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SENATE BILL 496

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING DETENTION OF VEHICLES FOR  
FAILURE TO PAY WEIGHT DISTANCE TAX; PROVIDING INCREASED  
PENALTIES FOR VIOLATIONS OF WEIGHT LIMITATIONS AND FOR FAILURE  
TO STOP AT EVERY PORT OF ENTRY AND TO CARRY A TAX  
IDENTIFICATION PERMIT OR A PERMIT FOR EXCESSIVE SIZE OR WEIGHT;  
INCREASING THE LENGTH LIMITATION FOR BUSES OPERATING ON  
NATIONAL NETWORK HIGHWAYS AND COMBINATION VEHICLES OR SADDLE-  
MOUNT VEHICLES THAT ARE SPECIALIZED EQUIPMENT; RESTRICTING  
APPLICATION OF MAXIMUM DRIVING AND ON-DUTY TIME VIOLATION  
PENALTIES TO A PASSENGER CARRIER TRANSPORTATION; ELIMINATING  
FEES FOR CERTAIN POLICE ESCORTS; PROVIDING ADDITIONAL MAXIMUM  
DRIVING AND ON-DUTY TIME PENALTIES.

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

Section 1. Section 65-1-26 NMSA 1978 (being Laws 1967,  
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1 Chapter 97, Section 16, as amended) is amended to read:

2 "65-1-26. DOCUMENTS--REQUIRED IN EACH COMMERCIAL MOTOR  
3 CARRIER VEHICLE--DETENTION OF VEHICLES.--

4 A. [~~Every~~] A commercial motor carrier vehicle  
5 operated on [~~any~~] a New Mexico public highway by a motor  
6 carrier required to be registered with the department shall  
7 have in it at all times:

8 (1) proof of payment of the trip tax; or

9 (2) both evidence of registration and a tax  
10 identification [~~card~~] permit issued by the department.

11 B. The driver of the vehicle [~~must~~] shall be able  
12 to display either proof of payment of the trip tax or both the  
13 evidence of registration and the tax identification [~~card~~]  
14 permit upon request by any law enforcement officer or any  
15 employee of the department.

16 C. Upon failure of the driver to display either  
17 proof of payment of the trip tax or evidence of registration,  
18 it shall be presumed that the vehicle is subject to  
19 registration under the laws of New Mexico unless it can be  
20 demonstrated that the vehicle is exempt from registration  
21 requirements of the Motor Vehicle Code. A vehicle presumed  
22 subject to registration may be detained until registration,  
23 including payment of all required fees, is completed.

24 D. Upon failure of the driver to display either  
25 proof of payment of the trip tax or a tax identification [~~card~~]

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1 permit issued by the department, the trip tax shall be presumed  
2 due. A vehicle presumed subject to the trip tax may be  
3 detained until the trip tax is paid.

4 E. A commercial motor carrier vehicle subject to  
5 and not in compliance with the weight distance requirements of  
6 the Weight Distance Tax Act may be detained until the tax is  
7 paid. A nonfiler or zero-filer status or an inactive weight  
8 distance account is proof of failure to pay the weight distance  
9 tax."

10 Section 2. Section 65-1-36 NMSA 1978 (being Laws 1978,  
11 Chapter 16, Section 1, as amended) is amended to read:

12 "65-1-36. PENALTY FOR VIOLATIONS OF ACT.--

13 A. Violation of Section [~~65-1-12 or~~] 65-5-1, 65-5-2  
14 or 66-3-1.1 NMSA 1978 is a misdemeanor punishable by a fine of  
15 not less than one hundred dollars (\$100) or more than five  
16 hundred dollars (\$500) or imprisonment not exceeding ninety  
17 days or by both the fine and imprisonment.

18 B. Violation of any section of the Motor  
19 Transportation Act other than a violation of Section [~~65-1-12~~]  
20 65-1-26, 65-1-36.1 [~~or~~], 66-5-1, 65-5-2 or 66-3-1.1 NMSA 1978  
21 or of the Motor Carrier Safety Act is a misdemeanor punishable  
22 by a fine of not more than one hundred dollars (\$100) or by  
23 imprisonment not exceeding thirty days or by both the fine and  
24 imprisonment or is subject to the penalty assessment and fee  
25 provisions pursuant to Sections 66-8-116 through 66-8-116.3

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1 NMSA 1978.

2 C. The payment of a fine under the provisions of  
3 any act under the jurisdiction of the department pursuant to  
4 the Motor Transportation Act shall not relieve the offender  
5 from the payment of any fees or taxes or from any other of the  
6 provisions of the Motor Transportation Act.

7 D. The department may [~~also~~], for the proper  
8 enforcement of the duties imposed upon the department pursuant  
9 to the Motor Transportation Act, detain any motor vehicle whose  
10 operator or owner is in violation of any law the department is  
11 empowered under the Motor Transportation Act to administer or  
12 enforce."

