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HOUSE BILL 216

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO MOTOR VEHICLES; MANDATING THE MOTOR TRANSPORTATION  
DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY TO IMPOSE AN  
ADMINISTRATIVE FEE FOR PERMITS ISSUED PURSUANT TO THE TRIP  
TAX, PERMITS FOR TRANSPORTING VEHICLES AND PERMITS FOR  
VEHICLES OF EXCESSIVE SIZE AND WEIGHT; AMENDING SECTIONS OF  
THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 7-15-3.1 NMSA 1978 (being Laws 1943,  
Chapter 125, Section 12, as amended) is amended to read:

"7-15-3.1. TRIP TAX--COMPUTATION. --

A. For the purpose of providing funds for the  
construction, maintenance, repair and reconstruction of this  
state's public highways, a use fee, to be known as the "trip  
tax", is imposed in lieu of registration fees and the weight

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1 distance tax on the registrant, owner or operator of any  
2 foreign-based commercial motor carrier vehicle that is:

3 (1) not registered in this state under  
4 interstate registration;

5 (2) not registered in this state under  
6 proportional registration;

7 (3) not subject to a valid reciprocity  
8 agreement;

9 (4) not registered as a foreign commercial  
10 motor carrier vehicle under short-term registration;

11 (5) not registered under an allocation of  
12 one-way rental fleet vehicles; and

13 (6) not exempted from registration and the  
14 payment of any registration fees and not exempted from the  
15 payment of the trip tax under Section 65-5-3 NMSA 1978.

16 B. Except as provided otherwise in Subsections C  
17 and D of this section, the trip tax shall be computed as  
18 follows:

19 (1) when the gross vehicle weight or  
20 combination gross vehicle weight exceeds twelve thousand  
21 pounds but does not exceed twenty-six thousand pounds, five  
22 cents (\$.05) a mile for mileage to be traveled on the public  
23 highways within New Mexico, measured from the point of  
24 entering the state to the point of destination or place of  
25 leaving the state;

. 139585. 1

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1 (2) when the gross vehicle weight or  
2 combination gross vehicle weight exceeds twenty-six thousand  
3 pounds and does not exceed fifty-four thousand pounds, nine  
4 cents (\$.09) a mile for mileage to be traveled on the public  
5 highways within New Mexico, measured from the point of  
6 entering the state to the point of destination or place of  
7 leaving the state;

8 (3) when the gross vehicle weight or  
9 combination gross vehicle weight exceeds fifty-four thousand  
10 pounds and does not exceed seventy-two thousand pounds, eleven  
11 cents (\$.11) a mile for mileage to be traveled on the public  
12 highways within New Mexico, measured from the point of  
13 entering the state to the point of destination or place of  
14 leaving the state; and

15 (4) when the gross vehicle weight or  
16 combination gross vehicle weight exceeds seventy-two thousand  
17 pounds, twelve cents (\$.12) a mile for mileage to be traveled  
18 on the public highways within New Mexico, measured from the  
19 point of entering the state to the point of destination or  
20 place of leaving the state.

21 C. The department, by regulation, shall establish  
22 a procedure for the issuance of prepaid trip permits for:

23 (1) trips by a single vehicle or a fleet of  
24 vehicles for the purpose of:

25 (a) custom harvesting operations; or

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1 (b) the transportation of goods or  
2 passengers between the state and Mexico; or

3 (2) any vehicle that is unable to declare at  
4 the time of entering the state the point of destination or  
5 place of leaving the state.

6 D. Prepaid trip permits established pursuant to  
7 Subsection C of this section shall be sold in increments of no  
8 less than fifty dollars (\$50.00). Any portion not used prior  
9 to one year from the date of issuance shall not be refundable.  
10 Prepaid trip permits shall not be transferable between a  
11 registrant, owner or operator and another registrant, owner or  
12 operator. Charges against the prepaid trip permit shall be  
13 based on the computations specified in Subsection B of this  
14 section.

