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HOUSE BILL 1000

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANIEL P. SILVA

AN ACT

RELATING TO HIGHWAYS; ADOPTING THE MULTISTATE HIGHWAY  
TRANSPORTATION AGREEMENT.

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

Section 1. ENACTMENT AND JOINDER WITH OTHER  
JURISDICTIONS. -- The Multistate Highway Transportation Agreement  
is adopted and entered into with all other jurisdictions legally  
joining therein in the form substantially set forth in Section  
2.

Section 2. PROVISIONS OF AGREEMENT. -- The provisions of  
this multistate agreement are as follows:

"MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

ARTICLE I. FINDINGS AND PURPOSE

(a) The participating jurisdictions find that:

(1) Highway transportation is the major mode

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1 for movement of people and goods in the western states.

2 (2) Uniform application of state vehicle  
3 regulations and laws may result in a reduction of pollution,  
4 congestion, fuel consumption, and related transportation costs,  
5 which are necessary to permit increased productivity.

6 (b) The purposes of this agreement are to:

7 (1) Adhere to the principle that each  
8 participating jurisdiction has the freedom to develop vehicle  
9 size and weight standards that it determines to be most  
10 appropriate to its economy and highway system.

11 (2) Establish a system that would promote more  
12 efficient operation of vehicles traveling between two or more  
13 participating jurisdictions regarding necessary state government  
14 vehicle laws and regulations.

15 (3) Encourage uniformity among participating  
16 jurisdictions in vehicle size and weight standards on the basis  
17 of the objectives set forth in this agreement when the  
18 objectives are compatible with the safe operation of the  
19 vehicles on each member's highway system, and when these size  
20 and weight standards do not have an adverse impact on state and  
21 local highway, street or road maintenance programs.

22 (4) Encourage uniformity, insofar as possible,  
23 of administrative procedures in the enforcement of recommended  
24 vehicle size and weight standards.

25 (5) Provide means for the encouragement and

1 utilization of research which will facilitate the achievement of  
2 the foregoing purposes, with due regard for the findings set  
3 forth in paragraph (a) of this article.

#### 4 ARTICLE II. DEFINITIONS

5 (a) As used in this agreement:

6 (1) "Designated representative" means a legislator  
7 or other person authorized to represent the jurisdiction.

8 (2) "Jurisdiction" means a state of the United  
9 States or the District of Columbia.

10 (3) "Vehicle" means any vehicle as defined by  
11 statute to be subject to size and weight standards and which  
12 operates in two or more participating jurisdictions.

#### 13 ARTICLE III. GENERAL PROVISIONS

14 (a) Participation in this agreement is open to  
15 jurisdictions which subscribe to the findings, purpose and  
16 objectives of this agreement and which seek legislation  
17 necessary to accomplish these objectives.

18 (b) The particular jurisdictions, working through their  
19 designated representatives, shall cooperate and assist each  
20 other in achieving the desired goals of this agreement pursuant  
21 to appropriate statutory authority.

22 (c) Article headings contained herein shall not be deemed  
23 to govern, limit, modify, or in any manner affect the scope,  
24 meaning, or intent of the provisions of any article or paragraph  
25 hereof.

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1 (d) This agreement shall not authorize the operation of a  
2 vehicle in any participating jurisdiction contrary to the laws  
3 or rules or regulations thereof.

4 (e) The final decisions regarding the interpretation of  
5 questions at issue relating to this agreement shall be reached  
6 by unanimous joint action of the participating jurisdictions  
7 acting through their designated representatives. Results of all  
8 such actions shall be in writing.

9 (f) This agreement may be amended by unanimous joint  
10 action of the participating jurisdictions acting through their  
11 designated representatives. Any amendments shall be in writing  
12 and shall become a part of the agreement.

13 (g) Any jurisdiction entering this agreement shall provide  
14 each of the other participating jurisdictions with a list of any  
15 of its restrictions, conditions, or limitations on the general  
16 terms of this agreement.

17 (h) Any jurisdiction may become a member of this agreement  
18 by signing and accepting the terms of the agreement.