13 Section 3. Section 65-5-2 NMSA 1978 (being Laws 1943,  
14 Chapter 125, Section 9, as amended) is amended to read:

15 "65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--  
16 Except as otherwise provided in this section, [~~no~~] a commercial  
17 motor carrier vehicle having a gross vehicle weight or  
18 combination gross vehicle weight of over twenty-six thousand  
19 pounds shall not travel on New Mexico highways without either  
20 proof that the trip tax has been paid for the movement of the  
21 vehicle or both evidence of registration and a tax  
22 identification [~~card~~] permit issued by the department, unless  
23 that vehicle is exempt from the weight distance tax. The  
24 department may, by regulation, exempt portions of a highway  
25 from the requirements of this section if those portions are

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1 prior to reaching a port of entry where the trip tax may be  
2 paid."

3 Section 4. Section 66-3-1.1 NMSA 1978 (being Laws 1978,  
4 Chapter 18, Section 1, as amended) is amended to read:

5 "66-3-1.1. MOTOR CARRIERS REQUIRED TO REGISTER WITH THE  
6 DEPARTMENT.--

7 A. All motor carriers desiring and eligible for  
8 annual registration provisions relating to proportional  
9 registration or full reciprocity shall register their vehicles  
10 with the department. The department shall register all motor  
11 carriers who satisfy all New Mexico requirements relating to  
12 motor carriers, but [~~after September 30, 1984~~] may refuse to  
13 register any vehicle subject to the federal heavy vehicle use  
14 tax imposed by Section 4481 of the United States Internal  
15 Revenue Code of 1986 without proof of payment of such tax in  
16 the form prescribed by the secretary of the treasury of the  
17 United States. Registration of motor carrier vehicles with the  
18 department shall remain in force during the calendar  
19 registration year as specified in Section 65-1-13 or 66-3-2.1  
20 NMSA 1978 unless suspended or canceled by the department for  
21 noncompliance with any New Mexico motor vehicle or motor  
22 carrier requirements.

23 B. In addition to the provisions of Subsection A of  
24 this section, motor carriers operating vehicles subject to the  
25 weight distance tax pursuant to the Weight Distance Tax Act or  
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1 vehicles subject to special fuel user permit requirements  
2 pursuant to the Special Fuels Supplier Tax Act shall apply for  
3 a tax identification [~~card~~] permit."

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

6 "66-3-3.1. TAX IDENTIFICATION [~~CARD~~] PERMIT.--The  
7 department shall implement a system for identifying motor  
8 carriers subject to the weight distance tax and special fuel  
9 user permit requirements, including an identifying number for  
10 each motor carrier covered by the system. Annually, the  
11 department shall issue one or more original tax identification  
12 [~~cards~~] permits sufficient for the number of vehicles specified  
13 by each motor carrier who applies for a tax identification  
14 [~~card~~] permit; provided that the motor carrier continues to be  
15 subject to and in compliance with the weight distance tax and  
16 special fuel user permit requirements. The tax identification  
17 [~~card~~] permit shall contain the department's identifying number  
18 for the motor carrier and other information that the department  
19 deems necessary."

20 Section 6. Section 66-7-207 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 396, as amended) is amended to read:

22 "66-7-207. WRITTEN REPORTS OF ACCIDENTS.--

23 A. The driver of a vehicle involved in an accident  
24 resulting in bodily injury to or death of any person or total  
25 property damage to an apparent extent of five hundred dollars

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1 (\$500) or more shall, within five days after the accident,  
2 forward a written report of the accident to the [~~state highway~~  
3 ~~and~~] department of transportation [~~department~~].

4 B. The [~~state highway and~~] department of  
5 transportation [~~department~~] may require any driver of a vehicle  
6 involved in an accident of which report must be made as  
7 provided in this section to file supplemental reports whenever  
8 the original report is insufficient in the opinion of the  
9 [~~state highway and~~] department of transportation [~~department~~]  
10 and may require witnesses of accidents to render reports  
11 concerning the accidents to the [~~state highway and~~] department  
12 of transportation [~~department~~].

13 C. Every law enforcement officer who, in the  
14 regular course of duty, investigates a motor vehicle accident  
15 of which report must be made as required in this section,  
16 either at the time of and at the scene of the accident or  
17 thereafter by interviewing participants or witnesses, shall,  
18 within twenty-four hours after completing the investigation,  
19 forward a written report of the accident to the [~~state highway~~  
20 ~~and~~] department of transportation [~~department~~]. A law  
21 enforcement officer shall also, within twenty-four hours after  
22 completing the investigation, forward the written report of the  
23 accident to the motor transportation division of the department  
24 of public safety if the accident involves a commercial motor  
25 vehicle and results in:

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1                   (1) bodily injury to any person and the person  
2 is transported to a medical facility for immediate medical  
3 attention;

4                   (2) the death of any person; or

5                   (3) any vehicle involved in the accident being  
6 towed from the scene due to disabling damage caused by the  
7 accident."

