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HOUSE BILL 414

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

INTRODUCED BY

Richard D. Vigil

FOR THE NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO COMMERCIAL MOTOR CARRIER VEHICLES; PROVIDING FOR
FIELD ENFORCEMENT INSPECTIONS OF COMMERCIAL MOTOR CARRIER
VEHICLES.

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

SECTION 1. Section 65-1-6 NMSA 1978 (being Laws 1967,
Chapter 97, Section 8, as amended) is amended to read:

"65-1-6. FIELD ENFORCEMENT OF MOTOR TRANSPORTATION ACT
AND MOTOR CARRIER ACT AND [~~REGULATIONS~~] RULES.--The department
shall:

A. enforce in the field the provisions of the
Motor Transportation Act and the Motor Carrier Act and the
[~~regulations~~] rules promulgated by the public regulation
commission pursuant to [~~that~~] the Motor Carrier Act; and

B. maintain sufficient personnel in the field to

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1 enforce the provisions of the Motor Transportation Act and the
2 Motor Carrier Act and the [regulations] rules promulgated by
3 the public regulation commission pursuant to [~~that~~] the Motor
4 Carrier Act."

5 SECTION 2. Section 65-5-1 NMSA 1978 (being Laws 1943,
6 Chapter 125, Section 8, as amended) is amended to read:

7 "65-5-1. VEHICLES TO STOP AT PORTS OF ENTRY--FIELD
8 ENFORCEMENT--INFORMATION--INSPECTION.--

9 A. All commercial motor carrier vehicles [~~as~~
10 ~~defined in the Motor Transportation Act, must~~] shall enter,
11 leave or travel through the state on designated highways and
12 shall stop at every port of entry as designated by the division
13 for manifesting and clearance stickers, except as provided in
14 Subsection [~~G~~] H of this section.

15 [~~B. The operators of any motor vehicles described~~
16 ~~in Subsection A of this section shall~~]

17 B. An officer may enforce in the field the
18 provisions of the Motor Transportation Act and the Motor
19 Carrier Act and perform inspections as provided in this section
20 whenever the officer stops a commercial motor carrier vehicle
21 after observing that the vehicle is in, or is being operated
22 in, violation of those acts, the Motor Vehicle Code or the
23 Criminal Code.

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

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

5 ~~(1)~~ (a) the name of the owner of the
6 vehicle;

7 ~~(2)~~ (b) the name of the operator or
8 driver;

9 ~~(3)~~ (c) the name of the forwarding or
10 other company in whose service the vehicle is licensed;

11 ~~(4)~~ (d) the license number;

12 ~~(5)~~ (e) the state in which the vehicle
13 has been granted a common or contract motor carrier permit, if
14 any, and the number of the permit;

15 ~~(6)~~ (f) the engine number;

16 ~~(7)~~ (g) the serial number of the
17 vehicle;

18 ~~(8)~~ (h) a description of the vehicle;

19 ~~(9)~~ (i) the point of origin of the
20 shipment;

21 ~~(10)~~ (j) the ultimate destination of
22 the shipment;

23 ~~(11)~~ (k) the gross vehicle weight of
24 the vehicle and cargo;

25 ~~(12)~~ (l) the factory list capacity or

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1 the actual capacity if rebuilt;

2 [~~(13)~~] (m) the number of taxable miles
3 to be traveled within the state; and

4 [~~(14)~~] (n) the nature, amount and
5 coverage of all public liability and other insurance carried
6 upon the vehicle and upon the cargo thereon;

7 [~~The operator of the vehicle shall~~] (2)
8 declare upon the manifest the name and number of the highways
9 that the operator intends to use within the state and the place
10 where the operator intends to leave the state if the point of
11 final destination is outside the state [~~The manifest shall be~~
12 ~~signed by the operator and filed with the person in charge of~~
13 ~~the port of entry. The operator of the vehicle shall~~];

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

17 (4) present for inspection to the [person in
18 charge of] agent at the port of entry or the officer conducting
19 field enforcement a copy of the billing or invoice describing
20 the contents of the cargo and the weight of the cargo.

21 [~~G. The person in charge of the port of entry~~]

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

25 (1) check the license, permit, engine and

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1 serial numbers, weight and description of the vehicle [~~The~~
2 ~~person shall~~]; and

3 (2) inspect the vehicle and ascertain whether
4 it is in safe and road-worthy condition and properly equipped
5 with all lights, brakes and other appliances required by [~~any~~
6 ~~statute of this state, in such condition as to be safe for~~
7 ~~operation upon the public highways of this state~~] law.

8 [~~D.~~] E. The [~~person in charge of~~] agent at the port
9 of entry or officer conducting field enforcement may confirm
10 the contents [~~of the cargo and the weight thereof and is~~
11 ~~authorized to interview operators to obtain information in~~
12 ~~respect thereto~~] and weight of the cargo of a commercial motor
13 carrier vehicle and interview the operator about the cargo and,
14 if in doubt as to the declared gross weight, may order the
15 cargo weighed before issuing any clearance certificate for the
16 [~~motor~~] vehicle.

17 [~~E. The person in charge of the port of entry~~]

18 F. The agent at the port of entry or the officer
19 conducting field enforcement may inspect the contents of [~~the~~]
20 a commercial motor carrier vehicle to determine whether all
21 taxes on gasoline and motor fuel and excise taxes on alcoholic
22 liquors and all taxes on any other property have been fully
23 paid.

24 [~~F. The person in charge of the port of entry~~]

25 G. The agent at the port of entry or the officer

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1 conducting field enforcement may inspect ~~[the]~~ a commercial
2 motor carrier vehicle and its contents to determine whether
3 ~~[all]~~ they are in compliance with laws and ~~[all]~~ rules ~~[and~~
4 ~~regulations of the departments of this state with respect to]~~
5 regarding public safety, health, welfare and comfort. ~~[have~~
6 ~~been fully complied with.~~

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

13 ~~[H.]~~ I. As used in this section, "agricultural
14 product transport vehicle" means a motor vehicle, freight
15 trailer or utility trailer or a combination thereof used
16 exclusively for hauling agricultural products harvested ~~[in the~~
17 field] by a farmer from the place of harvesting to market,
18 storage or a processing plant."

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