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HOUSE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MOTOR CARRIERS; AMENDING AND ENACTING SECTIONS OF THE MOTOR CARRIER SAFETY ACT; PROVIDING REQUIREMENTS FOR MOTOR CARRIERS OF RAILROAD EMPLOYEES; PROVIDING REQUIREMENTS FOR THE DRIVERS, VEHICLES AND EQUIPMENT OF MOTOR CARRIERS OF RAILROAD EMPLOYEES; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO INSPECT, REVIEW, AUDIT AND INVESTIGATE TO ENSURE COMPLIANCE WITH THE MOTOR CARRIER SAFETY ACT; LIMITING HOURS OF SERVICE OF DRIVERS OF MOTOR CARRIERS OF RAILROAD EMPLOYEES; APPLYING EXISTING SAFETY BELT REQUIREMENTS TO ALL MOTOR CARRIERS.

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

SECTION 1. Section 65-1-2 NMSA 1978 (being Laws 1978, Chapter 19, Section 1, as amended) is amended to read:

"65-1-2. DEFINITIONS.--As used in the Motor Transportation Act:

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1 A. "combination" means any connected assemblage of
2 a motor vehicle and one or more semitrailers, trailers or
3 semitrailers converted to trailers by means of a converter
4 gear;

5 B. "combination gross vehicle weight" means the sum
6 total of the gross vehicle weights of all units of a
7 combination;

8 C. "commercial motor carrier vehicle" means a self-
9 propelled or towed vehicle, other than special mobile
10 equipment, used on public highways in commerce to transport
11 passengers or property when the vehicle:

12 (1) is operated interstate and has a gross
13 vehicle weight rating or gross combination weight rating, or
14 gross vehicle weight or gross combination weight, of four
15 thousand five hundred thirty-six kilograms, or ten thousand one
16 pounds or more; or is operated only in intrastate commerce and
17 has a gross vehicle weight rating or gross combination weight
18 rating, or gross vehicle weight or gross combination weight, of
19 twenty-six thousand one or more pounds;

20 (2) is designed or used to transport more than
21 eight passengers, including the driver, and is used to
22 transport passengers for compensation;

23 (3) is designed or used to transport more than
24 fifteen passengers, including the driver, and is not used to
25 transport passengers for compensation; or

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1 (4) is used to transport hazardous materials
2 of the type or quantity requiring placarding under rules
3 prescribed by applicable federal or state law;

4 D. "converter gear" means any assemblage of one or
5 more axles with a fifth wheel mounted thereon, designed for use
6 in a combination to support the front end of a semitrailer but
7 not permanently attached thereto. A "converter gear" shall not
8 be considered a vehicle as that term is used in Chapter 66 NMSA
9 1978, but its weight shall be included in declared gross
10 weight;

11 E. "declared gross weight" means maximum gross
12 vehicle weight or combination gross vehicle weight at which a
13 vehicle or combination will be operated during the registration
14 period as declared by the registrant for registration and fee
15 purposes. The vehicle or combination shall have only one
16 "declared gross weight" for all operating considerations;

17 F. "department", without modification, means the
18 department of public safety, the secretary of public safety or
19 any employee of the department exercising authority lawfully
20 delegated to that employee by the secretary;

21 G. "director" means the secretary;

22 H. "division" means the New Mexico state police
23 division of the department;

24 I. "evidence of registration" means documentation
25 issued by the taxation and revenue department identifying a

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1 motor carrier vehicle as being registered with New Mexico or
2 documentation issued by another state pursuant to the terms of
3 a multistate agreement on registration of vehicles to which
4 this state is a party identifying a motor carrier vehicle as
5 being registered with that state; provided that evidence of
6 payment of the weight distance tax and permits obtained under
7 either the Special Fuels Supplier Tax Act or Trip Tax Act are
8 not "evidence of registration";

9 J. "field enforcement" or "in the field" means
10 patrolling of the highway, stopping of commercial motor carrier
11 vehicles or establishing ports of entry and roadblocks for the
12 purpose of checking motor carriers and includes similar
13 activities;

