

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 280

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John Arthur Smith

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 FAILURE TO STOP AT EVERY PORT OF ENTRY AND TO CARRY A TAX IDENTIFICATION PERMIT OR AN OVERSIZE-OVERWEIGHT PERMIT; INCREASING THE LENGTH LIMITATION FOR BUSES OPERATING ON NATIONAL NETWORK HIGHWAYS AND COMBINATION VEHICLES THAT ARE SPECIALIZED EQUIPMENT; RESTRICTING APPLICATION OF MAXIMUM DRIVING AND ON-DUTY TIME VIOLATION PENALTIES TO A PASSENGER CARRIER TRANSPORTATION; 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, Chapter 97, Section 16, as amended) is amended to read:

. 152733. 2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

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

- 7 (1) proof of payment of the trip tax; or
- 8 (2) both evidence of registration and a tax
9 identification [~~card~~] permit issued by the department.

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

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

23 D. Upon failure of the driver to display either
24 proof of payment of the trip tax or a tax identification [~~card~~]
25 permit issued by the department, the trip tax shall be presumed

underscored material = new
[bracketed material] = delete

1 due. A vehicle presumed subject to the trip tax may be
2 detained until the trip tax is paid.

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

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

11 "65-1-36. PENALTY FOR VIOLATIONS OF ACT. --

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

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

. 152733. 2

underscored material = new
[bracketed material] = delete

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

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

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

14 "65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--
15 Except as otherwise provided in this section, no commercial
16 motor carrier vehicle having a gross vehicle weight or
17 combination gross vehicle weight of over twenty-six thousand
18 pounds shall travel on New Mexico highways without either proof
19 that the trip tax has been paid for the movement of the vehicle
20 or both evidence of registration and a tax identification
21 [card] permit issued by the department, unless that vehicle is
22 exempt from the weight distance tax. The department may, by
23 regulation, exempt portions of a highway from the requirements
24 of this section if those portions are prior to reaching a port
25 of entry where the trip tax may be paid. "

. 152733. 2

underscored material = new
[bracketed material] = delete

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

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

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

21 B. In addition to the provisions of Subsection A of
22 this section, motor carriers operating vehicles subject to the
23 weight distance tax pursuant to the Weight Distance Tax Act or
24 vehicles subject to special fuel user permit requirements
25 pursuant to the Special Fuels Supplier Tax Act shall apply for

. 152733. 2

underscored material = new
[bracketed material] = delete

1 a tax identification [~~card~~] permit. "

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

4 "66-3-3.1. TAX IDENTIFICATION [~~CARD~~] PERMIT. -- The
5 department shall implement a system for identifying motor
6 carriers subject to the weight distance tax and special fuel
7 user permit requirements, including an identifying number for
8 each motor carrier covered by the system. Annually, the
9 department shall issue one or more original tax identification
10 [~~cards~~] permits sufficient for the number of vehicles specified
11 by each motor carrier who applies for a tax identification
12 [~~card~~] permit; provided that the motor carrier continues to be
13 subject to and in compliance with the weight distance tax and
14 special fuel user permit requirements. The tax identification
15 [~~card~~] permit shall contain the department's identifying number
16 for the motor carrier and other information that the department
17 deems necessary. "

18 Section 6. Section 66-7-404 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 475, as amended) is amended to read:

20 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS. --

21 A. No vehicle shall exceed a height of fourteen
22 feet.

23 B. No vehicle shall exceed a length of forty feet
24 extreme overall dimension and no motor home shall exceed a
25 length of forty-five feet extreme overall dimension, exclusive

. 152733. 2

underscored material = new
[bracketed material] = delete

1 of front and rear bumpers, except when operated in combination
2 with another vehicle as provided in this section. A bus may
3 exceed a length of forty-five feet when operating on national
4 network highways. No combination of vehicles, unless otherwise
5 exempted in this section, shall exceed an overall length of
6 sixty-five feet, exclusive of front and rear bumpers.