#### 19 ARTICLE IV. COOPERATING COMMITTEE

20 (a) Pursuant to paragraph (b) of Article III, the  
21 designated representatives of the participating jurisdictions  
22 shall constitute a committee which shall have the power to:

23 (1) Collect, correlate, analyze, and evaluate  
24 information resulting or derivable from research and testing  
25 activities in relation to vehicle size, vehicle weight-related

1 matters, highway safety and bridge maintenance problems caused  
2 by heavy vehicles.

3 (2) Recommend and encourage the undertaking of  
4 research and testing in any aspect of vehicle size and weight or  
5 related matter when in their collective judgment, appropriate or  
6 sufficient research or testing has not been undertaken.

7 (3) Recommend changes in law or policy, including  
8 the compatibility of laws and uniformity of rules and  
9 regulations which would assist effective governmental action or  
10 coordination in the field of vehicle size and weight-related  
11 matters.

12 (b) Each participating jurisdiction shall be entitled to  
13 one vote only. No action of the committee shall be binding  
14 unless a majority of the participating jurisdictions are in  
15 favor thereof.

16 (c) The committee shall meet at least once annually and  
17 shall elect, from among its members, a vice chairman and a  
18 secretary.

19 (d) The committee shall submit annually to the legislature  
20 of each participating jurisdiction, not later than November 1, a  
21 report setting forth the work of the committee during the  
22 preceding year and including recommendations developed by the  
23 committee. The committee may submit such additional reports as  
24 it deems appropriate or desirable. Copies of all such reports  
25 shall be made available to the Transportation Committee of the

1 Western Conference, Council of State Governments, and to the  
2 Western Association of State Highway and Transportation  
3 Officials.

4 ARTICLE V. OBJECTIVES OF THE  
5 PARTICIPATING JURISDICTIONS

6 (a) The participating jurisdictions hereby declare that:

7 (1) It is the objective of the participating  
8 jurisdictions to obtain safer, more economical transportation by  
9 motor vehicles among the participating jurisdictions.

10 (2) It is the further objective of the participating  
11 jurisdictions that in the event the operation of a vehicle, or  
12 combination of vehicles pursuant to the objectives stated in  
13 paragraph (1) of subdivision (b) would result in withholding or  
14 forfeiture of federal-aid funds, the operation of such vehicle,  
15 or combination of vehicles shall be authorized under special  
16 permit authority by each participating jurisdiction which can  
17 legally issue such permits.

18 (3) The authority of any participating jurisdiction  
19 to issue special permits for the movement of any vehicle, or  
20 combination of vehicles, having dimensions or weights, or both,  
21 in excess of the maximum statutory limits in each participating  
22 jurisdiction shall not be affected.

23 (4) It is the further objective of the participating  
24 jurisdictions to facilitate and expedite the operation of any  
25 vehicle, or combination of vehicles, among the participating

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1 jurisdictions. To that end the participating jurisdictions  
2 hereby agree, through their designated representatives, to meet  
3 and cooperate in the consideration of vehicle size weight-  
4 related matters including, but not limited to, the development  
5 of uniform enforcement procedures; additional vehicle size and  
6 weight standards; operational standards; agreements or compacts  
7 to facilitate regional application and administration of vehicle  
8 size and weight standards; uniform permit procedures; uniform  
9 application forms; rules and regulations for the operation of  
10 vehicles, including equipment requirements, driver  
11 qualifications, and operating practices; traffic safety and  
12 highway maintenance; and such other matters as may be pertinent.

13 (5) In recognition of the desire for a degree of  
14 national uniformity of size and weight regulations, it is the  
15 further objective of the participating jurisdictions to  
16 encourage the development of broad, uniform size and weight  
17 standards on a national basis under this agreement that are  
18 compatible with national standards.

19 ARTICLE VI. ENTRY INTO FORCE AND WITHDRAWAL

20 (a) This agreement shall be in force in the State of New  
21 Mexico for a period of three years when enacted into law by two  
22 or more jurisdictions. Thereafter, this agreement shall become  
23 effective as to any other jurisdiction upon its enactment  
24 thereof, except as otherwise provided in paragraph (g) of  
25 Article III. Not later than July 1, 2000, the Secretary of

Underscored material = new  
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1 Highway and Transportation shall recommend to the Legislature  
2 whether or not this agreement should be continued based upon its  
3 usefulness to the State of New Mexico.

