

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 551

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

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10 AN ACT

11 RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
12 PROVIDING AN EXCEPTION TO PORT-OF-ENTRY REQUIREMENTS FOR
13 VEHICLES TRANSPORTING AGRICULTURAL PRODUCTS.

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

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

18 "65-5-1. VEHICLES TO STOP AT PORTS OF ENTRY--
19 INFORMATION--INSPECTION.--

20 A. All commercial motor carrier vehicles, as
21 defined in the Motor Transportation Act, must enter, leave or
22 travel through the state on designated highways and shall stop
23 at every port of entry as designated by the division for
24 manifesting and clearance stickers, except as provided in
25 Subsection G of this section.

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1 B. The operators of any motor vehicles described in
2 Subsection A of this section shall, upon request, make out and
3 deliver to the agent of the division a manifest showing that
4 part of the following information requested:

- 5 (1) the name of the owner of the vehicle;
- 6 (2) the name of the operator or driver;
- 7 (3) the name of the forwarding or other
8 company in whose service the vehicle is licensed;
- 9 (4) the license number;
- 10 (5) the state in which the vehicle has been
11 granted a common or contract motor carrier permit, if any, and
12 the number of the permit;
- 13 (6) the engine number;
- 14 (7) the serial number of the vehicle;
- 15 (8) a description of the vehicle;
- 16 (9) the point of origin of the shipment;
- 17 (10) the ultimate destination of the shipment;
- 18 (11) the gross vehicle weight of the vehicle
19 and cargo;
- 20 (12) the factory list capacity or the actual
21 capacity if rebuilt;
- 22 (13) the number of taxable miles to be
23 traveled within the state; and
- 24 (14) the nature, amount and coverage of all
25 public liability and other insurance carried upon the vehicle

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1 and upon the cargo thereon.

2 The operator of the vehicle shall declare upon the
3 manifest the name and number of the highways [~~which he~~] that
4 the operator intends to use within the state and the place
5 where [~~he~~] the operator intends to leave the state if the point
6 of final destination is outside the state. The manifest shall
7 be signed by the operator and filed with the person in charge
8 of the port of entry. The operator of the vehicle shall
9 present for inspection to the person in charge of the port of
10 entry a copy of the billing or invoice describing the contents
11 of the cargo and the weight of the cargo.

12 C. The person in charge of the port of entry may
13 verify the information contained upon the billing or invoice
14 and shall check the license, permit, engine and serial numbers,
15 weight and description of the vehicle. The person shall
16 inspect the vehicle and ascertain whether it is in safe and
17 road-worthy condition, properly equipped with all lights,
18 brakes and other appliances required by any statute of this
19 state, in such condition as to be safe for operation upon the
20 public highways of this state.

21 D. The person in charge of the port of entry may
22 [~~satisfy himself as to~~] confirm the contents of the cargo and
23 the weight thereof and is authorized to interview operators to
24 obtain information in respect thereto and, if in doubt as to
25 the declared gross weight, may order the cargo weighed before

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1 issuing any clearance certificate for the motor vehicle.

2 E. The person in charge of the port of entry may
3 inspect the contents of the vehicle to determine whether all
4 taxes on gasoline and motor fuel and excise taxes on alcoholic
5 liquors and all taxes on any other property have been fully
6 paid.

7 F. The person in charge of the port of entry may
8 inspect the vehicle and its contents to determine whether all
9 laws and all rules and regulations of the departments of this
10 state with respect to public safety, health, welfare and
11 comfort have been fully complied with.

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

18 H. As used in this section, "agricultural product
19 transport vehicle" means a motor vehicle, freight trailer or
20 utility trailer or a combination thereof used exclusively for
21 hauling agricultural products harvested in the field."

22 Section 2. A new section of Chapter 66, Article 7 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] MULTIPLE TRIP SPECIAL PERMIT ALLOWANCE--
25 FEE--VEHICLES USED TO TRANSPORT AGRICULTURAL PRODUCTS--

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1 LIMITATIONS.--

2 A. An agricultural product transport vehicle may be
 3 issued a special permit for an annual fee of two hundred fifty
 4 dollars (\$250) to transport loads for multiple trips pursuant
 5 to Section 66-7-413 NMSA 1978. The area covered by the special
 6 permit shall be specified on the permit.

7 B. The multiple trip special permits for
 8 agricultural product transport vehicles may be issued for up to
 9 five thousand pounds over the gross vehicle weight pursuant to
 10 Section 66-7-410 NMSA 1978.

11 C. An agricultural product transport vehicle shall
 12 not be operated on highways for which a more strict size or
 13 weight limitation is required by federal law.

14 D. An agricultural product transport vehicle shall
 15 not be operated on routes identified by the department as
 16 having deficient bridge structures. The owner or operator of
 17 the agricultural product transport vehicle shall obtain and
 18 have in the owner's or operator's possession the deficient
 19 bridge information from the department, which shall be updated
 20 annually.

21 E. As used in this section, "agricultural product
 22 transport vehicle" means a motor vehicle, trailer or a
 23 combination thereof used exclusively for hauling agricultural
 24 products harvested in the field."

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