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**HOUSE BILL 223**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED by**

**Donald L. Whitaker**

**FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE**

**AN ACT**

**RELATING TO MOTOR VEHICLES; CREATING A PERMANENT AUTHORIZATION FOR ISSUANCE OF OVERWEIGHT PERMITS FOR CERTAIN LIQUID HAULING TANK VEHICLES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE MOTOR VEHICLE CODE; DECLARING AN EMERGENCY.**

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

**Section 1. Section 66-6-23 NMSA 1978 (being Laws 1978, Chapter 35, Section 358, as amended) is amended to read:**

**"66-6-23. DISPOSITION OF FEES. --**

**A. After the necessary disbursements for refunds and other purposes have been made, the money remaining in the motor vehicle suspense fund, except for remittances received within the previous two months that are unidentified as to source or disposition, shall be distributed as follows:**

**(1) to each municipality, county or fee agent operating a motor vehicle field office:**

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1 (a) an amount equal to six dollars  
2 (\$6.00) per driver's license and three dollars (\$3.00) per  
3 identification card or motor vehicle or motorboat registration  
4 or title transaction performed; and

5 (b) for each such agent determined by  
6 the secretary pursuant to [øf] Section 66-2-16 NMSA 1978 to  
7 have performed ten thousand or more transactions in the  
8 preceding fiscal year, other than a class A county with a  
9 population exceeding three hundred thousand or any  
10 municipality with a population exceeding three hundred  
11 thousand that has been designated as an agent pursuant to  
12 Section 66-2-14.1 NMSA 1978, an amount equal to one dollar  
13 (\$1.00) in addition to the amount distributed pursuant to  
14 Subparagraph (a) of this paragraph for each driver's license,  
15 identification card, motor vehicle registration, motorboat  
16 registration or title transaction performed;

17 (2) to each municipality or county, other  
18 than a class A county with a population exceeding three  
19 hundred thousand or a municipality with a population exceeding  
20 three hundred thousand designated as an agent pursuant to  
21 Section 66-2-14.1 NMSA 1978, operating a motor vehicle field  
22 office, an amount equal to fifty cents (\$.50) for each  
23 administrative service fee remitted by that county or  
24 municipality to the department pursuant to the provisions of  
25 Subsection A of Section 66-2-16 NMSA 1978;

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(3) to the state road fund:

(a) an amount equal to the fees collected pursuant to Section 66-7-413.4 NMSA 1978;

~~[(a)]~~ (b) an amount equal to the fee collected pursuant to Section 66-3-417 NMSA 1978;

~~[(b)]~~ (c) the remainder of each driver's license fee collected by the department employees from an applicant to whom a license is granted after deducting from the driver's license fee the amount of the distribution authorized in Paragraph (1) of this subsection with respect to that collected driver's license fee; and

~~[(c)]~~ (d) an amount equal to fifty percent of the fees collected pursuant to Section 66-6-19 NMSA 1978;

(4) to the local governments road fund, the amount of the fees collected pursuant to Subsection B of Section 66-5-33.1 NMSA 1978 and the remainder of the fees collected pursuant to Subsection A of Section 66-5-408 NMSA 1978;

(5) to the department:

(a) any amounts reimbursed to the department pursuant to Subsection C of Section 66-2-14.1 NMSA 1978;

(b) an amount equal to two dollars (\$2.00) of each motorcycle registration fee collected pursuant

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1 to Section 66-6-1 NMSA 1978;

2 (c) an amount equal to the fees  
3 provided for in Subsection D of Section 66-2-7 NMSA 1978,  
4 Subsection E of Section 66-2-16 NMSA 1978, Subsections J and K  
5 of Section 66-3-6 NMSA 1978 other than the administrative fee,  
6 Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of  
7 Section 66-5-408 NMSA 1978; and

8 (d) the amounts due to the department  
9 pursuant to Paragraph (1) of Subsection E of Section 66-3-419  
10 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and  
11 Subsection E of Section 66-3-423 NMSA 1978;

12 (6) to each New Mexico institution of higher  
13 education, an amount equal to that part of the fees  
14 distributed pursuant to Paragraph (2) of Subsection D of  
15 Section 66-3-416 NMSA 1978 proportionate to the number of  
16 special registration plates issued in the name of the  
17 institution to all such special registration plates issued in  
18 the name of all institutions;