8                   Section 7. Section 66-7-314 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 418, as amended) is amended to read:

10                   "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT [~~TO~~] MAY  
11 BE [~~FURNISHED~~] REQUIRED.--~~[A.]~~ When, in the judgment of the  
12 motor transportation division of the department of public  
13 safety or local authorities with respect to highways under  
14 their jurisdiction, the movement of any vehicle is deemed a  
15 hazard to traffic upon a highway over which the vehicle is to  
16 travel, the granting of permission for the movement of the  
17 vehicle may be conditioned upon a special escort accompanying  
18 the hazardous vehicle.

19                   ~~[B. The chief of the New Mexico state police, upon~~  
20 ~~request from the proper authority, shall furnish a special~~  
21 ~~police car escort to safeguard traffic during the movement of~~  
22 ~~the hazardous vehicle. There shall be paid by the applicant,~~  
23 ~~to move such vehicle, the sum of three hundred dollars (\$300)~~  
24 ~~for each police car for each day police escort is required.~~

25 All sums so paid are appropriated to the New Mexico state

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1 ~~police division.]"~~

2 Section 8. Section 66-7-404 NMSA 1978 (being Laws 1978,  
3 Chapter 35, Section 475, as amended) is amended to read:

4 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

5 A. ~~[No]~~ A vehicle shall not exceed a height of  
6 fourteen feet.

7 B. ~~[No]~~ A vehicle shall not exceed a length of  
8 forty feet extreme overall dimension and no motor home shall  
9 exceed a length of forty-five feet extreme overall dimension,  
10 exclusive of front and rear bumpers, except when operated in  
11 combination with another vehicle as provided in this section.

12 ~~[No]~~ A bus may exceed a length of forty-five feet when  
13 operating on national network highways. A combination of  
14 vehicles, unless otherwise exempted in this section, shall not  
15 exceed an overall length of sixty-five feet, exclusive of front  
16 and rear bumpers.

17 C. ~~[No]~~ A combination of vehicles coupled together  
18 shall not consist of more than two units, except:

19 (1) a truck tractor and semitrailer shall be  
20 permitted to pull one trailer;

21 (2) a vehicle shall be permitted to pull two  
22 units, provided that the middle unit is equipped with brakes  
23 and has a weight equal to or greater than the last unit and the  
24 total combined gross weight of the towed units does not exceed  
25 the manufacturer's stated gross weight of the towing units;

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1 (3) a double or triple saddle-mount or fifth  
2 wheel mount of vehicles in transit by driveaway-towaway methods  
3 shall be permitted;

4 (4) vehicles and trailers operated by or under  
5 contract for municipal refuse systems;

6 (5) farm trailers, implements of husbandry and  
7 fertilizer trailers operated by or under contract to a farmer  
8 or rancher in [~~his~~] farming or ranching operations; and

9 (6) as provided in Subsections D [~~and E~~]  
10 through G of this section.

11 D. Exclusive of safety and energy conservation  
12 devices, refrigeration units and other devices such as coupling  
13 devices, vehicles operating a truck tractor semitrailer or  
14 truck tractor semitrailer-trailer combinations on the  
15 interstate highway system and those qualifying federal aid  
16 primary system highways designated by the secretary of the  
17 United States department of transportation, pursuant to the  
18 [~~United States~~] federal Surface Transportation Assistance Act  
19 of 1982, Public Law 97-424, Section 411, and on those highways  
20 designated by the department by rule or regulation with the  
21 concurrence of the [~~state highway and transportation~~] New  
22 Mexico department of transportation may exceed an overall  
23 length limitation of sixty-five feet, provided that the length  
24 of the semitrailer in a truck tractor semitrailer combination  
25 does not exceed fifty-seven feet six inches and the length of

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1 the semitrailer or trailer in a truck tractor semitrailer-  
2 trailer combination does not exceed twenty-eight feet six  
3 inches. The department of public safety shall adopt rules and  
4 regulations granting reasonable access to terminals, facilities  
5 for food, fuel, repairs and rest and points of loading and  
6 unloading for household goods carriers to vehicles operating in  
7 combination pursuant to this subsection. As used in this  
8 subsection, "truck tractor" means a non-cargo carrying power  
9 unit designed to operate in combination with a semitrailer or  
10 trailer, except that a truck tractor and semitrailer engaged in  
11 the transportation of automobiles may transport motor vehicles  
12 on part of the truck tractor.

13 E. The following combination vehicles are  
14 specialized equipment and may exceed an overall length of  
15 sixty-five feet pursuant to the Code of Federal Regulations,  
16 Title 23, Section 658.13:

17 (1) automobile transporters;  
18 (2) boat transporters;  
19 (3) beverage semitrailers; and  
20 (4) munitions carriers using dromedary  
21 equipment.

22 F. A saddle-mount vehicle is specialized equipment  
23 and may not exceed an overall length of ninety-seven feet  
24 pursuant to the Code of Federal Regulations, Title 23, Section  
25 658.13.

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1            ~~[E-]~~ G. Notwithstanding any other subsection of  
2 this section, ~~[any]~~ a trailer or semitrailer combination of  
3 such dimensions as those that were in actual and lawful use in  
4 this state on December 1, 1982 may be lawfully operated on the  
5 highways of this state."