7 C. No combination of vehicles coupled together
8 shall consist of more than two units, except:

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

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

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

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

21 (5) farm trailers, implements of husbandry and
22 fertilizer trailers operated by or under contract to a farmer
23 or rancher in his farming or ranching operations; and

24 (6) as provided in Subsections D and [E] F of
25 this section.

. 152733. 2

underscored material = new
[bracketed material] = delete

1 D. Exclusive of safety and energy conservation
2 devices, refrigeration units and other devices such as coupling
3 devices, vehicles operating a truck tractor semitrailer or
4 truck tractor semitrailer-trailer combinations on the
5 interstate highway system and those qualifying federal aid
6 primary system highways designated by the secretary of the
7 United States department of transportation, pursuant to the
8 [~~United States~~] federal Surface Transportation Assistance Act
9 of 1982, Public Law 97-424, Section 411, and on those highways
10 designated by the department by rule or regulation with the
11 concurrence of the [~~state highway and transportation~~]
12 department of transportation may exceed an overall length
13 limitation of sixty-five feet, provided that the length of the
14 semitrailer in a truck tractor semitrailer combination does not
15 exceed fifty-seven feet six inches and the length of the
16 semitrailer or trailer in a truck tractor semitrailer-trailer
17 combination does not exceed twenty-eight feet six inches. The
18 department of public safety shall adopt rules and regulations
19 granting reasonable access to terminals, facilities for food,
20 fuel, repairs and rest and points of loading and unloading for
21 household goods carriers to vehicles operating in combination
22 pursuant to this subsection. As used in this subsection,
23 "truck tractor" means a non-cargo carrying power unit designed
24 to operate in combination with a semitrailer or trailer, except
25 that a truck tractor and semitrailer engaged in the

. 152733. 2

1 transportation of automobiles may transport motor vehicles on
2 part of the truck tractor.

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

- 7 (1) automobile transporters;
8 (2) boat transporters;
9 (3) beverage semi trailers; and
10 (4) munitions carriers using dromedary
11 equipment.

12 [~~E.~~] F. Notwithstanding any other subsection of
13 this section, any trailer or semitrailer combination of such
14 dimensions as those that were in actual and lawful use in this
15 state on December 1, 1982 may be lawfully operated on the
16 highways of this state. "

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

19 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
20 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES. --

21 A. Any police officer with the motor transportation
22 division or the New Mexico state police division of the
23 department of public safety, having reason to believe that the
24 weight of a vehicle and load is unlawful, may require the
25 driver to stop and submit to weighing of the vehicle and load

. 152733. 2

underscored material = new
[bracketed material] = delete

1 by means of either portable or stationary scales and may
2 require the vehicle to be driven to the nearest scales approved
3 by the department of public safety if the scales are within
4 five miles.

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

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

24 D. Any shipper or any other person loading the
25 vehicle who intentionally overloads a vehicle [~~which he~~] that

. 152733. 2

1 the shipper or other person has reason to believe will travel
2 in that condition upon a public highway is guilty of a
3 misdemeanor and shall be fined in accordance with Subsection E
4 of this section.

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

8 WEIGHT OF EXCESS

9 LOAD IN POUNDS

AMOUNT OF FINE

10 1 to 3,000	[twenty-five dollars (\$25.00)] <u>fifty</u> 11 <u>dollars (\$50.00)</u>
12 3,001 to 4,000	[forty dollars (\$40.00)] <u>eighty dollars</u> 13 <u>(\$80.00)</u>
14 4,001 to 5,000	[seventy-five dollars (\$75.00)] <u>one</u> 15 <u>hundred fifty dollars (\$150)</u>
16 5,001 to 6,000	[one hundred twenty-five dollars (\$125)] 17 <u>two hundred fifty dollars (\$250)</u>
18 6,001 to 7,000	[two hundred dollars (\$200)] <u>four hundred</u> 19 <u>dollars (\$400)</u>
20 7,001 to 8,000	[two hundred seventy-five dollars (\$275)] 21 <u>five hundred fifty dollars (\$550)</u>
22 8,001 to 9,000	[three hundred fifty dollars (\$350)] 23 <u>seven hundred dollars (\$700)</u>
24 9,001 to 10,000	[four hundred twenty-five dollars (\$425)] 25 <u>eight hundred fifty dollars (\$850)</u>

