

1 SENATE BILL 52

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Mary Kay Papen

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7
8 FOR THE TRANSPORTATION INFRASTRUCTURE REVENUE SUBCOMMITTEE

9
10 AN ACT

11 RELATING TO MOTOR VEHICLES; EXTENDING THE OVERWEIGHT ZONE AT
12 PORTS OF ENTRY ON THE BORDER WITH MEXICO TO TWELVE MILES.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
18 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

19 A. The department of public safety and local
20 highway authorities may, in their discretion, upon application
21 in writing and good cause being shown, issue a special permit
22 in writing authorizing the applicant to operate or move a
23 vehicle or load of a size or weight exceeding the maximum
24 specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on a
25 highway under the jurisdiction of the state transportation

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1 commission or local authorities. Except for the movement of
2 manufactured homes, a permit may be granted, in cases of
3 emergency, for the transportation of loads on a certain unit or
4 combination of equipment for a specified period of time not to
5 exceed one year, and the permit shall contain the route to be
6 traversed, the type of load to be transported and any other
7 restrictions or conditions deemed necessary by the body
8 granting the permit. In every other case, the permit shall be
9 issued for a single trip and may designate the route to be
10 traversed and contain any other restrictions or conditions
11 deemed necessary by the body granting the permit. Every permit
12 shall be carried in the vehicle to which it refers and shall be
13 opened for inspection to any peace officer. It is a
14 misdemeanor for a person to violate a condition or term of the
15 special permit.

16 B. The department of public safety shall promulgate
17 rules in accordance with the State Rules Act pertaining to
18 safety practices, liability insurance and equipment for escort
19 vehicles provided by the motor carrier and for escort vehicles
20 provided by a private business in this state.

21 (1) The department of public safety shall
22 provide the escort personnel with a copy of applicable rules
23 and shall inspect the escort vehicles for the safety equipment
24 required by the rules. If the escort vehicles and personnel
25 meet the requirements set forth in the rules, the department of

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1 public safety shall issue the special permit.

2 (2) The movement of vehicles upon the highways
3 of this state requiring a special permit and required to use an
4 escort of the type noted in Paragraph (1) of this subsection is
5 subject to department of public safety authority and inspection
6 at all times.

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

20 C. Except for the movement of manufactured homes,
21 special permits may be issued for a single vehicle or
22 combination of vehicles by the department of public safety for
23 a period not to exceed one year for a fee of two hundred fifty
24 dollars (\$250). The special permits may allow excessive
25 height, length and width for a vehicle or combination of

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1 vehicles or load thereon and may include a provision for
2 excessive weight if the weight of the vehicle or combination of
3 vehicles is not greater than one hundred forty thousand pounds.
4 Utility service vehicles, operating with special permits
5 pursuant to this subsection, shall be exempt from prohibitions
6 or restrictions relating to hours or days of operation or
7 restrictions on movement because of poor weather conditions.

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

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

23 (1) to the county assessor of a county from
24 which a manufactured home is being moved, the date the permit
25 was issued, the location being moved from, the location being

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1 moved to if within the same county, the name of the owner of
2 the manufactured home and the identification and registration
3 numbers of the manufactured home;

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

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

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

24 (1) all property taxes due or to become due on
25 the manufactured home for the current tax year or any past tax

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1 years have been paid, except for manufactured homes located on
2 an Indian reservation; or

3 (2) liability for property taxes on the
4 manufactured home does not exist for the current tax year or a
5 past tax year, except for manufactured homes located on an
6 Indian reservation.

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

20 H. A permit shall not be issued pursuant to this
21 section for movement of a manufactured home whose width exceeds
22 eighteen feet with no more than a six-inch roof overhang on the
23 left side or twelve inches on the right side in addition to the
24 eighteen-foot width of the manufactured home. Manufactured
25 homes exceeding the limitations of this section shall only be

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1 moved on dollies placed on the front and the rear of the
2 structure.

3 I. The secretary of public safety may by rule
4 provide for movers of manufactured homes to self-issue permits
5 for certain sizes of manufactured homes over specific routes.
6 The cost of a permit shall not be less than twenty-five dollars
7 (\$25.00).

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

18 K. A private motor carrier requesting an oversize
19 or overweight permit shall provide proof of insurance in at
20 least the following amounts:

- 21 (1) bodily injury liability, providing:
22 (a) fifty thousand dollars (\$50,000) for
23 each person; and
24 (b) one hundred thousand dollars
25 (\$100,000) for each accident; and

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

3 L. A motor carrier requesting an oversize permit
4 shall produce a copy of a warrant or a single state
5 registration receipt as evidence that the motor carrier
6 maintains the insurance minimums prescribed by the public
7 regulation commission.

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

14 N. An applicant for a special permit to operate a
15 vehicle or combination of vehicles with a gross weight not
16 exceeding ninety-six thousand pounds within [~~six~~] twelve miles
17 of a port of entry on the border with Mexico shall not be
18 required to demonstrate to the department of public safety that
19 the load cannot be reduced as a condition of the issuance of
20 the permit.

21 O. Revenue from fees for special permits
22 authorizing vehicles and loads of excessive size or weight to
23 operate or move upon a highway under the jurisdiction of the
24 state transportation commission or local authorities shall be
25 collected for the department of transportation and transferred

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to the state road fund."

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