6            Section 9. Section 66-7-410 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 481) is amended to read:

8            "66-7-410. GROSS WEIGHT OF VEHICLES AND LOADS.--

9            A. Subject to the limit upon the weight imposed  
10 upon the highway through any one axle as set forth in Section  
11 ~~[64-7-409 NMSA 1953]~~ 66-7-409 NMSA 1978 and except as provided  
12 in Subsection D of this section, the total gross weight with  
13 load imposed upon the highway by any one group of two or more  
14 consecutive axles of a vehicle or combination of vehicles shall  
15 not exceed the gross weight given for the respective distance  
16 between the first and last axle of the group of axles measured  
17 longitudinally to the nearest foot as set forth in the  
18 following table:

19	Distance in feet between first	Allowed load in pounds
20	and last axles of group	on group of axles
21	4	34,320
22	5	35,100
23	6	35,880
24	7	36,660
25	8	37,440

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1	9	38,220
2	10	39,000
3	11	39,780
4	12	40,560
5	13	41,340
6	14	42,120
7	15	42,900
8	16	43,680
9	17	44,460
10	18	45,240.

11                   B. Except as provided in Subsection D of this  
12 section, the total gross weight with load imposed on the  
13 highway by any vehicle or combination of vehicles where the  
14 distance between the first and last axles is more than eighteen  
15 feet shall not exceed that given for the respective distances  
16 in the following table:

17	Distance in feet between first	Allowed load in pounds
18	and last axles of group	on group of axles
19	19	53,100
20	20	54,000
21	21	54,900
22	22	55,800
23	23	56,700
24	24	57,600
25	25	58,500

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1	26	59,400
2	27	60,300
3	28	61,200
4	29	62,100
5	30	63,000
6	31	63,900
7	32	64,800
8	33	65,700
9	34	66,600
10	35	67,500
11	36	68,400
12	37	69,300
13	38	70,200
14	39	71,100
15	40	72,000
16	41	72,900
17	42	73,800
18	43	74,700
19	44	75,600
20	45	76,500
21	46	77,400
22	47	78,300
23	48	79,200
24	49	80,100
25	50	81,000

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1	51	81,900
2	52	82,800
3	53	83,700
4	54	84,600
5	55	85,500
6	56 or over	86,400.

7 C. The distance between the centers of the axles  
8 shall be measured to the nearest even foot. When a fraction is  
9 exactly one-half, the next larger whole number shall be used.

10 D. The total gross weight with load limitations  
11 imposed by this section for any vehicle or combination of  
12 vehicles shall be increased by four hundred pounds if the  
13 vehicle or combination of vehicles uses idle reduction  
14 technology."

15 Section 10. Section 66-7-411 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 482, as amended) is amended to read:

17 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES  
18 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

19 A. ~~Any~~ A police officer with the motor  
20 transportation division or the New Mexico state police division  
21 of the department of public safety, having reason to believe  
22 that the weight of a vehicle and load is unlawful, may require  
23 the driver to stop and submit to weighing of the vehicle and  
24 load by means of either portable or stationary scales and may  
25 require the vehicle to be driven to the nearest scales approved

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1 by the department of public safety if the scales are within  
2 five miles.

3 B. When a police officer with the motor  
4 transportation division or the New Mexico state police division  
5 of the department of [~~the~~] public safety or a transportation  
6 inspector, upon weighing a vehicle or combination, determines  
7 that the gross vehicle weight or combination gross vehicle  
8 weight exceeds the maximum authorized by Sections 66-7-409 and  
9 66-7-410 NMSA 1978, the officer or inspector shall require the  
10 driver or owner of the vehicle or combination to unload that  
11 portion of the load necessary to decrease the gross vehicle  
12 weight or combination gross vehicle weight to the authorized  
13 maximum.

14 C. [~~Any~~] A driver of a vehicle who fails or refuses  
15 to stop and submit the vehicle and load to weighing or who  
16 fails or refuses, when directed by a duly authorized police  
17 officer with the motor transportation division or the New  
18 Mexico state police division of the department of public safety  
19 or a transportation inspector, upon a weighing of the vehicle,  
20 to unload the vehicle and otherwise comply with the provisions  
21 of this section is guilty of a misdemeanor.

22 D. [~~Any~~] A shipper or [~~any other~~] a person loading  
23 the vehicle who intentionally overloads a vehicle [~~which he~~]  
24 that the shipper or person has reason to believe will travel in  
25 that condition upon a public highway is guilty of a misdemeanor

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1 and shall be fined in accordance with Subsection E of this  
2 section.

