

HOUSE TRANSPORTATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 953

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CLARIFYING DUTIES; CHANGING SPECIAL PERMIT REQUIREMENTS FOR THE
MOVEMENT OF CERTAIN MOTOR VEHICLES; INCREASING FEES; AMENDING A
SECTION OF THE MOTOR VEHICLE CODE; MAKING AN APPROPRIATION.

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

Section 1. Section 66-7-413 NMSA 1978 (being Laws 1978,
Chapter 35, Section 484, as amended) is amended to read:

"66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES. --

A. The department of public safety and local
highway authorities may, in their discretion, upon application
in writing and good cause being shown, issue a special permit
in writing authorizing the applicant to operate or move a

1 vehicle or load of a size or weight exceeding the maximum
2 specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on
3 any highway under the jurisdiction of the state highway
4 commission or local authorities. Except for the movement of
5 manufactured homes, a permit may be granted, in cases of
6 emergency, for the transportation of loads on a certain unit or
7 combination of equipment for a specified period of time not to
8 exceed one year, and the permit shall contain the route to be
9 traversed, the type of load to be transported and any other
10 restrictions or conditions deemed necessary by the body
11 granting the permit. In every other case, the permit shall be
12 issued for a single trip and may designate the route to be
13 traversed and contain any other restrictions or conditions
14 deemed necessary by the body granting the permit. Every permit
15 shall be carried in the vehicle to which it refers and shall be
16 opened for inspection to any peace officer. It is a
17 misdemeanor for any person to violate any of the conditions or
18 terms of the special permit.

19 B. The department of public safety shall charge and
20 collect, when the movement consists of any load of a width of
21 twenty feet or greater for a distance of five miles or more,
22 the sum of three hundred dollars (\$300) a day or fraction
23 thereof to defray the cost of state or local police escort.
24 The permit issued and the fee charged shall be based upon the
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1 entire movement at one time requiring police escort and not
 2 upon the number of vehicles involved.

3 C. The department of public safety shall promulgate
 4 regulations in accordance with the State Rules Act pertaining
 5 to safety practices, liability insurance and equipment for
 6 escort vehicles provided by the motor carrier himself and for
 7 escort vehicles provided by a private business in this state.

8 (1) If a motor carrier provides his own escort
 9 vehicles and personnel, the department of public safety shall
 10 not charge an escort fee but shall provide the motor carrier
 11 escort personnel with a copy of applicable regulations and
 12 shall inspect the escort vehicles for the safety equipment
 13 required by the regulations. If the escort vehicles and
 14 personnel meet the requirements set forth in the regulations
 15 and if the motor carrier holds a valid certificate of public
 16 convenience and necessity or permit, as applicable, issued
 17 pursuant to Chapter 65, Article 2 NMSA 1978, the department of
 18 public safety shall issue the special permit.

19 (2) If the escort service is a private
 20 business, the business shall have applied to the [~~state~~
 21 ~~corporation~~] public regulation commission for and been issued a
 22 permit or certificate to operate as a contract or common motor
 23 carrier pursuant to Chapter 65, Article 2 NMSA 1978. The
 24 [~~state corporation~~] public regulation commission shall supply
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1 copies of applicable regulations to the business by mail and
2 shall supply additional copies upon request. If the escort
3 vehicles and personnel meet the requirements set forth in the
4 regulations and if the escort service holds a certificate, the
5 special permit shall be issued and the department of public
6 safety shall not charge an escort fee.

7 (3) The movement of vehicles upon the highways
8 of this state requiring a special permit and required to use an
9 escort of the type noted in Paragraphs (1) and (2) of this
10 subsection is subject to department of public safety authority
11 and inspection at all times.

12 (4) The state highway and transportation
13 department shall conduct engineering investigations and
14 engineering inspections to determine which four-lane highways
15 are safe for the operation or movement of manufactured homes
16 without an escort. After making that determination, the state
17 highway and transportation department shall hold public
18 hearings in the area of the state affected by the
19 determination, after which it may adopt regulations designating
20 those four-lane highways as being safe for the operation or
21 movement of manufactured homes without an escort. If any
22 portion of such a four-lane highway lies within the boundaries
23 of a municipality, the state highway and transportation
24 department, after obtaining the approval of the municipal
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1 governing body, shall include such portions in its regulations.

2 D. Except for the movement of manufactured homes,
 3 special permits may be issued for a single vehicle or
 4 combination of vehicles by the department of public safety for
 5 a period not to exceed one year for a fee of [~~sixty dollars~~
 6 ~~(\$60.00)~~] one hundred twenty dollars (\$120). The permits may
 7 allow excessive height, length and width for a vehicle or
 8 combination of vehicles or load thereon and may include a
 9 provision for excessive weight if the operation is to be within
 10 the vicinity of a municipality.

11 E. Special permits for a single trip for a vehicle
 12 or combination of vehicles or load thereon of excessive weight,
 13 width, length and height may be issued by the department of
 14 public safety for a single vehicle for a fee of [~~fifteen~~
 15 ~~dollars (\$15.00)~~] thirty dollars (\$30.00).

