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HOUSE BILL 24

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Mary Helen Garcia

ENDORSED BY THE NEW MEXICO FINANCE
AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR THE ISSUANCE OF
SPECIAL PERMITS TO OPERATE OVERWEIGHT VEHICLES WITH REDUCIBLE
LOADS WITHIN SIX MILES OF A PORT-OF-ENTRY FACILITY ON THE
BORDER WITH MEXICO; IMPOSING PENALTIES.

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

SECTION 1. Section 66-7-413 NMSA 1978 (being Laws 1978,
Chapter 35, Section 484, as amended) is amended to read:

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

A. The department of public safety and local
highway authorities may, in their discretion, upon application
in writing and good cause being shown, issue a special permit
in writing authorizing the applicant to operate or move a
vehicle or load of a size or weight exceeding the maximum

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

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

23 (1) The department of public safety shall
24 provide the escort personnel with a copy of applicable rules
25 and shall inspect the escort vehicles for the safety equipment

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1 required by the rules. If the escort vehicles and personnel
2 meet the requirements set forth in the rules, the department of
3 public safety shall issue the special permit.

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

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

22 C. Except for the movement of manufactured homes,
23 special permits may be issued for a single vehicle or
24 combination of vehicles by the department of public safety for
25 a period not to exceed one year for a fee of two hundred fifty

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

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

19 E. If a vehicle for which a permit is issued
20 pursuant to this section is a manufactured home, the department
21 of public safety or local highway authority issuing the permit
22 shall furnish the following information to the property tax
23 division of the taxation and revenue department, which shall
24 forward the information:

25 (1) to the county assessor of a county from

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1 which a manufactured home is being moved, the date the permit
2 was issued, the location being moved from, the location being
3 moved to if within the same county, the name of the owner of
4 the manufactured home and the identification and registration
5 numbers of the manufactured home;

6 (2) to the county assessor of any county in
7 this state to which a manufactured home is being moved, the
8 date the permit was issued, the location being moved from, the
9 location being moved to, the name of the owner of the
10 manufactured home and the registration and identification
11 numbers of the manufactured home; and

12 (3) to the owner of a manufactured home having
13 a destination in this state, notification that the information
14 required in Paragraphs (1) and (2) of this subsection is being
15 given to the respective county assessors and that manufactured
16 homes are subject to property taxation.

17 F. Except as provided in Subsection G of this
18 section, if the movement of a manufactured home originates in
19 this state, a permit shall not be issued pursuant to Subsection
20 E of this section until the owner of the manufactured home or
21 the authorized agent of the owner obtains and presents to the
22 department of public safety proof that a certificate has been
23 issued by the county assessor or treasurer of the county in
24 which the manufactured home movement originates showing that
25 either:

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

5 (2) liability for property taxes on the
6 manufactured home does not exist for the current tax year or a
7 past tax year, except for manufactured homes located on an
8 Indian reservation.

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

22 H. A permit shall not be issued pursuant to this
23 section for movement of a manufactured home whose width exceeds
24 eighteen feet with no more than a six-inch roof overhang on the
25 left side or twelve inches on the right side in addition to the

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1 eighteen-foot width of the manufactured home. Manufactured
2 homes exceeding the limitations of this section shall only be
3 moved on dollies placed on the front and the rear of the
4 structure.

5 I. The secretary of public safety may by rule
6 provide for movers of manufactured homes to self-issue permits
7 for certain sizes of manufactured homes over specific routes.
8 The cost of a permit shall not be less than twenty-five dollars
9 (\$25.00).

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

20 K. A private motor carrier requesting an oversize
21 or overweight permit shall provide proof of insurance in at
22 least the following amounts:

- 23 (1) bodily injury liability, providing:
24 (a) fifty thousand dollars (\$50,000) for
25 each person; and

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1 (b) one hundred thousand dollars
2 (\$100,000) for each accident; and

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

5 L. A motor carrier requesting an oversize permit
6 shall produce a copy of a warrant or a single state
7 registration receipt as evidence that the motor carrier
8 maintains the insurance minimums prescribed by the public
9 regulation commission.

10 M. The department of public safety may provide by
11 rule the time periods during which a vehicle or load of a size
12 or weight exceeding the maximum specified in Sections
13 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved by
14 a motor carrier on a highway under the jurisdiction of the
15 state transportation commission or local authorities.

16 N. The department of public safety shall not
17 require an applicant for a special permit to operate a vehicle
18 or combination of vehicles with a gross weight not exceeding
19 ninety-six thousand pounds within six miles of a port-of-entry
20 facility on the border with Mexico to demonstrate that the load
21 cannot be reduced as a condition of issuance of the special
22 permit.