14 K. "freight trailer" means any trailer, semitrailer
15 or pole trailer drawn by a truck tractor or road tractor and
16 any trailer, semitrailer or pole trailer drawn by a truck that
17 has a gross vehicle weight of more than twenty-six thousand
18 pounds, but the term does not include house trailers, trailers
19 of less than one-ton carrying capacity used to transport
20 animals or fertilizer trailers of less than three thousand five
21 hundred pounds empty weight;

22 L. "gross vehicle weight" means the weight of a
23 vehicle without load plus the weight of any load thereon;

24 M. "motor carrier" means any person that owns,
25 controls, operates or manages any motor vehicle with a gross

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1 vehicle weight of twelve thousand pounds or more that is used
2 to transport persons or property on the public highways of this
3 state;

4 N. "motor carrier of railroad employees" means a
5 person that owns, controls, operates or manages a motor vehicle
6 of any vehicle weight that is used to transport employees of a
7 railroad corporation on the public highways of New Mexico;

8 [~~N.~~] O. "motor vehicle" means any vehicle or device
9 that is propelled by an internal combustion engine or electric
10 motor power that is used or may be used on the public highways
11 for the purpose of transporting persons or property and
12 includes any connected trailer or semitrailer;

13 P. "on-duty time" means time from when a driver
14 begins to work, or is required to be in readiness to work,
15 until the time the driver is relieved from work and includes
16 time spent:

17 (1) driving;

18 (2) at a terminal, facility or other property
19 of a contract carrier;

20 (3) waiting to be dispatched;

21 (4) in working hours by a driver while under
22 employment or agreement with another employer who is not a
23 motor carrier of railroad employees; and

24 (5) inspecting, servicing, conditioning or
25 attending to a vehicle;

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1 [~~Q~~] Q. "one-way rental fleet" means two or more
2 vehicles each having a gross vehicle weight of under twenty-six
3 thousand one pounds and rented to the public without a driver;

4 [~~P~~] R. "person" means any individual, estate,
5 trust, receiver, cooperative association, club, corporation,
6 company, firm, partnership, joint venture, syndicate or other
7 association; "person" also means, to the extent permitted by
8 law, any federal, state or other governmental unit or
9 subdivision or an agency, department or instrumentality;
10 "person" also includes an officer or employee of a corporation,
11 a member or employee of a partnership or any individual who, as
12 such, is under a duty to perform any act in respect of which a
13 violation occurs;

14 [~~Q~~] S. "properly registered" means bearing the
15 lawfully issued and currently valid evidence of registration of
16 this or another jurisdiction, regardless of the owner's
17 residence, except in those cases where the evidence has been
18 procured by misrepresentation or fraud;

19 [~~R~~] T. "public highway" means every way or place
20 generally open to the use of the public as a matter of right
21 for the purpose of vehicular travel, even though it may be
22 temporarily closed or restricted for the purpose of
23 construction, maintenance, repair or reconstruction;

24 [~~S~~] U. "secretary" means the secretary of public
25 safety and, except for the purposes of Section 65-1-33 NMSA

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1 1978, also includes a deputy secretary and any division
2 director delegated by the secretary;

3 [F.] V. "state" or "jurisdiction" means a state,
4 territory or possession of the United States, the District of
5 Columbia, the commonwealth of Puerto Rico, a foreign country or
6 a state or province of a foreign country; and

7 [U.] W. "utility trailer" means any trailer,
8 semitrailer or pole trailer and includes house trailers that
9 exceed neither eight feet in width nor forty feet in length,
10 but does not include freight trailers, trailers of less than
11 one-ton carrying capacity used to transport animals or
12 fertilizer trailers of less than three thousand five hundred
13 pounds empty weight."

14 SECTION 2. Section 65-3-1 NMSA 1978 (being Laws 1989,
15 Chapter 201, Section 2) is amended to read:

16 "65-3-1. SHORT TITLE.--[Sections 65-3-1 through 65-3-13]
17 Chapter 65, Article 3 NMSA 1978 may be cited as the "Motor
18 Carrier Safety Act"."