3 E. In all cases of violations of weight  
4 limitations, the penalties shall be assessed and imposed in  
5 accordance with the following schedule:

6 WEIGHT OF EXCESS

7 LOAD IN POUNDS

AMOUNT OF FINE

8 1 to 3,000	<del>[twenty-five dollars (\$25.00)]</del> <u>fifty dollars (\$50.00)</u>
10 3,001 to 4,000	<del>[forty dollars (\$40.00)]</del> <u>eighty dollars (\$80.00)</u>
12 4,001 to 5,000	<del>[seventy-five dollars (\$75.00)]</del> <u>one hundred fifty dollars (\$150)</u>
14 5,001 to 6,000	<del>[one hundred twenty-five dollars (\$125)]</del> <u>two hundred fifty dollars (\$250)</u>
16 6,001 to 7,000	<del>[two hundred dollars (\$200)]</del> <u>four hundred dollars (\$400)</u>
18 7,001 to 8,000	<del>[two hundred seventy-five dollars (\$275)]</del> <u>five hundred fifty dollars (\$550)</u>
20 8,001 to 9,000	<del>[three hundred fifty dollars (\$350)]</del> <u>seven hundred dollars (\$700)</u>
22 9,001 to 10,000	<del>[four hundred twenty-five dollars (\$425)]</del> <u>eight hundred fifty dollars (\$850)</u>
24 over 10,000	<del>[five hundred dollars (\$500)]</del> <u>one thousand dollars (\$1,000)."</u>

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1           Section 11. Section 66-7-413 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 484, as amended) is amended to read:

3           "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--  
4 SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED  
5 HOMES.--

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

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1 misdemeanor for a person to violate a condition or term of the  
2 special permit.

3 ~~[B. The department of public safety shall charge~~  
4 ~~and collect, when the movement consists of a load of a width of~~  
5 ~~twenty feet or greater for a distance of five miles or more,~~  
6 ~~the sum of three hundred dollars (\$300) a day or fraction~~  
7 ~~thereof to defray the cost of state or local police escort.~~  
8 ~~The permit issued and the fee charged shall be based upon the~~  
9 ~~entire movement at one time requiring police escort and not~~  
10 ~~upon the number of vehicles involved.~~

11 ~~G.]~~ B. The department of public safety shall  
12 promulgate rules in accordance with the State Rules Act  
13 pertaining to safety practices, liability insurance and  
14 equipment for escort vehicles provided by the motor carrier and  
15 for escort vehicles provided by a private business in this  
16 state.

17 (1) The department of public safety shall  
18 provide the escort personnel with a copy of applicable rules  
19 and shall inspect the escort vehicles for the safety equipment  
20 required by the rules. If the escort vehicles and personnel  
21 meet the requirements set forth in the rules, the department of  
22 public safety shall issue the special permit.

23 (2) The movement of vehicles upon the highways  
24 of this state requiring a special permit and required to use an  
25 escort of the type noted in Paragraph (1) of this subsection is

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1 subject to department of public safety authority and inspection  
2 at all times.

3 (3) The department of transportation shall  
4 conduct engineering investigations and engineering inspections  
5 to determine which four-lane highways are safe for the  
6 operation or movement of manufactured homes without an escort.  
7 After making that determination, the department of  
8 transportation shall hold public hearings in the area of the  
9 state affected by the determination, after which it may adopt  
10 rules designating those four-lane highways as being safe for  
11 the operation or movement of manufactured homes without an  
12 escort. If a portion of such a four-lane highway lies within  
13 the boundaries of a municipality, the department of  
14 transportation, after obtaining the approval of the municipal  
15 governing body, shall include such portions in its rules.

16 [~~D-~~] C. Except for the movement of manufactured  
17 homes, special permits may be issued for a single vehicle or  
18 combination of vehicles by the department of public safety for  
19 a period not to exceed one year for a fee of two hundred fifty  
20 dollars (\$250). The special permits may allow excessive  
21 height, length and width for a vehicle or combination of  
22 vehicles or load thereon and may include a provision for  
23 excessive weight if the weight of the vehicle or combination of  
24 vehicles is not greater than one hundred forty thousand pounds.  
25 Utility service vehicles, operating with special permits

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1 pursuant to this subsection, shall be exempt from prohibitions  
2 or restrictions relating to hours or days of operation or  
3 restrictions on movement because of poor weather conditions.

4 ~~[F.]~~ D. Special permits for a single trip for a  
5 vehicle or combination of vehicles or load thereon of excessive  
6 weight, width, length and height may be issued by the  
7 department of public safety for a single vehicle for a fee of  
8 twenty-five dollars (\$25.00) plus the product of two and one-  
9 half cents (\$.025) for each two thousand pounds in excess of  
10 eighty-six thousand four hundred pounds or major fraction  
11 thereof multiplied by the number of miles to be traveled by the  
12 vehicle or combination of vehicles on the highways of this  
13 state.

