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HOUSE BILL 925

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

INTRODUCED BY

James G. Taylor

AN ACT

**RELATING TO MOTOR VEHICLES; ENACTING THE BORDER MOTOR CARRIER
ACT TO FACILITATE CROSS-BORDER PASSAGE OF CERTAIN MOTOR
VEHICLES AND OPERATION OF CERTAIN VEHICLES IN THE STATE.**

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

**Section 1. SHORT TITLE.--This act may be cited as the
"Border Motor Carrier Act".**

**Section 2. DEFINITIONS.--As used in the Border Motor
Carrier Act:**

**A. "border" means the border between this state
and the United Mexican States;**

**B. "border commercial zone" means a commercial
zone established pursuant to federal law or regulations, any
portion of which is contiguous to the border in this state;**

C. "commercial motor vehicle" includes a foreign

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1 commercial motor vehicle;

2 D. "department" means the taxation and revenue
3 department;

4 E. "division" means the motor vehicle division of
5 the department;

6 F. "foreign commercial motor vehicle" means a
7 commercial motor vehicle that is owned or controlled by a
8 person that is domiciled in or a citizen of a country other
9 than the United States; and

10 G. "motor carrier" includes a foreign motor
11 carrier and a foreign motor private carrier.

12 Section 3. BORDER COMMERCIAL ZONE-- BOUNDARIES--
13 PREEMPTION OF CERTAIN STATE AND POLITICAL SUBDIVISION ACTS. --

14 The territory within the boundaries of Dona Ana and Luna
15 counties constitute the border commercial zone. Neither the
16 state nor a county or municipality within the border
17 commercial zone shall enact a law, ordinance or rule that
18 regulates the operation of motor carriers or commercial motor
19 vehicles in the transportation of cargo across the border or
20 the operation of foreign commercial motor vehicles within an
21 area adjacent to the border.

22 Section 4. REGISTRATION EXEMPTION IN BORDER COMMERCIAL
23 ZONE. --

24 A. A foreign commercial motor vehicle is exempt
25 from requirements for motor vehicle registration in this

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1 state, including temporary registration, if:

2 (1) the motor vehicle is engaged solely in
3 transportation of cargo across the border into or from a
4 border commercial zone;

5 (2) for each load of cargo transported, the
6 motor vehicle remains in this state:

7 (a) not more than twenty-four hours; or

8 (b) not more than forty-eight hours if:

9 1) the motor vehicle is unable to leave this state within
10 twenty-four hours because of circumstances beyond the control
11 of the motor carrier operating the motor vehicle; and 2) all
12 financial responsibility requirements applying to the motor
13 vehicle are satisfied;

14 (3) the motor vehicle is registered and
15 licensed as required by the law of another state or country as
16 evidenced by a valid metal license plate attached to the front
17 or rear of the exterior of the motor vehicle; and

18 (4) the country in which the person that owns
19 or controls the motor vehicle is domiciled or is a citizen
20 provides a reciprocal exemption for commercial motor vehicles
21 owned or controlled by residents of this state.

22 B. A foreign commercial motor vehicle and its
23 driver operating under the exemptions of this section may be
24 considered unregistered if the motor vehicle is operated in
25 this state outside the border commercial zone or in violation

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1 of United States law.

2 Section 5. FINANCIAL RESPONSIBILITY. -- The division shall
3 adopt rules that conform with federal law requiring motor
4 carriers operating foreign commercial motor vehicles in this
5 state to maintain financial responsibility.

6 Section 6. DOMESTIC TRANSPORTATION. -- A foreign motor
7 carrier or foreign motor private carrier shall not transport
8 persons or cargo in intrastate commerce in this state unless
9 the carrier is authorized to conduct operations in interstate
10 and foreign commerce domestically between points in the United
11 States under federal law or international agreement.

12 Section 7. ANNUAL PERMITS. --

13 A. The division may issue an annual permit to a
14 foreign commercial motor vehicle, trailer, semitrailer or
15 motor bus that:

16 (1) is subject to registration in this state;

17 and

18 (2) is not authorized to travel on a public
19 highway because of the lack of registration in this state or
20 the lack of reciprocity with the state or country in which the
21 motor vehicle is registered.

22 B. A permit issued under this section is in lieu
23 of registration and is valid for a vehicle registration year
24 to begin on the first day of a calendar month designated by
25 the division and end on the last day of the last calendar

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1 month of the registration year.

2 C. A person may obtain a permit under this section
3 by:

4 (1) applying to the division;

5 (2) paying a fee in the amount provided for
6 in Section 66-6-4 NMSA 1978 in cash or by postal money order
7 or certified check; provided that the division shall not
8 charge the tire recycling fee; and

9 (3) furnishing evidence of financial
10 responsibility for the motor vehicle that complies with rules
11 of the division.

12 D. The division may:

13 (1) adopt rules to administer this section;

14 and

15 (2) prescribe an application for a permit and
16 other forms to carry out the provisions of this section.