19 SECTION 3. Section 65-3-3 NMSA 1978 (being Laws 1989,
20 Chapter 201, Section 4, as amended) is amended to read:

21 "65-3-3. APPLICABILITY.--

22 A. Notwithstanding any provision of the Motor
23 Vehicle Code to the contrary, the provisions of the Motor
24 Carrier Safety Act and the regulations promulgated under that
25 act shall apply to a motor carrier of railroad employees and a

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1 commercial motor carrier vehicle operating on the public
2 highways of New Mexico of a type that:

3 (1) is operated interstate and has a gross
4 vehicle weight rating or gross combination weight rating, or
5 gross vehicle weight or gross combination weight, of four
6 thousand five hundred thirty-six kilograms, or ten thousand one
7 pounds or more; or is operated only in intrastate commerce and
8 has a gross vehicle weight rating or gross combination weight
9 rating, or gross vehicle weight or gross combination weight, of
10 twenty-six thousand one or more pounds;

11 (2) is designed or used to transport more than
12 eight passengers, including the driver, and is used to
13 transport passengers for compensation;

14 (3) is designed or used to transport more than
15 fifteen passengers, including the driver, and is not used to
16 transport passengers for compensation; or

17 (4) is used to transport hazardous materials
18 of the type or quantity requiring placarding under rules
19 prescribed by applicable federal or state law.

20 B. Whenever a commercial motor carrier vehicle of
21 one type is used to perform the functions normally performed by
22 a motor vehicle of another type, the requirements of the Motor
23 Carrier Safety Act shall apply to that motor vehicle and to its
24 operation as if that motor vehicle were actually a motor
25 vehicle of the latter type.

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1 C. Whenever a duty is prescribed for a driver or a
2 prohibition is imposed upon the driver pursuant to the
3 provisions of the Motor Carrier Safety Act, it shall be the
4 duty of the motor carrier to require observance of such
5 prescription or prohibition. If the motor carrier is also the
6 driver, the motor carrier shall likewise be bound."

7 SECTION 4. Section 65-3-4 NMSA 1978 (being Laws 1989,
8 Chapter 201, Section 5, as amended) is amended to read:

9 "65-3-4. REGULATIONS--INSPECTIONS.--

10 A. The secretary is directed to adopt in accordance
11 with Section [~~65-1-10~~] 9-11-6.2 NMSA 1978 necessary rules and
12 regulations under the Motor Carrier Safety Act as they apply to
13 motor carrier safety. Such rules and regulations shall not be
14 inconsistent with or more stringent than applicable federal
15 safety standards.

16 B. The department is authorized to inspect at the
17 motor carrier's place of business those safety records required
18 to be retained by the motor carrier pursuant to the provisions
19 of the Motor Carrier Safety Act.

20 C. The department is authorized to enter, at a
21 reasonable time and place, a vehicle or facility of a motor
22 carrier of railroad employees for the purposes of an
23 inspection, safety review, audit or accident investigation to
24 ensure compliance with the provisions of the Motor Carrier
25 Safety Act."

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1 SECTION 5. A new section of the Motor Carrier Safety Act,
2 Section 65-3-6.1 NMSA 1978, is enacted to read:

3 "65-3-6.1. [NEW MATERIAL] MOTOR CARRIER OF RAILROAD
4 EMPLOYEES--REQUIREMENTS.--

5 A. A motor carrier of railroad employees shall:

6 (1) implement a policy that provides for
7 annual training and certification of its drivers in the:

8 (a) safe operation of the motor vehicles
9 used for transport;

10 (b) relevant laws, rules of the road and
11 safety policies;

12 (c) handling of emergency situations;

13 (d) proper use of seat belts;

14 (e) performance of pre-trip and post-
15 trip vehicle inspections and keeping records of these
16 inspections; and

17 (f) proper maintenance of required
18 records;

19 (2) confirm its drivers are not disqualified
20 pursuant to Section 65-3-7.2 NMSA 1978 by performing a criminal
21 background check of each driver, which shall include:

22 (a) a criminal history check of the
23 state criminal records repository; and

24 (b) if a driver has resided in New
25 Mexico for less than five years, a criminal history check from

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1 each state of residence for the previous five years;

2 (3) annually verify its drivers have valid
3 driver's licenses;

4 (4) keep and maintain records documenting that
5 the motor carrier of railroad employees meets the requirements
6 of this subsection, including maintaining at its principal
7 place of business:

8 (a) a driver qualification file for each
9 driver who transports passengers pursuant to the Motor Carrier
10 Safety Act; and

11 (b) records of pre-trip and post-trip
12 vehicle inspections;

13 (5) maintain liability insurance in an amount
14 no less than five million dollars (\$5,000,000) for each of its
15 vehicles, regardless of a vehicle's seating capacity;

16 (6) maintain uninsured and underinsured
17 coverage in an amount no less than one million dollars
18 (\$1,000,000) for each of its vehicles;

19 (7) ensure inspection of each vehicle in
20 accordance with the requirements of the Motor Vehicle Code and
21 maintain records of these inspections for at least one year
22 following the date of inspection; and

23 (8) implement a mandatory alcohol and
24 controlled substance testing program pursuant to Section
25 65-3-14 NMSA 1978 that consists of preemployment testing, post-

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1 accident testing, random testing, reasonable suspicion testing,
2 return-to-duty testing and follow-up testing.

3 B. A driver qualification file shall be retained
4 for at least one year following the date of separation of
5 employment or termination of contract of a driver from the
6 motor carrier. A driver qualification file shall include at
7 minimum:

8 (1) a copy of the driver's most recent
9 physical examination required pursuant to Section 65-3-7.1 NMSA
10 1978;

11 (2) a copy of the driver's current driver's
12 license;

13 (3) documentation of annual license
14 verification;

15 (4) documentation of completion of the
16 required annual training;

17 (5) documentation of any violations of motor
18 vehicle or traffic laws; and

19 (6) responses from previous employers, if
20 required by the current employer.

21 C. If a party contracts with a motor carrier of
22 railroad employees on behalf of the railroad corporation to
23 transport the railroad employees, then the insurance
24 requirements provided by this section may be satisfied by
25 either that party or the motor carrier, so long as the

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1 motor carrier is a named insured or additional insured under
2 any policy."

3 SECTION 6. A new section of the Motor Carrier Safety Act,
4 Section 65-3-7.1 NMSA 1978, is enacted to read:

5 "65-3-7.1. [NEW MATERIAL] MOTOR CARRIER OF RAILROAD
6 EMPLOYEES--DRIVER REQUIREMENTS.--

7 A. A driver of a motor carrier of railroad
8 employees shall not transport passengers of a railroad
9 corporation, and a motor carrier of railroad employees shall
10 not permit a driver to transport passengers of a railroad
11 corporation, unless the driver:

12 (1) has been issued a currently valid motor
13 vehicle operator's license or permit of the proper class for
14 the vehicle that the person is operating;

15 (2) has passed in the previous calendar year a
16 physical examination that meets the requirements for commercial
17 motor vehicle operators specified in 49 C.F.R. Part 391; and

18 (3) performs pre-trip and post-trip vehicle
19 inspections to ensure the vehicle meets the vehicle and
20 equipment requirements of the Motor Carrier Safety Act.

21 B. While transporting passengers of a railroad
22 corporation, a driver of a motor carrier of railroad employees
23 shall not communicate over or otherwise operate a handheld
24 device when the vehicle is in motion or is a part of traffic."

25 SECTION 7. A new section of the Motor Carrier Safety Act,

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1 Section 65-3-7.2 NMSA 1978, is enacted to read:

2 "65-3-7.2. [NEW MATERIAL] MOTOR CARRIER OF RAILROAD
3 EMPLOYEES--DISQUALIFICATION OF DRIVERS--REPORTING.--

4 A. A person who is convicted of driving under the
5 influence of intoxicating liquor or drugs pursuant to Section
6 66-8-102 NMSA 1978, whose driver's license is revoked pursuant
7 to the Implied Consent Act or who is convicted of or has the
8 person's driver's license revoked under a similar statute or
9 ordinance of another state, shall not transport employees of a
10 railroad corporation for a motor carrier of railroad employees
11 for five years from the date of conviction.