14 ~~[F.]~~ E. If a vehicle for which a permit is issued  
15 pursuant to this section is a manufactured home, the department  
16 of public safety or local highway authority issuing the permit  
17 shall furnish the following information to the property tax  
18 division of the taxation and revenue department, which shall  
19 forward the information:

20 (1) to the county assessor of a county from  
21 which a manufactured home is being moved, the date the permit  
22 was issued, the location being moved from, the location being  
23 moved to if within the same county, the name of the owner of  
24 the manufactured home and the identification and registration  
25 numbers of the manufactured home;

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1                   (2) to the county assessor of any county in  
2 this state to which a manufactured home is being moved, the  
3 date the permit was issued, the location being moved from, the  
4 location being moved to, the name of the owner of the  
5 manufactured home and the registration and identification  
6 numbers of the manufactured home; and

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

12                   [~~G.~~] F. Except as provided in Subsection [~~H.~~] G of  
13 this section, if the movement of a manufactured home originates  
14 in this state, a permit shall not be issued pursuant to  
15 Subsection [~~F.~~] E of this section until the owner of the  
16 manufactured home or the authorized agent of the owner obtains  
17 and presents to the department of public safety proof that a  
18 certificate has been issued by the county assessor or treasurer  
19 of the county in which the manufactured home movement  
20 originates showing that either:

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

25                   (2) liability for property taxes on the

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[bracketed material] = delete

1 manufactured home does not exist for the current tax year or a  
2 past tax year, except for manufactured homes located on an  
3 Indian reservation.

4 ~~[H.]~~ G. The movement of a manufactured home from  
5 the lot or business location of a manufactured home dealer to  
6 its destination designated by an owner-purchaser is not subject  
7 to the requirements of Subsection ~~[G]~~ F of this section if the  
8 manufactured home movement originates from the lot or business  
9 location of the dealer and the manufactured home was part of  
10 the dealer's inventory prior to the sale to the owner-  
11 purchaser; however, the movement of a manufactured home by a  
12 dealer or the dealer's authorized agent as a result of a sale  
13 or trade-in from a nondealer-owner is subject to the  
14 requirements of Subsection ~~[G]~~ F of this section whether the  
15 destination is the business location of a dealer or some other  
16 destination.

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

25 ~~[J.]~~ I. The secretary of public safety may by rule  
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1 provide for movers of manufactured homes to self-issue permits  
2 for certain sizes of manufactured homes over specific routes.  
3 The cost of a permit shall not be less than twenty-five dollars  
4 (\$25.00).

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

15 ~~[L.]~~ K. A private motor carrier requesting an  
16 oversize or overweight permit shall provide proof of insurance  
17 in at least the following amounts:

- 18 (1) bodily injury liability, providing:  
19 (a) fifty thousand dollars (\$50,000) for  
20 each person; and  
21 (b) one hundred thousand dollars  
22 (\$100,000) for each accident; and

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

25 ~~[M.]~~ L. A motor carrier requesting an oversize

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1 permit shall produce a copy of a warrant or a single state  
2 registration receipt as evidence that the motor carrier  
3 maintains the insurance minimums prescribed by the public  
4 regulation commission.

5 ~~[N-]~~ M. The department of public safety may provide  
6 by rule the time periods during which a vehicle or load of a  
7 size or weight exceeding the maximum specified in Sections  
8 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved by  
9 a motor carrier on a highway under the jurisdiction of the  
10 state transportation commission or local authorities.

11 ~~[O-]~~ N. Revenue from fees for special permits  
12 authorizing vehicles and loads of excessive size or weight to  
13 operate or move upon a highway under the jurisdiction of the  
14 state transportation commission or local authorities shall be  
15 collected for the department of transportation and transferred  
16 to the state road fund."

17 Section 12. Section 66-8-116 NMSA 1978 (being Laws 1978,  
18 Chapter 35, Section 524, as amended) is amended to read:

19 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--  
20 DEFINITION--SCHEDULE OF ASSESSMENTS.--

21 A. As used in the Motor Vehicle Code, "penalty  
22 assessment misdemeanor" means violation of any of the following  
23 listed sections of the NMSA 1978 for which, except as provided  
24 in [~~Subsection~~] Subsections D and E of this section, the listed  
25 penalty assessment is established:

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1	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
2			ASSESSMENT
3	Permitting unlicensed		
4	minor to drive	66-5-40	\$ 10.00
5	Failure to obey sign	66-7-104	10.00
6	Failure to obey signal	66-7-105	10.00
7	Speeding	66-7-301	
8	(1) up to and including		
9	ten miles an hour		
10	over the speed limit		15.00
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour		
14	over the speed limit		30.00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over the		
18	speed limit		65.00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour		
22	over the speed limit		100.00
23	(5) from twenty-six up to		
24	and including thirty		
25	miles an hour over the		

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1	speed limit		125.00
2	(6) from thirty-one up to		
3	and including thirty-five		
4	miles an hour over the		
5	speed limit		150.00
6	(7) more than thirty-five		
7	miles an hour over the		
8	speed limit		200.00
9	Unfastened safety belt	66-7-372	25.00
10	Child not in restraint device		
11	or seat belt	66-7-369	25.00
12	Minimum speed	66-7-305	10.00
13	Speeding	66-7-306	15.00
14	Improper starting	66-7-324	10.00
15	Improper backing	66-7-354	10.00
16	Improper lane	66-7-308	10.00
17	Improper lane	66-7-313	10.00
18	Improper lane	66-7-316	10.00
19	Improper lane	66-7-317	10.00
20	Improper lane	66-7-319	10.00
21	Improper passing	66-7-309 through 66-7-312	10.00
22	Improper passing	66-7-315	10.00
23	Controlled access		
24	violation	66-7-320	10.00
25	Controlled access		