15 E. An administrative fee of one dollar (\$1.00) is  
16 imposed for each permit issued by the motor transportation  
17 division of the department pursuant to Subsections B, C and D  
18 of this section. The division shall collect the fee.

19 F. One-half of the administrative fee collected  
20 pursuant to this section is appropriated to the motor  
21 transportation division of the department for the  
22 implementation, operation and maintenance of the New Mexico  
23 commercial vehicle information systems and network. The  
24 balance of the fee shall be deposited in the state road fund."

25 Section 2. Section 66-3-302 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 78, as amended) is amended to read:

2 "66-3-302. [~~CARAVAN TAX~~] SPECIAL PERMITS FOR  
3 TRANSPORTING VEHICLES. - -

4 A. [~~No~~] A person [~~or any employee, agent or~~  
5 ~~representative of the person~~] shall not use [~~the highways of~~  
6 ~~New Mexico~~] a highway of this state for the transportation of  
7 [~~any~~] a vehicle [~~regardless of whether the vehicle is~~  
8 ~~registered in another state or whether the vehicle is~~  
9 ~~transported on its own wheels or on another vehicle or by~~  
10 ~~being drawn or towed behind another~~] if the vehicle is  
11 transported by [~~any~~] a person [~~or the agents or employees of~~  
12 ~~that person~~] engaged in the business of transporting vehicles  
13 or if the [~~vehicles are~~] vehicle is being transported for the  
14 purpose of delivery to [~~any~~] a purchaser of the [~~vehicles~~]  
15 vehicle on a sale or contract of sale previously made, unless  
16 the vehicle carries:

17 (1) a valid New Mexico registration plate;

18 (2) a valid dealer's plate issued by the  
19 department;

20 (3) a special permit for the use of the  
21 highways of this state for the transportation of the vehicle  
22 in the manner in which the vehicle is being transported, which  
23 has first been obtained and the fee paid as specified in this  
24 section; or

25 (4) a valid temporary transportation permit

. 139585. 1

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1 issued under Subsection B of Section 66-3-6 NMSA 1978.

2 B. Special permits for the use of ~~[the highways]~~ a  
3 highway of this state for the transportation of ~~[such]~~  
4 vehicles described in Subsection A of this section shall be  
5 issued by the motor transportation division of the department  
6 of public safety upon application on the form prescribed by  
7 the ~~[department]~~ motor transportation division and upon  
8 payment of a fee of seven dollars fifty cents (\$7.50) for each  
9 vehicle transported by use of its own power and a fee of five  
10 dollars (\$5.00) for each vehicle carried in or on another  
11 vehicle or towed or drawn by another vehicle and not  
12 transported in whole or in part by the use of its own power.  
13 ~~[Every]~~ The permit shall show upon its face the registration  
14 number assigned to each vehicle, the name and address of the  
15 owner, the manner of transportation authorized and a  
16 description of the vehicle registered, including the engine  
17 number. The permit shall be carried at all times by the  
18 person in charge of the vehicle. A suitable tag or placard  
19 for each vehicle may be issued by the ~~[department]~~ motor  
20 transportation division and ~~[if issued]~~ shall be at all times  
21 displayed on each vehicle being transported. No ~~[such]~~  
22 permit, tag or placard shall be used upon or in connection  
23 with the transportation of ~~[any]~~ a vehicle other than the one  
24 for which the permit, tag or placard is issued.

25 C. ~~[This tax shall not apply to]~~ A special permit

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1 shall not be required for the transportation of [~~vehicles~~] a  
2 vehicle carried on another vehicle for the operation of which  
3 a weight distance tax is paid, [~~nor shall~~] and the vehicle  
4 transported [~~be~~] is not required to carry a registration plate  
5 or a temporary transportation [~~permits~~] permit. The motor  
6 transportation division [~~of the department~~] and the New Mexico  
7 state police are authorized to impound any vehicle transported  
8 in violation of the Motor Transportation Act until a proper  
9 permit has been secured and any fine levied has been paid.