. 152733. 2

1 over 10,000 [~~five hundred dollars (\$500)~~] one
2 thousand dollars (\$1,000). "

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

5 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS-- DEFINITION--
6 SCHEDULE OF ASSESSMENTS. --

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

12 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT
14 Permitting unlicensed		
15 minor to drive	66-5-40	\$ 10.00
16 Failure to obey sign	66-7-104	10.00
17 Failure to obey signal	66-7-105	10.00
18 Speeding	66-7-301	
19 (1) up to and including		
20 ten miles an hour		
21 over the speed limit		15.00
22 (2) from eleven up to		
23 and including fifteen		
24 miles an hour		
25 over the speed limit		30.00

. 152733. 2

underscored material = new
[bracketed material] = delete

1	(3) from sixteen up to		
2	and including twenty		
3	miles an hour over the		
4	speed limit		65.00
5	(4) from twenty-one up to		
6	and including twenty-five		
7	miles an hour		
8	over the speed limit		100.00
9	(5) from twenty-six up to		
10	and including thirty		
11	miles an hour over the		
12	speed limit		125.00
13	(6) from thirty-one up to		
14	and including thirty-five		
15	miles an hour over the		
16	speed limit		150.00
17	(7) more than thirty-five		
18	miles an hour over the		
19	speed limit		200.00
20	Unfastened safety belt	66- 7- 372	25.00
21	Child not in restraint device		
22	or seat belt	66- 7- 369	25.00
23	Minimum speed	66- 7- 305	10.00
24	Speeding	66- 7- 306	15.00
25	Improper starting	66- 7- 324	10.00

. 152733. 2

underscored material = new
[bracketed material] = delete

1	Improper backing	66- 7- 354	10. 00
2	Improper lane	66- 7- 308	10. 00
3	Improper lane	66- 7- 313	10. 00
4	Improper lane	66- 7- 316	10. 00
5	Improper lane	66- 7- 317	10. 00
6	Improper lane	66- 7- 319	10. 00
7	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
8	Improper passing	66- 7- 315	10. 00
9	Controlled access		
10	violation	66- 7- 320	10. 00
11	Controlled access		
12	violation	66- 7- 321	10. 00
13	Improper turning	66- 7- 322	10. 00
14	Improper turning	66- 7- 323	10. 00
15	Improper turning	66- 7- 325	10. 00
16	Following too closely	66- 7- 318	10. 00
17	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
18	Failure to yield	66- 7- 332. 1	25. 00
19	Pedestrian violation	66- 7- 333	10. 00
20	Pedestrian violation	66- 7- 340	10. 00
21	Failure to stop	66- 7- 342 and 66- 7- 344	
22		through 66- 7- 346	10. 00
23	Railroad-highway grade		
24	crossing violation	66- 7- 341 and 66- 7- 343	10. 00
25	Passing school bus	66- 7- 347	100. 00

. 152733. 2

underscored material = new
[bracketed material] = delete

1	Failure to signal	66-7-325 through 66-7-327	10.00
2	Failure to secure load	66-7-407	100.00
3	Operation without oversize-		
4	overweight permit	66-7-413	[50.00] <u>100.00</u>
5	Improper equipment	66-3-801	10.00
6	Improper equipment	66-3-901	20.00
7	Improper emergency		
8	signal	66-3-853 through 66-3-857	10.00
9	Operation interference	66-7-357	5.00
10	Littering	66-7-364	300.00
11	Improper parking	66-7-349 through 66-7-352	
12		and 66-7-353	5.00
13	Improper parking	66-7-352.5	50.00
14	Improper parking	66-3-852	5.00
15	Failure to dim lights	66-3-831	10.00
16	Riding in or towing		
17	occupied house trailer	66-7-366	5.00
18	Improper opening of doors	66-7-367	5.00
19	No slow-moving vehicle		
20	emblem or flashing		
21	amber light	66-3-887	5.00
22	Open container - first		
23	violation	66-8-138	25.00.