12 B. A person who is convicted pursuant to the
13 Controlled Substances Act of a felony of any degree shall not
14 transport employees of a railroad corporation for a motor
15 carrier of railroad employees for two years from the date of
16 conviction.

17 C. A person who is convicted of three or more
18 moving violations within three years shall not transport
19 employees of a railroad corporation for a motor carrier of
20 railroad employees for one year from the date of the last
21 conviction.

22 D. A driver who is convicted as described in this
23 section while employed by or under contract with a motor
24 carrier of railroad employees shall report the conviction to
25 the carrier within ten calendar days of the date of the

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1 conviction."

2 SECTION 8. A new section of the Motor Carrier Safety Act,
3 Section 65-3-8.1 NMSA 1978, is enacted to read:

4 "65-3-8.1. [NEW MATERIAL] MOTOR CARRIER OF RAILROAD
5 EMPLOYEES--REQUIREMENTS--VEHICLE--EQUIPMENT.--A driver of a
6 motor carrier of railroad employees shall not transport
7 passengers of a railroad corporation and a motor carrier of
8 railroad employees shall not permit a driver to transport
9 passengers of a railroad corporation unless:

10 A. the motor vehicle being used to transport
11 passengers is designed to transport ten or fewer persons,
12 including the driver; and

13 B. the following are maintained on the motor
14 vehicle being used:

15 (1) tires that meet the same requirements as
16 for a motor vehicle pursuant to 49 C.F.R. Section 393.75;

17 (2) a full-size spare tire that is fully
18 inflated;

19 (3) properly functioning safety belts,
20 pursuant to Section 66-3-875 NMSA 1978, for the driver and
21 every passenger being transported;

22 (4) a properly functioning heater, defroster
23 and air conditioner;

24 (5) a windshield, side windows and a rear
25 window that are clear of any obstructions;

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1 (6) a working cellular telephone or two-way
2 radio capable of contacting personnel of the railroad
3 corporation that employs the passengers being transported;

4 (7) a global positioning system device capable
5 of identifying the vehicle's current location;

6 (8) an emergency road kit, which shall
7 contain, at minimum, a blanket, flares or reflective triangles,
8 jumper cables and a secured fire extinguisher;

9 (9) a safety glass hammer or belt cutter;

10 (10) space for personal baggage storage, so
11 that all baggage can be secured in a manner that prevents entry
12 into or flight within the vehicle cabin; and

13 (11) a vehicle identification marking in
14 accordance with department rules that:

15 (a) identifies the legal or a single
16 trade name of the motor carrier and bears an inscription
17 identifying the vehicle as used by a motor carrier of railroad
18 employees;

19 (b) is located on both sides of the
20 vehicle; and

21 (c) is in letters that contrast sharply
22 in color with the background on which the letters are placed
23 and that are large enough to be legible during daylight hours
24 by a person of average eyesight from a distance of at least
25 fifty feet."

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1 SECTION 9. Section 65-3-11 NMSA 1978 (being Laws 1989,
2 Chapter 201, Section 11) is amended to read:

3 "65-3-11. HOURS OF SERVICE OF DRIVERS.--

4 A. The director shall adopt rules and regulations
5 not inconsistent with ~~[not]~~ or more stringent than applicable
6 federal safety standards concerning the hours of service of
7 drivers and the requirements of this section.

8 ~~[A.]~~ B. These regulations shall include but not be
9 limited to maximum driving and on-duty time, travel time,
10 maintenance of a driver's log or record of duty status, adverse
11 driving conditions, emergency conditions and emergency
12 transportation.

13 ~~[B.]~~ C. These regulations shall authorize a driver
14 to be placed out-of-service for driving or working too many
15 hours or any other conditions identified in federal safety
16 standards and found by the director to contribute to unsafe
17 operations. The out-of-service conditions shall preclude a
18 driver from driving until the condition for placing the driver
19 out-of-service is remedied.