10 D. An administrative fee of one dollar (\$1.00) is  
11 imposed for each permit issued by the motor transportation  
12 division pursuant to Subsection B of this section. The  
13 division shall collect the fee.

14 E. One-half of the administrative fee collected  
15 pursuant to this section is appropriated to the motor  
16 transportation division for the implementation, operation and  
17 maintenance of the New Mexico commercial vehicle information  
18 systems and network. The balance of the fee shall be  
19 deposited in the state road fund. "

20 Section 3. Section 66-7-413 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 484, as amended) is amended to read:

22 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--  
23 SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED  
24 HOMES. --

25 A. The motor transportation division of the

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

23 B. The [~~department~~] motor transportation division  
24 shall charge and collect, when the movement consists of [~~any~~]  
25 a load of a width of twenty feet or greater for a distance of

. 139585. 1



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1 five miles or more, the sum of three hundred dollars (\$300) a  
2 day or a fraction thereof to defray the cost of state or local  
3 police escort. The permit issued and the fee charged shall be  
4 based upon the entire movement at one time requiring police  
5 escort and not upon the number of vehicles involved.

6 C. The ~~[department]~~ motor transportation division  
7 shall promulgate regulations in accordance with the State  
8 Rules Act pertaining to safety practices, liability insurance  
9 and equipment for escort vehicles provided by the motor  
10 carrier himself and for escort vehicles provided by a private  
11 business in this state.

12 (1) If a motor carrier provides his own  
13 escort vehicles and personnel, the ~~[department]~~ motor  
14 transportation division shall not charge an escort fee but  
15 shall provide the motor carrier escort personnel with a copy  
16 of applicable regulations and shall inspect the escort  
17 vehicles for the safety equipment required by the regulations.  
18 If the escort vehicles and personnel meet the requirements set  
19 forth in the regulations and if the motor carrier holds a  
20 valid certificate of public convenience and necessity or  
21 permit, as applicable, issued pursuant to Chapter 65, Article  
22 2 NMSA 1978, the ~~[department]~~ motor transportation division  
23 shall issue the special permit.

24 (2) If the escort service is a private  
25 business, the business shall have applied to the ~~[state]~~

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1 ~~corporation~~ public regulation commission for and been issued  
2 a permit or certificate to operate as a contract or common  
3 motor carrier pursuant to Chapter 65, Article 2 NMSA 1978.  
4 The [~~state corporation~~] public regulation commission shall  
5 supply copies of applicable regulations to the business by  
6 mail and shall supply additional copies upon request. If the  
7 escort vehicles and personnel meet the requirements set forth  
8 in the regulations and if the escort service holds a  
9 certificate, the special permit shall be issued and the  
10 [~~department~~] motor transportation division shall not charge an  
11 escort fee.

12 (3) The movement of vehicles upon the  
13 highways of this state requiring a special permit and required  
14 to use an escort of the type noted in Paragraphs (1) and (2)  
15 of this subsection is subject to [~~department~~] motor  
16 transportation division authority and inspection at all times.

17 (4) The state highway and transportation  
18 department shall conduct engineering investigations and  
19 engineering inspections to determine which four-lane highways  
20 are safe for the operation or movement of manufactured homes  
21 without an escort. After making that determination, the state  
22 highway and transportation department shall hold public  
23 hearings in the area of the state affected by the  
24 determination, after which it may adopt regulations  
25 designating those four-lane highways as being safe for the

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1 operation or movement of manufactured homes without an escort.  
2 If any portion of such a four-lane highway lies within the  
3 boundaries of a municipality, the state highway and  
4 transportation department, after obtaining the approval of the  
5 municipal governing body, shall include such portions in its  
6 regulations.