23 [~~N.~~] O. Revenue from fees for special permits
24 authorizing vehicles and loads of excessive size or weight to
25 operate or move upon a highway under the jurisdiction of the

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1 state transportation commission or local authorities shall be
2 collected for the department of transportation and transferred
3 to the state road fund."

4 SECTION 2. Section 66-8-116 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 524, as amended) is amended to read:

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

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

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

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1	over the speed limit		30.00
2	(3) from sixteen up to		
3	and including twenty		
4	miles an hour over the		
5	speed limit		65.00
6	(4) from twenty-one up to		
7	and including twenty-five		
8	miles an hour		
9	over the speed limit		100.00
10	(5) from twenty-six up to		
11	and including thirty		
12	miles an hour over the		
13	speed limit		125.00
14	(6) from thirty-one up to		
15	and including thirty-five		
16	miles an hour over the		
17	speed limit		150.00
18	(7) more than thirty-five		
19	miles an hour over the		
20	speed limit		200.00
21	Unfastened safety belt	66-7-372	25.00
22	Child not in restraint device		
23	or seat belt	66-7-369	25.00
24	Minimum speed	66-7-305	10.00
25	Speeding	66-7-306	15.00

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1	Improper starting	66-7-324	10.00
2	Improper backing	66-7-354	10.00
3	Improper lane	66-7-308	10.00
4	Improper lane	66-7-313	10.00
5	Improper lane	66-7-316	10.00
6	Improper lane	66-7-317	10.00
7	Improper lane	66-7-319	10.00
8	Improper passing	66-7-309 through 66-7-312	10.00
9	Improper passing	66-7-315	10.00
10	Controlled access		
11	violation	66-7-320	10.00
12	Controlled access		
13	violation	66-7-321	10.00
14	Improper turning	66-7-322	10.00
15	Improper turning	66-7-323	10.00
16	Improper turning	66-7-325	10.00
17	Following too closely	66-7-318	10.00
18	Failure to yield	66-7-328 through 66-7-331	10.00
19	Failure to yield	66-7-332	50.00
20	Failure to yield	66-7-332.1	25.00
21	Pedestrian violation	66-7-333	10.00
22	Pedestrian violation	66-7-340	10.00
23	Failure to stop	66-7-342 and 66-7-344	
24		through 66-7-346	10.00
25	Railroad-highway grade		

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1	crossing violation	66-7-341 and 66-7-343	150.00
2	Passing school bus	66-7-347	100.00
3	Failure to signal	66-7-325 through 66-7-327	10.00
4	Failure to secure load	66-7-407	100.00
5	Operation without oversize-		
6	overweight permit	66-7-413	50.00
7	<u>Transport of reducible</u>	<u>66-7-413</u>	<u>100.00</u>
8	<u>load with special</u>		
9	<u>permit more than six miles</u>		
10	<u>from a border crossing</u>		
11	Improper equipment	66-3-801	10.00
12	Improper equipment	66-3-901	20.00
13	Improper emergency		
14	signal	66-3-853 through 66-3-857	10.00
15	Operation interference	66-7-357	5.00
16	Littering	66-7-364	300.00
17	Improper parking	66-7-349 through 66-7-352	
18		and 66-7-353	5.00
19	Improper parking	66-3-852	5.00
20	Failure to dim lights	66-3-831	10.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	5.00
23	Improper opening of doors	66-7-367	5.00
24	No slow-moving vehicle		
25	emblem or flashing		

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1 amber light 66-3-887 5.00
2 Open container - first
3 violation 66-8-138 25.00.

4 B. The term "penalty assessment misdemeanor" does not
5 include a violation that has caused or contributed to the cause
6 of an accident resulting in injury or death to a person.

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

14 D. The penalty assessment for speeding in violation
15 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
16 is twice the penalty assessment established in Subsection A of
17 this section for the equivalent miles per hour over the speed
18 limit.

19 E. Upon a second conviction for operation without a
20 permit for excessive size or weight pursuant to Section
21 66-7-413 NMSA 1978, the penalty assessment shall be two
22 hundred fifty dollars (\$250). Upon a third or subsequent
23 conviction, the penalty assessment shall be five hundred
24 dollars (\$500).

25 F. Upon a second conviction for transport of a

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1 reducible load with a permit for excessive size or weight
2 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more
3 than six miles from a port-of-entry facility on the border
4 with Mexico, the penalty assessment shall be five hundred
5 dollars (\$500). Upon a third or subsequent conviction, the
6 penalty assessment shall be one thousand dollars (\$1,000)."

7 SECTION 3. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2011.

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