19 (7) to the armed forces veterans license  
20 fund, the amount to be distributed pursuant to Paragraph (2)  
21 of Subsection E of Section 66-3-419 NMSA 1978;

22 (8) to the children's trust fund, the amount  
23 to be distributed pursuant to Paragraph (2) of Subsection D of  
24 Section 66-3-420 NMSA 1978;

25 (9) to the state highway and transportation

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1 department, an amount equal to the fees collected pursuant to  
2 Section 66-5-35 NMSA 1978;

3 (10) to the state equalization guarantee  
4 distribution made annually pursuant to the general  
5 appropriation act, an amount equal to one hundred percent of  
6 the driver safety fee collected pursuant to Subsection D of  
7 Section 66-5-44 NMSA 1978;

8 (11) to the motorcycle training fund, two  
9 dollars (\$2.00) of each motorcycle registration fee collected  
10 pursuant to Section 66-6-1 NMSA 1978;

11 (12) to the highway infrastructure fund, all  
12 tire recycling fees collected pursuant to the provisions of  
13 Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8 NMSA 1978;

14 (13) to each county, an amount equal to fifty  
15 percent of the fees collected pursuant to Section 66-6-19 NMSA  
16 1978 multiplied by a fraction, the numerator of which is the  
17 total mileage of public roads maintained by the county and the  
18 denominator of which is the total mileage of public roads  
19 maintained by all counties in the state; and

20 (14) to the litter control and beautification  
21 fund, an amount equal to the fees collected pursuant to  
22 Section 67-16-14 NMSA 1978.

23 B. The balance, exclusive of unidentified  
24 remittances, shall be distributed in accordance with Section  
25 66-6-23.1 NMSA 1978.

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1 C. If any of the paragraphs, subsections or  
2 sections referred to in Subsection A of this section are  
3 recompiled or otherwise re-designated without a corresponding  
4 change to Subsection A of this section, the reference in  
5 Subsection A of this section shall be construed to be the  
6 recompiled or re-designated paragraph, subsection or section."

7 Section 2. A new section of the Motor Vehicle Code,  
8 Section 66-7-413.4 NMSA 1978, is enacted to read:

9 "66-7-413.4. [NEW MATERIAL] PERMITS FOR EXCESSIVE  
10 WEIGHT. --

11 A. In addition to the authority granted in Section  
12 66-7-413 NMSA 1978, the motor transportation division of the  
13 department of public safety may issue special permits  
14 authorizing an increase of up to twenty-five percent in axle  
15 weight for liquid hauling tank vehicles whenever the liquid  
16 hauling tank vehicles would have to haul less than a full tank  
17 under the maximum weights authorized in Section 66-7-409 and  
18 66-7-410 NMSA 1978. A special permit under this section may  
19 be issued for a single trip or for a year. The fee for the  
20 permits shall be thirty-five dollars (\$35.00) for a single-  
21 trip permit and one hundred twenty dollars (\$120) for an  
22 annual permit. Revenue from the permit fee shall be used to  
23 build, maintain, repair or reconstruct the highways and  
24 bridges of this state.

25 B. The special permits authorized by this section

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1 shall not be valid for transportation of excessive weights on  
2 the interstate system as currently defined in federal law or  
3 as that system may be defined in the future. No special  
4 permit issued pursuant to this section shall be valid for  
5 gross vehicle weights in excess of eighty-six thousand four  
6 hundred pounds or for any combination vehicle.

7 C. If the federal highway administration of the  
8 United States department of transportation gives official  
9 notice that money will be withheld or that this section  
10 violates the grandfather provision of 23 USCA 127, the  
11 secretary may withdraw all special permits and discontinue  
12 issuance of all special permits authorized in this section  
13 until such time that final determination is made. If the  
14 final determination allows the state to issue the special  
15 permits without sanction of funds or weight tables, then the  
16 secretary shall reissue the special permits previously  
17 withdrawn and make the special permits available pursuant to  
18 this section. "

19 Section 3. REPEAL. -- Section 66-7-413.3 NMSA 1978 (being  
20 Laws 1991, Chapter 227, Section 1, as amended) is repealed.

21 Section 4. EMERGENCY. -- It is necessary for the public  
22 peace, health and safety that this act take effect  
23 immediately.