24 B. The term "penalty assessment misdemeanor" does not
25 include a violation that has caused or contributed to the cause

. 152733. 2

underscored material = new
[bracketed material] = delete

1 of an accident resulting in injury or death to a person.

2 C. When an alleged violator of a penalty assessment
3 misdemeanor elects to accept a notice to appear in lieu of a
4 notice of penalty assessment, a fine imposed upon later
5 conviction shall not exceed the penalty assessment established
6 for the particular penalty assessment misdemeanor and probation
7 imposed upon a suspended or deferred sentence shall not exceed
8 ninety days.

9 D. The penalty assessment for speeding in violation
10 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
11 is twice the penalty assessment established in Subsection A of
12 this section for the equivalent miles per hour over the speed
13 limit.

14 E. Upon a second conviction for operation without an
15 oversize-overweight permit pursuant to Section 66-7-413 NMSA
16 1978, the penalty assessment shall be two hundred fifty dollars
17 (\$250), or upon a third or subsequent conviction, the penalty
18 assessment shall be five hundred dollars (\$500)."

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

21 "66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS-- OVERSIZE
22 LOAD.--As used in the Motor Vehicle Code and the Motor Carrier
23 Act, "penalty assessment misdemeanor" means, in addition to the
24 definition of that term in Section 66-8-116 NMSA 1978,
25 violation of the following listed sections of the NMSA 1978 for
. 152733. 2

underscored material = new
[bracketed material] = delete

1 which the listed penalty is established:

2	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
3	Oversize load		
4	1, 000 to 3, 000 pounds	66- 7- 411	[\$ 25.00] <u>\$50.00</u>
5	Oversize load		
6	3, 001 to 4, 000 pounds	66- 7- 411	[40.00] <u>80.00</u>
7	Oversize load		
8	4, 001 to 5, 000 pounds	66- 7- 411	[75.00] <u>150.00</u>
9	Oversize load		
10	5, 001 to 6, 000 pounds	66- 7- 411	[125.00] <u>250.00</u>
11	Oversize load		
12	6, 001 to 7, 000 pounds	66- 7- 411	[200.00] <u>400.00</u>
13	Oversize load		
14	7, 001 to 8, 000 pounds	66- 7- 411	[275.00] <u>550.00</u>
15	Oversize load		
16	8, 001 to 9, 000 pounds	66- 7- 411	[350.00] <u>700.00</u>
17	Oversize load		
18	9, 001 to 10, 000 pounds	66- 7- 411	[425.00] <u>850.00</u>
19	Oversize load		
20	over 10, 000 pounds	66- 7- 411	[500.00] <u>\$1, 000.00.</u> "

21 Section 10. Section 66-8-116.2 NMSA 1978 (being Laws
22 1989, Chapter 319, Section 13, as amended) is amended to read:

23 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS-- MOTOR
24 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor
25 Carrier Act, "penalty assessment misdemeanor" means, in

. 152733. 2

underscored material = new
[bracketed material] = delete

1 addition to the definitions of that term in Sections 66-8-116
2 and 66-8-116.1 NMSA 1978, violation of the following listed
3 sections of the NMSA 1978 for which, except as provided in
4 Subsection E of this section, the listed penalty is
5 established:

6 A. GENERAL

7 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

8 Failure to register

9 motor carrier [65-1-12] 66-3-1.1 \$100.00

10 Failure to carry tax

11 identification [card] permit 65-1-26 [50.00] 300.00

12 Failure to comply with

13 public regulation

14 commission rules and

15 regulations

[Section 7 of

16 ~~the Motor Carrier Act~~] 65-2A-7 50.00

17 Failure to

18 carry single state

19 registration receipt issued

20 by a base state

[Section 7 of

21 ~~the Motor Carrier Act~~] 65-2A-7 50.00

22 Failure to stop at

23 [designated

24 ~~registration place~~]