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[bracketed material] = delete

1	violation	66-7-321	10.00
2	Improper turning	66-7-322	10.00
3	Improper turning	66-7-323	10.00
4	Improper turning	66-7-325	10.00
5	Following too closely	66-7-318	10.00
6	Failure to yield	66-7-328 through 66-7-331	10.00
7	Failure to yield	66-7-332	50.00
8	Failure to yield	66-7-332.1	25.00
9	Pedestrian violation	66-7-333	10.00
10	Pedestrian violation	66-7-340	10.00
11	Failure to stop	66-7-342 and 66-7-344	
12		through 66-7-346	10.00
13	Railroad-highway grade		
14	crossing violation	66-7-341 and 66-7-343	10.00
15	Passing school bus	66-7-347	100.00
16	Failure to signal	66-7-325 through 66-7-327	10.00
17	Failure to secure load	66-7-407	100.00
18	Operation without oversize-		
19	overweight permit	66-7-413	50.00
20	Improper equipment	66-3-801	10.00
21	Improper equipment	66-3-901	20.00
22	Improper emergency		
23	signal	66-3-853 through 66-3-857	10.00
24	Operation interference	66-7-357	5.00
25	Littering	66-7-364	300.00

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[bracketed material] = delete

1 Improper parking 66-7-349 through 66-7-352  
2 and 66-7-353 5.00  
3 Improper parking 66-3-852 5.00  
4 Failure to dim lights 66-3-831 10.00  
5 Riding in or towing  
6 occupied house trailer 66-7-366 5.00  
7 Improper opening of doors 66-7-367 5.00  
8 No slow-moving vehicle  
9 emblem or flashing  
10 amber light 66-3-887 5.00  
11 Open container - first  
12 violation 66-8-138 25.00.  
13 B. The term "penalty assessment misdemeanor" does not  
14 include a violation that has caused or contributed to the cause  
15 of an accident resulting in injury or death to a person.  
16 C. When an alleged violator of a penalty assessment  
17 misdemeanor elects to accept a notice to appear in lieu of a  
18 notice of penalty assessment, a fine imposed upon later  
19 conviction shall not exceed the penalty assessment established  
20 for the particular penalty assessment misdemeanor and probation  
21 imposed upon a suspended or deferred sentence shall not exceed  
22 ninety days.  
23 D. The penalty assessment for speeding in violation  
24 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978  
25 is twice the penalty assessment established in Subsection A of  
.165406.1

1 this section for the equivalent miles per hour over the speed  
2 limit.

3 E. Upon a second conviction for operation without a  
4 permit for excessive size or weight pursuant to Section  
5 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
6 fifty dollars (\$250). Upon a third or subsequent conviction,  
7 the penalty assessment shall be five hundred dollars (\$500)."

8 Section 13. Section 66-8-116.1 NMSA 1978 (being Laws  
9 1989, Chapter 319, Section 12) is amended to read:

10 "66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS--OVERSIZE  
11 LOAD.--As used in the Motor Vehicle Code and the Motor Carrier  
12 Act, "penalty assessment misdemeanor" means, in addition to the  
13 definition of that term in Section 66-8-116 NMSA 1978,  
14 violation of the following listed sections of the NMSA 1978 for  
15 which the listed penalty is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Oversize load		
1,000 to 3,000 pounds	66-7-411	<del>[\$25.00]</del> <u>50.00</u>
Oversize load		
3,001 to 4,000 pounds	66-7-411	<del>[40.00]</del> <u>80.00</u>
Oversize load		
4,001 to 5,000 pounds	66-7-411	<del>[75.00]</del> <u>150.00</u>
Oversize load		
5,001 to 6,000 pounds	66-7-411	<del>[125.00]</del> <u>250.00</u>
Oversize load		

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[bracketed material] = delete

1	6,001 to 7,000 pounds	66-7-411	[ <del>200.00</del> ]	<u>400.00</u>
2	Oversize load			
3	7,001 to 8,000 pounds	66-7-411	[ <del>275.00</del> ]	<u>550.00</u>
4	Oversize load			
5	8,001 to 9,000 pounds	66-7-411	[ <del>350.00</del> ]	<u>700.00</u>
6	Oversize load			
7	9,001 to 10,000 pounds	66-7-411	[ <del>425.00</del> ]	<u>850.00</u>
8	Oversize load			
9	over 10,000 pounds	66-7-411	[ <del>500.00</del> ]	<u>1,000.00</u> ."

