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HOUSE BILL 100

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

INTRODUCED BY

Donald L. Whitaker

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

**RELATING TO MOTOR TRANSPORTATION; EXEMPTING CERTAIN COMMERCIAL
VEHICLES FROM THE MOTOR CARRIER SAFETY ACT AND FROM
REGULATIONS PROMULGATED UNDER THAT ACT; AMENDING A SECTION OF
THE NMSA 1978.**

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

**Section 1. Section 65-3-3 NMSA 1978 (being Laws 1989,
Chapter 201, Section 4, as amended) is amended to read:**

"65-3-3. APPLICABILITY. --

**A. Notwithstanding any provision of the Motor
Vehicle Code to the contrary, the provisions of the Motor
Carrier Safety Act and the regulations promulgated under that
act shall apply to the following motor vehicles operating on
the public highways of New Mexico:**

- (1) interstate commercial motor carrier**

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1 vehicles with a declared gross vehicle weight of over ten
2 thousand pounds;

3 (2) intrastate commercial motor carrier
4 vehicles with a declared gross vehicle weight of over twenty-
5 six thousand pounds, except for a vehicle that is:

6 (a) a machine generally consisting of a
7 mast, engine, draw works and chassis permanently constructed
8 or assembled to be used in oil or water well servicing or
9 drilling;

10 (b) a mobile crane that is an unladen,
11 self-propelled vehicle constructed as a machine used to raise,
12 shift or lower weight; or

13 (c) a vehicle transporting a seed
14 cotton module;

15 (3) buses designed to transport sixteen or
16 more passengers, including the driver; or

17 (4) motor vehicles transporting hazardous
18 materials of a type or quantity requiring placarding under
19 applicable state or federal law.

20 B. Whenever a motor vehicle of one type is used to
21 perform the functions normally performed by a motor vehicle of
22 another type, the requirements of the Motor Carrier Safety Act
23 shall apply to that motor vehicle and to its operation as if
24 that motor vehicle were actually a motor vehicle of the latter
25 type.

. 139520. 3

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C. Whenever a duty is prescribed for a driver or a prohibition is imposed upon the driver pursuant to the provisions of the Motor Carrier Safety Act, it shall be the duty of the motor carrier to require observance of such prescription or prohibition. If the motor carrier is also the driver, the motor carrier shall likewise be bound. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is October 1, 2002.