

HOUSE BILL 78

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Roberto "Bobby" J. Gonzales

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE LAW ENFORCEMENT PROVISIONS GOVERNING A COMMERCIAL MOTOR CARRIER VEHICLE STOP.

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

SECTION 1. Section 65-5-1 NMSA 1978 (being Laws 1943, Chapter 125, Section 8, as amended) is amended to read:

"65-5-1. VEHICLES TO STOP AT PORTS OF ENTRY--FIELD ENFORCEMENT--INFORMATION--INSPECTION.--

A. All commercial motor carrier vehicles shall enter, leave or travel through the state on designated highways

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and shall stop at every port of entry as designated by the division for manifesting and clearance stickers, except as provided in Subsection H of this section.

B. An officer may enforce in the field [~~the provisions of~~] HJC→**the provisions of**←HJC the Motor Transportation Act HJC→**,**←HJC [~~and~~] HJC→**and**←HJC the Motor Carrier Act, the Motor Vehicle Code HTPWC→~~or~~ **and**←HTPWC the Criminal Code and perform inspections as provided in this section [~~whenever~~] when the officer stops a commercial motor carrier vehicle [~~after observing that the vehicle is in, or is being operated in, violation of those acts, the Motor Vehicle Code or the Criminal Code~~ HJC→] **after observing**←HJC **upon reasonable suspicion that the vehicle is in, or is being operated in, violation of those acts, the Motor Vehicle Code or the Criminal Code**←HJC.

C. The operator of a commercial motor carrier vehicle shall:

(1) upon request, make out and deliver to the agent of the division at a port of entry or to an officer conducting field enforcement a manifest showing that part of the following information requested:

- (a) the point of origin of the shipment;
- (b) the ultimate destination of the shipment; and
- (c) the gross vehicle weight of the

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vehicle and cargo;

(2) sign the manifest and present it to the agent at the port of entry or to the officer conducting field enforcement; and

(3) present for inspection to the agent at the port of entry or the officer conducting field enforcement a copy of the billing or invoice describing the contents of the cargo and the weight of the cargo.

D. The agent at the port of entry or the officer conducting field enforcement may verify the information contained upon the billing or invoice and shall:

(1) check the license, permit, engine and serial numbers, weight and description of the vehicle; and

(2) inspect the vehicle and ascertain whether it is in safe and road-worthy condition and properly equipped with all lights, brakes and other appliances required by law.

E. The agent at the port of entry or officer conducting field enforcement may confirm the contents and weight of the cargo of a commercial motor carrier vehicle and interview the operator about the cargo and, if in doubt as to the declared gross weight, may order the cargo weighed before issuing any clearance certificate for the vehicle.

F. The agent at the port of entry or the officer conducting field enforcement may inspect the contents of a commercial motor carrier vehicle to determine whether all taxes

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on gasoline and motor fuel and excise taxes on alcoholic liquors and all taxes on any other property have been fully paid.

G. The agent at the port of entry or the officer conducting field enforcement may inspect a commercial motor carrier vehicle and its contents to determine whether they are in compliance with laws and rules regarding public safety, health, welfare and comfort.

H. An agricultural product transport vehicle is excluded from the requirements of Subsection A of this section if the agricultural product transport vehicle has cleared the port of entry at least once and has successfully passed a commercial vehicle safety alliance level 1 inspection during the current harvest season.

I. As used in this section, "agricultural product transport vehicle" means a motor vehicle, freight trailer or utility trailer or a combination thereof used exclusively for hauling agricultural products harvested by a farmer from the place of harvesting to market, storage or a processing plant."