10 Section 14. Section 66-8-116.2 NMSA 1978 (being Laws  
11 1989, Chapter 319, Section 13, as amended) is amended to read:

12 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR  
13 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor  
14 Carrier Act, "penalty assessment misdemeanor" means, in  
15 addition to the definitions of that term in Sections 66-8-116  
16 and 66-8-116.1 NMSA 1978, violation of the following listed  
17 sections of the NMSA 1978 for which, except as provided in  
18 Subsection E of this section, the listed penalty is  
19 established:

20 A. GENERAL

21 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
22 Failure to register		
23 motor carrier	[ <del>65-1-12</del> ] <u>66-3-1.1</u>	[ <del>\$100.00</del> ]
		<u>\$300.00</u>
25 Failure to carry <u>tax</u>		

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underscored material = new  
[bracketed material] = delete

1 identification [~~card~~] 65-1-26 [~~50.00~~]  
2 permit 300.00

3 Failure to comply with  
4 public regulation  
5 commission rules and  
6 regulations [~~Section 7 of~~  
7 ~~the Motor Carrier Act~~] 65-2A-7 50.00

8 Failure to  
9 carry single state  
10 registration receipt issued  
11 by a base state [~~Section 7 of~~  
12 ~~the Motor Carrier Act~~] 65-2A-7 50.00

13 Failure to stop at  
14 designated  
15 registration place 65-5-1 100.00

16 Failure to obtain  
17 proper clearance  
18 certificates 65-5-3 100.00.

19 B. VEHICLE OUT-OF-SERVICE VIOLATIONS

20	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
21	Absence of braking action	65-3-9	\$100.00
22	Damaged brake lining or pads	65-3-9	50.00
23	Loose or missing brake		
24	components	65-3-12	100.00
25	Inoperable breakaway braking		

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[bracketed material] = delete

1	system	65-3-12	50.00
2	Defective or damaged brake		
3	tubing	65-3-12	50.00
4	Inoperative low pressure		
5	warning device	65-3-9	50.00
6	Reservoir pressure not		
7	maintained	65-3-12	100.00
8	Inoperative tractor		
9	protection valve	65-3-9	100.00
10	Damaged or loose air		
11	compressor	65-3-12	100.00
12	Audible air leak at brake		
13	chamber	65-3-12	50.00
14	Defective safety devices--		
15	chains or hooks	65-3-9	100.00
16	Defective towing or coupling		
17	devices	65-3-9	100.00
18	Defective exhaust systems	65-3-9	30.00
19	Frame defects--trailers	65-3-12	100.00
20	Frame defects--other	65-3-9	100.00
21	Defective fuel systems	65-3-9	50.00
22	Missing or inoperative		
23	lamps	65-3-9	25.00
24	Missing lamps on projecting		
25	loads	65-3-9	50.00

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[bracketed material] = delete

1	Missing or inoperative		
2	turn signal	65-3-9	25.00
3	Unsafe loading	65-3-8	100.00
4	<u>Possession of radar detector</u>		
5	<u>in commercial motor carrier</u>		
6	<u>vehicle</u>	<u>65-3-8</u>	<u>100.00</u>
7	<u>Possession of alcoholic</u>		
8	<u>beverage in commercial</u>		
9	<u>motor carrier vehicle</u>	<u>65-3-8</u>	<u>200.00</u>
10	Excessive steering wheel		
11	play	65-3-9	100.00
12	Steering column defects	65-3-9	100.00
13	Steering box or steering		
14	system defects	65-3-9	100.00
15	Suspension system defects	65-3-9	50.00
16	Defective springs or spring		
17	assembly	65-3-9	50.00
18	Defective tires--steering		
19	axle	65-3-9	100.00
20	Defective tires--other axles	65-3-9	30.00
21	Defective wheels and rims	65-3-9	50.00
22	Defective or missing		
23	windshield wipers	65-3-9	30.00
24	Defective or inoperative		
25	emergency exit--bus	65-3-9	100.00.

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[bracketed material] = delete

1	C. DRIVER OUT-OF-SERVICE VIOLATIONS		
2	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
3	Driver's age	65-3-7	<u>\$ 30.00</u>
4	Driver not licensed for		
5	type of vehicle being		
6	operated	65-3-7	30.00
7	Failure to have valid		
8	commercial driver's license		
9	in possession	66-5-59	30.00
10	No waiver of physical		
11	disqualification		
12	in possession	65-3-7	30.00
13	Sickness or fatigue	65-3-8	100.00
14	Driver disqualification	65-3-7	500.00
15	Exceeding the 10-hour		
16	driving rule <u>for</u>		
17	<u>passenger carrier</u>		
18	<u>transportation</u>	65-3-11	100.00
19	<u>Exceeding the 11-hour</u>		
20	<u>driving rule for property</u>		
21	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
22	<u>Exceeding the 14-hour on</u>		
23	<u>duty rule for property</u>		
24	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
25	Exceeding the 15-hour on		
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[bracketed material] = delete

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

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
13	Placarding violations	65-3-13	\$250.00
14	Cargo tank not meeting		
15	specifications	65-3-13	250.00
16	Internal valve operation		
17	violations	65-3-13	250.00
18	Hazardous materials		
19	packaging violations	65-3-13	250.00
20	Insecure load--hazardous		
21	materials	65-3-13	250.00
22	Shipping papers violations	65-3-13	30.00
23	Shipment of forbidden		
24	combination of hazardous		
25	materials	65-3-13	250.00

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