25 port of entry or inspection

. 152733. 2

underscored material = new
[bracketed material] = delete

1	chains or hooks	65-3-9	100.00
2	Defective towing or coupling		
3	devices	65-3-9	100.00
4	Defective exhaust systems	65-3-9	30.00
5	Frame defects--trailers	65-3-12	100.00
6	Frame defects--other	65-3-9	100.00
7	Defective fuel systems	65-3-9	50.00
8	Missing or inoperative		
9	lamps	65-3-9	25.00
10	Missing lamps on projecting		
11	loads	65-3-9	50.00
12	Missing or inoperative		
13	turn signal	65-3-9	25.00
14	Unsafe loading	65-3-8	100.00
15	Excessive steering wheel		
16	play	65-3-9	100.00
17	Steering column defects	65-3-9	100.00
18	Steering box or steering		
19	system defects	65-3-9	100.00
20	Suspension system defects	65-3-9	50.00
21	Defective springs or spring		
22	assembly	65-3-9	50.00
23	Defective tires--steering		
24	axle	65-3-9	100.00
25	Defective tires--other axles	65-3-9	30.00

. 152733. 2

underscored material = new
[bracketed material] = delete

1	Defective wheels and rims	65-3-9	50.00
2	Defective or missing		
3	windshield wipers	65-3-9	30.00
4	Defective or inoperative		
5	emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

7	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
8	Driver's age	65-3-7	<u>§ 30.00</u>
9	Driver not licensed for		
10	type of vehicle being		
11	operated	65-3-7	30.00
12	Failure to have valid		
13	commercial driver's license		
14	in possession	66-5-59	30.00
15	No waiver of physical		
16	disqualification		
17	in possession	65-3-7	30.00
18	Sickness or fatigue	65-3-8	100.00
19	Driver disqualification	65-3-7	500.00
20	Exceeding the 10-hour		
21	driving rule for <u>passenger</u>		
22	<u>carrier transportation</u>	65-3-11	100.00
23	<u>Exceeding the 11-hour</u>		
24	<u>driving rule for property</u>		
25	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>

. 152733. 2

underscored material = new
[bracketed material] = delete

1	<u>Exceeding the 14-hour on duty</u>		
2	<u>rule for property carrier</u>		
3	<u>transportation</u>	<u>65-3-11</u>	<u>100.00</u>
4	Exceeding the 15-hour on		
5	duty rule for <u>passenger</u>		
6	<u>carrier transportation</u>	65-3-11	100.00
7	Exceeding the 60 hours in 7		
8	days on duty rule	65-3-11	100.00
9	Exceeding <u>the</u> 70 hours in 8		
10	days on duty rule	65-3-11	100.00
11	False log book	65-3-11	100.00
12	<u>No log book</u>	<u>65-3-11</u>	<u>100.00</u>
13	<u>No record for previous</u>		
14	<u>7 days</u>	<u>65-3-11</u>	<u>100.00.</u>

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Placarding violations	65-3-13	<u>\$250.00</u>
Cargo tank not meeting		
specifications	65-3-13	250.00
Internal valve operation		
violations	65-3-13	250.00
Hazardous materials		
packaging violations	65-3-13	250.00
Insecure load--hazardous		
materials	65-3-13	250.00

. 152733. 2

underscored material = new
[bracketed material] = delete

1	Shipping papers violations	65-3-13	30.00
2	Shipment of forbidden		
3	combination of hazardous		
4	materials	65-3-13	250.00
5	No hazardous waste manifest	65-3-13	30.00
6	Bulk packaging marking		
7	violations	65-3-13	30.00
8	Cargo tank marking violations	65-3-13	30.00.

9 E. Upon a second conviction for failure to stop at
10 a port of entry or inspection station pursuant to Section
11 65-5-1 NMSA 1978, the penalty assessment shall be two hundred
12 fifty dollars (\$250), or upon a third or subsequent
13 conviction, the penalty assessment shall be five hundred
14 dollars (\$500)."

15 Section 11. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2005.