

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO TRANSPORTATION; PROVIDING FOR THE PROCESS FOR THE  
COLLECTION OF DAMAGES BY THE DEPARTMENT OF TRANSPORTATION FOR  
DESTRUCTION OF PROPERTY.

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

SECTION 1. Section 67-7-10 NMSA 1978 (being Laws 1921,  
Chapter 94, Section 10) is amended to read:

"67-7-10. UNLAWFUL USE OF HIGHWAYS--PENALTIES.--

A. The public highways in the state are dedicated  
to reasonable use by the public.

B. It is unlawful for any person to injure or  
damage any public highway, street, road or any bridge,  
culvert, sign, signpost, other traffic control or safety  
device or structure upon or used or constructed in connection  
with any public highway, street or road for the protection  
thereof or for protection or regulation of traffic thereon by  
any unusual, improper or unreasonable use thereof or by the  
careless driving or use of any vehicle thereon or by willful  
mutilation, defacing or destruction thereof.

C. It is considered unreasonable use of any  
highway, street, road, bridge or structure to operate or  
conduct upon or over the same any vehicle, tractor, engine  
or load of greater weight than that specified by the state,  
county or municipal authorities having control of the

1 highway, street, road, bridge or structure in a notice posted  
2 at or near each end of the highway, street, road, bridge or  
3 structure.

4 D. It is considered unreasonable use of any  
5 improved highway, street, road, bridge or structure to  
6 operate, drive or haul thereon any truck, tractor or engine  
7 in such manner or at times when the surface thereof is in a  
8 soft or plastic condition from moisture so as to cause  
9 excessive ruts or excessive deterioration or displacement of  
10 the surfacing thereof.

11 E. It is unlawful to operate, haul or conduct over  
12 any public highway, street, road, bridge or structure any  
13 vehicle, tractor, engine, truck, load, building or other  
14 object, more than eight feet in width, except loads of hay,  
15 straw or other farm products, without a permit from the  
16 state, county or municipal authority in control of such  
17 highway, street, road, bridge or structure, which permit  
18 shall specify the manner of operation thereof so as to  
19 prevent as far as possible inconvenience and danger to the  
20 traveling public and damage to the surface.

21 F. It is unlawful to maintain any fence across any  
22 public highway, street, road, bridge or structure unless the  
23 owner or person in control of such fence constructs and  
24 maintains in good condition a gate and a cattle guard  
25 passageway for motor vehicles in accordance with the

1 specifications of the authorities having control of such  
2 highway, street, road, bridge or structure. No fence shall  
3 be maintained across any public highway, street, road, bridge  
4 or structure without a written permit from the authorities  
5 having control of such highway, street, road, bridge or  
6 structure.

7 G. Any person violating any provision of this  
8 section is guilty of a misdemeanor and upon conviction shall  
9 be punished by a fine of not less than twenty-five dollars  
10 (\$25.00) nor more than five hundred dollars (\$500) or by  
11 imprisonment in the county jail not less than five days nor  
12 more than thirty days or by both such fine and imprisonment.

13 H. The owner and the operator of a vehicle, truck,  
14 tractor or engine that causes damage to any public highway,  
15 street, road, bridge, culvert, sign, signpost, other traffic  
16 control or safety device or structure in violation of any  
17 provision of this section and Section 67-7-11 NMSA 1978 shall  
18 be jointly and severally liable to the state, county or  
19 municipality as the case may be for the actual damage caused  
20 by the operation, conducting or hauling thereof over any  
21 public highway, street, road, bridge, culvert, sign,  
22 signpost, other traffic control or safety device or structure  
23 in violation of any provision of this section and Section  
24 67-7-11 NMSA 1978, to be collected by suit or settlement  
25 brought in the name of the state, county or municipality

1 having control of such highway or street, road, bridge,  
2 culvert, sign, signpost, other traffic control or safety  
3 device or structure; and such vehicle, truck, tractor or  
4 engine may be attached and held to satisfy any judgment for  
5 damages.

6 I. Damages and associated claims pursuant to this  
7 section may be:

8 (1) settled at the discretion of the  
9 department on behalf of the state, or by the county or  
10 municipality, whichever has control of the subject highway or  
11 street, road, bridge, culvert, sign, signpost, other traffic  
12 control or safety device or structure, with regard to  
13 identified damages, whether or not the damages have been  
14 reduced to judgment; and may include a contract for  
15 collection of such damages due to the state, county or  
16 municipality; or

17 (2) collected by suit brought by the  
18 department in the name of the state, or by the county or  
19 municipality, whichever has control of the subject highway  
20 or street, road, bridge, culvert, sign, signpost, other  
21 traffic control or safety device or structure; and such  
22 vehicle, truck, tractor or engine that caused the damage may  
23 be attached and held to satisfy any judgment for such  
24 damages.

25 J. The proceeds of any such settlement or

1 judgment shall be paid to the treasurer of the state or of  
2 such county or municipality and placed to the credit of a  
3 fund for the construction and improvement of highways,  
4 streets, roads, bridges, traffic control or safety devices  
5 or structures." \_\_\_\_\_

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25