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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO AGRICULTURE; PROVIDING THAT SEED COTTON MODULE
TRANSPORT VEHICLES ARE AGRICULTURAL PRODUCT TRANSPORT VEHICLES.

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
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 the Motor Transportation Act and the Motor

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1 Carrier Act and perform inspections as provided in this section
2 whenever the officer stops a commercial motor carrier vehicle
3 after observing that the vehicle is in, or is being operated
4 in, violation of those acts, the Motor Vehicle Code or the
5 Criminal Code.

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

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

12 (a) the point of origin of the shipment;

13 (b) the ultimate destination of the
14 shipment; and

15 (c) the gross vehicle weight of the
16 vehicle and cargo;

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

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

24 D. The agent at the port of entry or the officer
25 conducting field enforcement may verify the information

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1 contained upon the billing or invoice and shall:

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

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

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

14 F. The agent at the port of entry or the officer
15 conducting field enforcement may inspect the contents of a
16 commercial motor carrier vehicle to determine whether all taxes
17 on gasoline and motor fuel and excise taxes on alcoholic
18 liquors and all taxes on any other property have been fully
19 paid.

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

25 H. An agricultural product transport vehicle is

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

6 I. As used in this section:

7 (1) "agricultural product transport vehicle"
8 means a motor vehicle, freight trailer or utility trailer or a
9 combination thereof used exclusively for hauling agricultural
10 products harvested by a farmer from the place of harvesting to
11 market, storage or a processing plant, and includes a seed
12 cotton module transport vehicle; and

13 (2) "seed cotton module transport vehicle"
14 means a motor vehicle, trailer or combination of motor vehicle
15 with trailer used exclusively to transport a seed cotton
16 module."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2022.