-3-8	100.00
Excessive steering wheel		
play	65-3-9	100.00
Steering column defects	65-3-9	100.00
Steering box or steering		
system defects	65-3-9	100.00
Suspension system defects	65-3-9	50.00
Defective springs or spring		
assembly	65-3-9	50.00
Defective tires--steering		
axle	65-3-9	100.00
Defective tires--other axles	65-3-9	30.00
Defective wheels and rims	65-3-9	50.00
Defective or missing		
windshield wipers	65-3-9	30.00
Defective or inoperative		
emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Driver's age	65-3-7	\$30.00
Driver not licensed for		
type of vehicle being		
operated	65-3-7	30.00

Failure to have valid commercial driver's license in possession	66-5-59	30.00
No waiver of physical disqualification in possession	65-3-7	30.00
Sickness or fatigue	65-3-8	100.00
Driver disqualification	65-3-7	500.00
Exceeding the 10-hour driving rule	65-3-11	100.00
Exceeding the 15-hour on duty rule	65-3-11	100.00
Exceeding the 60 hours in 7 days on duty rule	65-3-11	100.00
Exceeding 70 hours in 8 days on duty rule	65-3-11	100.00
False log book	65-3-11	100.00.

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Placarding violations	65-3-13	\$250.00
Cargo tank not meeting specifications	65-3-13	250.00
Internal valve operation violations	65-3-13	250.00

Hazardous materials

packaging violations	65-3-13	250.00
Insecure load--hazardous		
materials	65-3-13	250.00
Shipping papers violations	65-3-13	30.00
Shipment of forbidden		
combination of hazardous		
materials	65-3-13	250.00
No hazardous waste manifest	65-3-13	30.00
Bulk packaging marking		
violations	65-3-13	30.00
Cargo tank marking violations	65-3-13	30.00."

Section 3. CONTINGENT EFFECTIVE DATE--NOTIFICATION.--The effective date of the provisions of this act is January 1, 2007, unless congress or the United States department of transportation delays the implementation of the federal Unified Carrier Registration Act of 2005. If implementation of that act is delayed, the effective date of the provisions of this act will be the date determined by the federal government. The public regulation commission shall notify the New Mexico compilation commission and the legislative council service if the effective date of this act is delayed and when this act becomes effective.