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HOUSE BILL 845

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO TRANSPORTATION; REMOVING AN EXEMPTION FROM THE
MOTOR CARRIER ACT.

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

Section 1. Section 65-2-126 NMSA 1978 (being Laws 1981,
Chapter 358, Section 47, as amended) is amended to read:

"65-2-126. EXEMPTIONS. - -

A. Neither the Motor Carrier Act nor any
provisions of that act shall apply or be construed to apply to
any of the following:

(1) school buses as defined in Section
66-1-4.16 NMSA 1978, or the use of those vehicles under a
permit pursuant to Sections 22-17-1 through 22-17-4 NMSA 1978,
provided that the vehicles shall, notwithstanding the
provisions of this section, be subject to all applicable

. 127652. 1

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1 school bus safety provisions as established by the state
2 transportation director pursuant to Sections 22-16-2 and
3 ~~[66-7-365]~~ 22-16-11 NMSA 1978;

4 (2) United States mail carriers operating
5 star routes, when not engaged in other business as common
6 carriers or contract carriers of property or persons;

7 (3) hearses, funeral coaches or any other
8 motor vehicle belonging to or operated by any funeral service
9 practitioner or assistant funeral service practitioner
10 licensed pursuant to ~~[Sections 61-32-1 through 61-32-24 NMSA~~
11 ~~1978]~~ the Thanatopractice Act in connection with his business;

12 (4) any municipal bus system; or

13 (5) private carriers [~~or~~

14 ~~(6) common or contract motor carriers of~~
15 ~~property or persons operating within the limits of a~~
16 ~~municipality or incorporated village and within a radius of~~
17 ~~five miles from the center of a municipality of this state of~~
18 ~~less than one hundred thousand population according to the~~
19 ~~last preceding federal decennial census].~~

20 B. Exempt from the provisions of Sections 65-2-96
21 through 65-2-99 NMSA 1978, except as otherwise provided in
22 this section, shall be persons operating motor vehicles
23 engaged in the transportation of materials mixed or unmixed
24 for plant mix bituminous-treated base, base course, cement- or
25 lime-treated subgrade, cold mix asphalt, treated base, plant

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1 mix bituminous pavement, hot recycled bituminous pavement,
2 open-grade friction course, slurry seal, bituminous surface
3 treatment, asphalt-rubber crack sealant and aggregates of
4 sand, gravel, rock, crushed rock, rock ballast or dirt,
5 treated or untreated, not transported in tank or tank-type
6 vehicles, obtained or produced on the job and transported over
7 irregular routes under unscheduled service. Persons operating
8 motor vehicles engaged in the transportation of the materials
9 provided for in this subsection shall be deemed to have
10 statewide authority for the transportation of those materials.
11 A minimum tariff for the transportation of the materials
12 provided for in this subsection shall be set by the commission
13 as provided by law. This exemption shall not apply to the
14 transportation of asphalt petroleum and petroleum products and
15 any commodities in bulk by tank vehicle.

16 C. Motor vehicles, regularly used to convey
17 children to and from schools or school activities, that comply
18 with the safety requirements prescribed by law may, upon
19 application of the vehicle owner and an eleemosynary
20 organization and in the discretion of the commission, be
21 granted a permit for a single trip. Application for a single
22 trip permit shall be in a form prescribed by the commission
23 and shall state the time, purpose, origin and destination of
24 the trip for which the permit is requested and the name,
25 purpose and status of any organization sponsoring the trip.

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1 Single-trip permits authorized by this subsection may be
2 issued for a fee not to exceed five dollars (\$5.00) to be
3 determined by the commission, shall not be subject to tariff-
4 filing requirements and shall be issued only upon the
5 determination of the commission that no certified or permitted
6 common or contract carrier service is available for the trip
7 described in the application for permit. "

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 2, 1999
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8 Mr. Speaker:
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10 Your TRANSPORTATION COMMITTEE, to whom has been
11 referred
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13 HOUSE BILL 845
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 Daniel P. Silva, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Russell, Whitaker

13 Absent: None

15 J: \99BillSWP\H0845

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FIRST SESSION, 1999

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March 10, 1999

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Mr. President:

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Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

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whom has been referred

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HOUSE BILL 845

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has had it under consideration and reports same with

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recommendation that it DO PASS.

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Respectfully submitted,

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Roman M. Maes, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

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Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Aragon, Rawson, Robinson

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Absent: None

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