4 (b) Any participating jurisdiction may withdraw from this  
5 agreement by enacting a statute repealing the same, but no such  
6 withdrawal shall take effect until 30 days after the designated  
7 representative of the withdrawing jurisdiction has given notice  
8 in writing of the withdrawal to all the other participating  
9 jurisdictions.

10 ARTICLE VII. CONSTRUCTION AND SEVERABILITY

11 (a) This agreement shall be liberally construed so as to  
12 effectuate the purposes thereof.

13 (b) The provisions of this agreement shall be severable  
14 and if any phrase, clause, sentence, or provision of this  
15 agreement is declared to be contrary to the constitution of any  
16 participating jurisdiction or of the United States, or the  
17 applicability thereof to any government, agency, person, or  
18 circumstance is held invalid, the validity of the remainder of  
19 this agreement shall not be affected thereby. If this agreement  
20 shall be held contrary to the constitution of any jurisdiction  
21 participating herein, the agreement shall remain in full force  
22 and effect as to the remaining participating jurisdictions and  
23 in full force and effect as to the jurisdictions affected as to  
24 all severable matters.

25 ARTICLE VIII. FILING OF DOCUMENTS

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1 (a) A copy of this agreement, its amendments, and rules  
2 and regulations promulgated thereunder and interpretations  
3 thereof, shall be filed in the highway department of each  
4 participating jurisdiction and shall be made available for  
5 review by interested parties. "

6 Section 3. DESIGNATED REPRESENTATIVE TO COOPERATING  
7 COMMITTEE-- APPOINTMENT-- TERM OF OFFICE. --The designated  
8 representative to the cooperating committee established by  
9 Article IV of the Multistate Highway Transportation Agreement  
10 shall be jointly appointed by the speaker of the house of  
11 representatives and the president pro tempore of the senate.  
12 The designated representative may be represented by an alternate  
13 jointly appointed by the speaker and the president pro tempore.

14 Section 4. STATUTES PRESCRIBING WEIGHT AND SIZE STANDARDS  
15 AND RELATING TO SPECIAL PERMITS-- CONTINUATION. --All statutes  
16 prescribing weight and size standards and all statutes relating  
17 to special permits shall continue in effect until amended or  
18 repealed.

19 Section 5. COOPERATION BY STATE AGENCY WITH COOPERATING  
20 COMMITTEE. --Any state agency may cooperate with and assist the  
21 cooperating committee within the scope of its authority.

22 Section 6. COOPERATING COMMITTEE REPORT. --A copy of the  
23 report submitted to the legislature pursuant to paragraph (d) of  
24 Article IV of the Multistate Highway Transportation Agreement  
25 shall also be submitted to the state highway and transportation

1 department. All notices required by the cooperating committee  
2 bylaws shall be given to the designated representative or his  
3 alternate.

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**State of New Mexico**  
**House of Representatives**

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**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

February 25, 1997

Mr. Speaker:

Your TRANSPORTATION COMMITTEE, to whom has been referred

HOUSE BILL 1000

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

\_\_\_\_\_  
Daniel P. Silva, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: None

Absent: Carpenter, Larranaga, Olguin, Watchman, Whitaker

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**February 25, 1997**

**Mr. Speaker:**

**Your TRANSPORTATION COMMITTEE, to whom has been  
referred**

**HOUSE BILL 1000**

**has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.**

**Respectfully submitted,**

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**Daniel P. Silva, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: None

Absent: Carpenter, Larranaga, Olguin, Watchman, Whitaker

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 10, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1000

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 1, line 12, strike the period and insert in lieu  
thereof “; DECLARING AN EMERGENCY.”.

2. On page 10, line 4, insert the following new section:

“Section 7. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect immediately.”

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 1000

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Respectfully submitted,

\_\_\_\_\_  
Thomas P. Foy, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Foy, Mallory, Pederson, Rios, Sanchez

Absent: None

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FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 1000

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FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

March 14, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
whom has been referred

HOUSE BILL 1000, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Roman M. Maes, III, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HJC/HB 1000

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Fidel, Griego, Robinson

Absent: None

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