20 D. A motor carrier of railroad employees shall not
21 allow or require a driver to:

22 (1) drive for more than ten consecutive hours
23 since the driver's last eight consecutive hours off duty;

24 (2) work more than fifteen consecutive hours
25 of combined on-duty time and drive time since the driver's last

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1 eight consecutive hours off duty; or

2 (3) drive or remain on duty for a combined
3 total of more than seventy hours in any period of eight
4 consecutive days.

5 E. A driver of a motor carrier of railroad
6 employees who, while on duty, encounters an emergency and
7 cannot, because of that emergency, safely complete a
8 transportation assignment within the time limits of Subsection
9 D of this section shall drive for not more than two additional
10 hours in order to complete that transportation assignment or to
11 reach a place offering safety for the occupants of the vehicle
12 and security for the transport motor vehicle if the
13 transportation assignment reasonably could have been completed
14 within the allowable period absent the emergency.

15 F. A motor carrier of railroad employees shall
16 maintain and retain for a period of not less than six months
17 accurate time records that show for each day the:

- 18 (1) time a driver reports for duty;
19 (2) total number of hours of on-duty time for
20 a driver;
21 (3) time a driver is released from duty; and
22 (4) total number of hours driven by a driver.

23 G. For the purposes of Subsection D of this
24 section, after twenty-four consecutive hours off duty, a driver
25 of a motor carrier of railroad employees begins a new seven-

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1 consecutive-day period and on-duty time is reset to zero."

2 SECTION 10. Section 65-3-14 NMSA 1978 (being Laws 2007,
3 Chapter 151, Section 1, as amended) is amended to read:

4 "65-3-14. DRUG AND ALCOHOL TESTING PROGRAM--REPORT OF
5 POSITIVE TEST.--

6 A. A motor carrier or a motor carrier of railroad
7 employees shall have an in-house drug and alcohol testing
8 program that meets the requirements of 49 C.F.R. part 382 or be
9 a member of a consortium, as defined in 49 C.F.R. part 382.107,
10 that provides testing that meets the requirements of 49 C.F.R.
11 part 382.

12 B. A person or entity specified in 49 C.F.R. part
13 382.103, who is not explicitly excepted by New Mexico law, is
14 subject to the provisions of this section and shall report
15 positive test results or a refusal to submit to a test pursuant
16 to provisions in this section. A refusal to submit to a pre-
17 employment test shall not be considered a violation of this
18 section.

19 C. When a person or entity specified in 49 C.F.R.
20 part 382.103 determines that a positive test result is valid,
21 the person or entity shall report the findings to the motor
22 vehicle division of the taxation and revenue department. The
23 motor vehicle division shall enter the report of a positive
24 test result or refusal to submit to a test on the reported
25 person's motor vehicle record so that it can be contained in

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1 the commercial driver's license information system pursuant to
2 the New Mexico Commercial Driver's License Act.

3 D. The division shall keep the report of a positive
4 test result or the refusal to submit to a test in the motor
5 vehicle record of the driver for five years from the time the
6 report was received by the motor vehicle division.

7 E. The division shall seek reports from the federal
8 commercial driver's license drug and alcohol clearinghouse for
9 actions relating to commercial driver's licenses or commercial
10 driver's permits."

11 SECTION 11. Section 66-3-875 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 181) is amended to read:

13 "66-3-875. SAFETY BELTS--TYPE AND MANNER OF
14 INSTALLATION.--All safety belts required in [~~Section 64-3-874~~
15 ~~NMSA 1953~~] Chapters 65 and 66 NMSA 1978 shall be of a type and
16 shall be installed in a manner approved by the division [~~of~~
17 ~~motor vehicles~~]. The division shall establish specifications
18 and requirements for approved types of safety belts and
19 attachments [~~thereto~~]. The division shall accept, as approved,
20 all [~~seat~~] safety belt installations and the belts and anchors
21 meeting the [~~society of automotive engineers~~¹] specifications
22 of SAE international."

23 SECTION 12. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is January 1, 2026.