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AN ACT

RELATING TO MOTOR VEHICLES; EXTENDING THE OVERWEIGHT ZONE AT PORTS OF ENTRY ON THE BORDER WITH MEXICO TO TWELVE MILES; EXPANDING WHEN THE STATE TRANSPORTATION COMMISSION OR LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.

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

SECTION 1. Section 66-7-415 NMSA 1978 (being Laws 1955, Chapter 37, Section 12, as amended) is amended to read:

"66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

A. Local authorities, with respect to streets under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or may impose limitations as to size or weight, on designated streets in areas that are primarily residential or that pass by educational or medical facilities or on streets that are not designed or constructed for heavy weight vehicles, which prohibitions and limitations shall be designated by appropriate signs placed on the street.

B. The local authority enacting an ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of the street affected, and the ordinance or resolution shall not be

1 effective until signs are erected and maintained and notice  
2 given in writing to the nearest officer or employee of the  
3 motor transportation division of the department of public  
4 safety authorized to issue special permits.

5 C. The state transportation commission shall  
6 likewise have authority, as granted to local authorities in  
7 Subsections A and B of this section, to determine by  
8 resolution and to impose restrictions as to the size and  
9 weight of vehicles operated upon any highways under the  
10 jurisdiction of the commission, and such restrictions shall  
11 be effective upon the passage of a resolution and when signs  
12 giving notice thereof are erected upon the highway or portion  
13 of any highway affected by the resolution. The commission  
14 shall deliver a copy of all restrictions adopted by it to the  
15 motor transportation division of the department of public  
16 safety."

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

19 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--  
20 SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED  
21 HOMES.--

22 A. The department of public safety and local  
23 highway authorities may, in their discretion, upon  
24 application in writing and good cause being shown, issue a  
25 special permit in writing authorizing the applicant to

1 operate or move a vehicle or load of a size or weight  
2 exceeding the maximum specified in Sections 66-7-401 through  
3 66-7-416 NMSA 1978 on a highway under the jurisdiction of the  
4 state transportation commission or local authorities. Except  
5 for the movement of manufactured homes, a permit may be  
6 granted, in cases of emergency, for the transportation of  
7 loads on a certain unit or combination of equipment for a  
8 specified period of time not to exceed one year, and the  
9 permit shall contain the route to be traversed, the type of  
10 load to be transported and any other restrictions or  
11 conditions deemed necessary by the body granting the permit.  
12 In every other case, the permit shall be issued for a single  
13 trip and may designate the route to be traversed and contain  
14 any other restrictions or conditions deemed necessary by the  
15 body granting the permit. Every permit shall be carried in  
16 the vehicle to which it refers and shall be opened for  
17 inspection to any peace officer. It is a misdemeanor for a  
18 person to violate a condition or term of the special permit.

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

25 (1) The department of public safety shall

1 provide the escort personnel with a copy of applicable rules  
2 and shall inspect the escort vehicles for the safety  
3 equipment required by the rules. If the escort vehicles and  
4 personnel meet the requirements set forth in the rules, the  
5 department of public safety shall issue the special permit.

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

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

25 C. Except for the movement of manufactured homes,

1 special permits may be issued for a single vehicle or  
2 combination of vehicles by the department of public safety  
3 for a period not to exceed one year for a fee of two hundred  
4 fifty dollars (\$250). The special permits may allow  
5 excessive height, length and width for a vehicle or  
6 combination of vehicles or load thereon and may include a  
7 provision for excessive weight if the weight of the vehicle  
8 or combination of vehicles is not greater than one hundred  
9 forty thousand pounds. Utility service vehicles, operating  
10 with special permits pursuant to this subsection, shall be  
11 exempt from prohibitions or restrictions relating to hours or  
12 days of operation or restrictions on movement because of poor  
13 weather conditions.

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

24 E. If a vehicle for which a permit is issued  
25 pursuant to this section is a manufactured home, the

1 department of public safety or local highway authority  
2 issuing the permit shall furnish the following information to  
3 the property tax division of the taxation and revenue  
4 department, which shall forward the information:

5 (1) to the county assessor of a county from  
6 which a manufactured home is being moved, the date the permit  
7 was issued, the location being moved from, the location being  
8 moved to if within the same county, the name of the owner of  
9 the manufactured home and the identification and registration  
10 numbers of the manufactured home;

11 (2) to the county assessor of any county in  
12 this state to which a manufactured home is being moved, the  
13 date the permit was issued, the location being moved from,  
14 the location being moved to, the name of the owner of the  
15 manufactured home and the registration and identification  
16 numbers of the manufactured home; and

17 (3) to the owner of a manufactured home  
18 having a destination in this state, notification that the  
19 information required in Paragraphs (1) and (2) of this  
20 subsection is being given to the respective county assessors  
21 and that manufactured homes are subject to property taxation.

22 F. Except as provided in Subsection G of this  
23 section, if the movement of a manufactured home originates in  
24 this state, a permit shall not be issued pursuant to  
25 Subsection E of this section until the owner of the

1 manufactured home or the authorized agent of the owner  
2 obtains and presents to the department of public safety proof  
3 that a certificate has been issued by the county assessor or  
4 treasurer of the county in which the manufactured home  
5 movement originates showing that either:

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

10 (2) liability for property taxes on the  
11 manufactured home does not exist for the current tax year or  
12 a past tax year, except for manufactured homes located on an  
13 Indian reservation.

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

1 other destination.

2 H. A permit shall not be issued pursuant to this  
3 section for movement of a manufactured home whose width  
4 exceeds eighteen feet with no more than a six-inch roof  
5 overhang on the left side or twelve inches on the right side  
6 in addition to the eighteen-foot width of the manufactured  
7 home. Manufactured homes exceeding the limitations of this  
8 section shall only be moved on dollies placed on the front  
9 and the rear of the structure.

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

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

25 K. A private motor carrier requesting an oversize



1 or overweight permit shall provide proof of insurance in at  
2 least the following amounts:

3 (1) bodily injury liability, providing:

4 (a) fifty thousand dollars (\$50,000)

5 for each person; and

6 (b) one hundred thousand dollars

7 (\$100,000) for each accident; and

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

10 L. A motor carrier requesting an oversize permit  
11 shall produce a copy of a warrant or a single state  
12 registration receipt as evidence that the motor carrier  
13 maintains the insurance minimums prescribed by the public  
14 regulation commission.

15 M. The department of public safety may provide by  
16 rule the time periods during which a vehicle or load of a  
17 size or weight exceeding the maximum specified in Sections  
18 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved  
19 by a motor carrier on a highway under the jurisdiction of the  
20 state transportation commission or local authorities.

21 N. An applicant for a special permit to operate a  
22 vehicle or combination of vehicles with a gross weight not  
23 exceeding ninety-six thousand pounds within six miles of the  
24 port of entry at the border with Mexico at Santa Teresa or  
25 within a circular quadrant starting at that port of entry

1 with an east boundary line running due north twelve miles  
2 from the Santa Teresa port of entry to a point, then along an  
3 arc to the west with a twelve-mile radius and central angle  
4 of approximately ninety degrees to a point on the  
5 international boundary with Mexico, then returning due east  
6 twelve miles to the starting point at that port of entry, and  
7 twelve miles of other ports of entry on the border with  
8 Mexico shall not be required to demonstrate to the department  
9 of public safety that the load cannot be reduced as a  
10 condition of the issuance of the permit.

11           O. 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." \_\_\_\_\_

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