17 E. A person who violates a provision of this
18 section is guilty of a misdemeanor and may be punished by a
19 fine of not less than one hundred dollars (\$100) or more than
20 five hundred dollars (\$500) or imprisonment not to exceed
21 ninety days.

22 Section 8. TEMPORARY PERMITS. --

23 A. The division may issue a temporary permit for a
24 commercial motor vehicle, trailer, semitrailer, or motor bus
25 that:

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1 (1) is owned by a resident of the United
2 States or the United Mexican States;

3 (2) is subject to registration in this state;
4 and

5 (3) is not authorized to travel on a public
6 highway because of the lack of registration in this state or
7 the lack of reciprocity with the state or country in which the
8 vehicle is registered.

9 B. A permit issued under this section is in lieu
10 of registration and is valid for the period stated on the
11 permit, effective from the date and time shown on the receipt
12 issued as evidence of registration under this section.

13 C. A person may obtain a permit under this section
14 by applying to the division and:

15 (1) paying a fee in cash or by postal money
16 order or certified check of twenty-five dollars (\$25.00) for a
17 seventy-two hour permit or fifty dollars (\$50.00) for a one
18 hundred forty-four hour permit; and

19 (2) furnishing the division evidence of
20 financial responsibility for the vehicle that complies with
21 rules adopted by the division.

22 D. The division may:

23 (1) adopt rules to administer the provisions
24 of this section; and

25 (2) prescribe an application for a permit and

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1 other forms to carry out the provisions of this section.

2 E. A commercial motor vehicle, trailer,
3 semitrailer or motor bus apprehended for violating a
4 registration law of this state shall not be issued a permit
5 under this section, and it shall be immediately subject to
6 registration in this state.

7 F. A person who operates a commercial motor
8 vehicle, trailer, semitrailer or motor bus with an expired
9 permit issued under this section is considered to be operating
10 an unregistered vehicle subject to each penalty prescribed by
11 law.

12 Section 9. ONE-TRIP OR THIRTY-DAY TRIP PERMITS. --

13 A. The division may issue a temporary permit for a
14 vehicle that:

15 (1) is subject to registration in this state;
16 and

17 (2) is not authorized to travel on a public
18 highway because of the lack of registration in this state or
19 the lack of reciprocity with the state or country in which the
20 vehicle is registered.

21 B. A permit issued under this section is in lieu
22 of registration and is valid for one trip or for thirty days.

23 C. A one-trip permit is valid for one trip between
24 the points of origin and destination and those intermediate
25 points specified in the application and registration receipt.

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1 Unless the vehicle is a bus operating under charter that is
2 not covered by a reciprocity agreement with the state or
3 country in which the bus is registered, a one-trip permit is
4 for the transit of the vehicle only, and the vehicle may not
5 be used for the transportation of passengers or property. A
6 one-trip permit shall not be valid for longer than fifteen
7 days from the effective date of registration.

8 D. A thirty-day permit shall be issued only to a
9 passenger vehicle, a private bus, a trailer or semitrailer
10 with a gross weight of not more than ten thousand pounds, a
11 light truck or a light commercial vehicle with a
12 manufacturer's rated carrying capacity of more than one ton
13 that will operate unladen. A person may obtain multiple
14 thirty-day permits. The division may issue a single
15 registration receipt to apply to all of the periods for which
16 the vehicle is registered.

17 E. A person may obtain a permit under this section
18 by applying on a form provided by the division and:

19 (1) paying a fee in cash or by postal money
20 order or certified check of five dollars (\$5.00) for a one-
21 trip permit or twenty-five dollars (\$25.00) for each thirty-
22 day permit; and

23 (2) furnishing evidence of financial
24 responsibility for the vehicle that complies with rules
25 adopted by the division.

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1 F. A registration receipt and temporary tag shall
2 be issued on forms provided by the division. The temporary
3 tag shall contain all pertinent information required by rule
4 of the division and shall be displayed in the rear window of
5 the vehicle so that the tag is clearly visible and legible
6 when viewed from the rear of the vehicle. If the vehicle does
7 not have a rear window, the temporary tag shall be attached on
8 or carried in the vehicle to allow ready inspection. The
9 registration receipt shall be carried in the vehicle at all
10 times during the period in which it is valid.

11 G. The division may refuse to issue a temporary
12 registration for any vehicle if, in the division's opinion,
13 the vehicle or the owner of the vehicle has been involved in
14 operations that constitute an abuse of the privilege granted
15 by this section.

16 H. A person issued a temporary registration under
17 this section who operates a vehicle in violation of Subsection
18 F of this section is guilty of a petty misdemeanor and shall
19 be punished as provided in the Motor Vehicle Code.

20 I. The division may:

21 (1) adopt rules to administer this section;

22 and

23 (2) prescribe an application for a permit and
24 other forms under this section.
25