7 D. Except for the movement of manufactured homes,  
8 a special [~~permits~~] permit may be issued for a single vehicle  
9 or combination of vehicles by the [~~department~~] motor  
10 transportation division for a period not to exceed one year  
11 for a fee of sixty dollars (\$60.00). The [~~permits~~] permit may  
12 allow excessive height, length and width for a vehicle or  
13 combination of vehicles or load thereon and may include a  
14 provision for excessive weight if the operation is to be  
15 within the vicinity of a municipality.

16 E. A special [~~permits~~] permit for a single trip  
17 for a vehicle or combination of vehicles or load thereon of  
18 excessive weight, width, length and height may be issued by  
19 the motor transportation division for a single vehicle for a  
20 fee of fifteen dollars (\$15.00).

21 F. If the vehicle for which a permit is issued  
22 under this section is a manufactured home, the [~~department~~]  
23 motor transportation division or the local [~~highway~~] authority  
24 issuing the permit shall furnish the following information to  
25 the property tax division of the department, which shall then

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1 forward the information:

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

8 (2) to the county assessor of any county in  
9 this state to which a manufactured home is being moved, the  
10 date the permit was issued, the location being moved from, the  
11 location being moved to, the name of the owner of the  
12 manufactured home and the [~~registration and~~] identification  
13 and registration numbers of the manufactured home; and

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

19 G. Except as provided in Subsection H of this  
20 section, if the movement of a manufactured home originates in  
21 this state, no permit shall be issued under Subsection F of  
22 this section until the owner of the manufactured home or his  
23 authorized agent obtains and presents to the [~~department~~]  
24 motor transportation division proof that a certificate has  
25 been issued by the county assessor or treasurer of the county

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1 in which the manufactured home movement originates showing  
2 that either:

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

7 (2) no liability for property taxes on the  
8 manufactured home exists for the current tax year or any past  
9 tax years, except for manufactured homes located on an Indian  
10 reservation.

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

23 I. No permit shall be issued under this section  
24 for movement of a manufactured home whose width exceeds  
25 eighteen feet with no more than a six-inch roof overhang on

. 139585. 1

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1 the left side or twelve inches on the right side in addition  
2 to the eighteen-foot width of the manufactured home.

3 Manufactured homes exceeding the limitations of this section  
4 shall only be moved on dollies placed on the front and the  
5 rear of the structure.

6 J. The [~~secretary~~] motor transportation division  
7 may by regulation provide for movers of manufactured homes to  
8 self-issue permits for certain sizes of manufactured homes  
9 over specific routes; however, in no case may the cost of each  
10 permit be less than fifteen dollars (\$15.00).

11 K. The [~~secretary~~] motor transportation division  
12 may provide by regulation for dealers of implements of  
13 husbandry to self-issue permits for the movement of certain  
14 sizes of implements of husbandry from the lot or business  
15 location of the dealer over specific routes with specific  
16 escort requirements, if necessary, to a destination designated  
17 by an owner-purchaser or for purposes of a working  
18 demonstration on the property of a proposed owner-purchaser.  
19 The [~~department~~] motor transportation division shall charge a  
20 fee for each self-issued permit not to exceed fifteen dollars  
21 (\$15.00).

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

- 25 (1) bodily injury liability, providing:

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1 (a) fifty thousand dollars (\$50,000)

2 for each person; and

3 (b) one hundred thousand dollars

4 (\$100,000) for each accident; and

5 (2) property damage liability, providing

6 twenty-five thousand dollars (\$25,000) for each accident.

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

12 N. An administrative fee of one dollar (\$1.00) is  
13 imposed for each permit issued by the motor transportation  
14 division pursuant to Subsections B, C, D, E, J and K of this  
15 section. The division shall collect the fee.

16 O. One-half of the administrative fee collected  
17 pursuant to this section is appropriated to the motor  
18 transportation division for the implementation, operation and  
19 maintenance of the New Mexico commercial vehicle information  
20 systems and network. The balance of the fee shall be  
21 deposited in the state road fund. "

22 Section 4. EFFECTIVE DATE. -- The effective date of the  
23 provisions of this act is July 1, 2002.

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