16 F. If the vehicle for which a permit is issued
 17 under this section is a manufactured home, the department of
 18 public safety or local highway authority issuing the permit
 19 shall furnish the following information to the property tax
 20 division of the department, which shall then forward the
 21 information:

22 (1) to the county assessor of any county from
 23 which a manufactured home is being moved, the date the permit
 24 was issued, the location being moved from, the location being
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1 moved to if within the same county, the name of the owner of
2 the manufactured home and the identification and registration
3 numbers of the manufactured home;

4 (2) to the county assessor of any county in
5 this state to which a manufactured home is being moved, the
6 date the permit was issued, the location being moved from, the
7 location being moved to, the name of the owner of the
8 manufactured home and the registration and identification
9 numbers of the manufactured home; and

10 (3) to the owner of a manufactured home having
11 a destination in this state, notification that the information
12 required in Paragraphs (1) and (2) of this subsection is being
13 given to the respective county assessors and that manufactured
14 homes are subject to property taxation.

15 G. Except as provided in Subsection H of this
16 section, if the movement of a manufactured home originates in
17 this state, no permit shall be issued under Subsection F of
18 this section until the owner of the manufactured home or his
19 authorized agent obtains and presents to the department of
20 public safety proof that a certificate has been issued by the
21 county assessor or treasurer of the county in which the
22 manufactured home movement originates showing that either:

23 (1) all property taxes due or to become due on
24 the manufactured home for the current tax year or any past tax
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1 years have been paid, except for manufactured homes located on
2 an Indian reservation; or

3 (2) no liability for property taxes on the
4 manufactured home exists for the current tax year or any past
5 tax years, except for manufactured homes located on an Indian
6 reservation.

7 H. The movement of a manufactured home from the lot
8 or business location of a manufactured home dealer to its
9 destination designated by an owner-purchaser is not subject to
10 the requirements of Subsection G of this section if the
11 manufactured home movement originates from the lot or business
12 location of the dealer and the manufactured home was part of
13 his inventory prior to the sale to the owner-purchaser;
14 however, the movement of a manufactured home by a dealer or his
15 authorized agent as a result of a sale or trade-in from a
16 nondealer-owner is subject to the requirements of Subsection G
17 of this section whether the destination is the business
18 location of a dealer or some other destination.

19 I. No permit shall be issued under this section for
20 movement of a manufactured home whose width exceeds eighteen
21 feet with no more than a six-inch roof overhang on the left
22 side or twelve inches on the right side in addition to the
23 eighteen-foot width of the manufactured home. Manufactured
24 homes exceeding the limitations of this section shall only be
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1 moved on dollies placed on the front and the rear of the
2 structure.

3 J. The secretary of public safety may by regulation
4 provide for movers of manufactured homes to self-issue permits
5 for certain sizes of manufactured homes over specific routes;
6 however, in no case may the cost of each permit be less than
7 [~~fifteen dollars (\$15.00)~~] thirty dollars (\$30.00).

8 K. The secretary of public safety may provide by
9 regulation for dealers of implements of husbandry to self-issue
10 permits for the movement of certain sizes of implements of
11 husbandry from the lot or business location of the dealer over
12 specific routes with specific escort requirements, if
13 necessary, to a destination designated by an owner-purchaser or
14 for purposes of a working demonstration on the property of a
15 proposed owner-purchaser. The department of public safety
16 shall charge a fee for each self-issued permit not to exceed
17 [~~fifteen dollars (\$15.00)~~] thirty dollars (\$30.00).

18 L. Any private motor carrier requesting an oversize
19 or overweight permit shall provide proof of insurance in at
20 least the following amounts:

- 21 (1) bodily injury liability, providing:
22 (a) fifty thousand dollars (\$50,000) for
23 each person; and
24 (b) one hundred thousand dollars
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1 (\$100,000) for each accident; and

2 (2) property damage liability, providing
 3 twenty-five thousand dollars (\$25,000) for each accident.

4 M Any common motor carrier requesting an oversize
 5 permit shall produce a copy of a form "e" or other acceptable
 6 evidence that the common motor carrier maintains the insurance
 7 minimums prescribed by the ~~[state corporation]~~ public
 8 regulation commission.

9 N. The department of public safety may promulgate
 10 regulations issued pursuant to subsections of this section that
 11 specify the time periods during which a vehicle or load of a
 12 size or weight exceeding the maximum specified in Sections 66-
 13 7-401 through 66-7-416 NMSA 1978 may be operated or moved by an
 14 applicant on a highway under the jurisdiction of the state
 15 highway commission or local authorities.

16 O. One-half of the fees collected from special
 17 permits issued pursuant to Subsections D, E, J and K of this
 18 section shall be used by the motor transportation division of
 19 the department of public safety for the operation and
 20 maintenance of the New Mexico commercial vehicle information
 21 systems and network.

22 P. Unused portions of fees collected by the motor
 23 transportation division of the department of public safety
 24 pursuant to Subsection O of this section shall be deposited in
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1 the state road fund. "

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