

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

HOUSE BILL 347

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO MOTOR VEHICLES; UPDATING THE DEFINITION OF  
"COMMERCIAL MOTOR CARRIER VEHICLE" AND "COMMERCIAL MOTOR  
VEHICLE" IN CERTAIN SECTIONS OF THE MOTOR TRANSPORTATION ACT  
AND THE MOTOR VEHICLE CODE IN ORDER TO COMPLY WITH FEDERAL  
REGULATIONS; AMENDING CERTAIN SECTIONS OF THE NMSA 1978.

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

Section 1. Section 65-1-2 NMSA 1978 (being Laws 1978,  
Chapter 19, Section 1, as amended) is amended to read:

"65-1-2. DEFINITIONS. -- As used in the Motor  
Transportation Act:

A. "combination" means any connected assemblage of  
a motor vehicle and one or more semitrailers, trailers or  
semitrailers converted to trailers by means of a converter  
gear;

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           B. "combination gross vehicle weight" means the sum  
2 total of the gross vehicle weights of all units of a  
3 combination;

4           C. "commercial motor carrier vehicle" means [~~any~~  
5 ~~motor vehicle with a gross vehicle weight of twelve thousand~~  
6 ~~pounds or more used or reserved for use in the transportation~~  
7 ~~of persons or property for hire, compensation or profit or in~~  
8 ~~the furtherance of a commercial enterprise or any vehicle~~  
9 ~~designed, used or maintained primarily for the transportation~~  
10 ~~of property or for drawing other vehicles so designed, used or~~  
11 ~~maintained]~~ a self-propelled or towed vehicle, other than  
12 special mobile equipment, used on public highways in commerce  
13 to transport passengers or property when the vehicle:

14                   (1) is operated interstate and has a gross  
15 vehicle weight rating or gross combination weight rating, or  
16 gross vehicle weight or gross combination weight, of four  
17 thousand five hundred thirty-six kilograms, or ten thousand one  
18 pounds or more; or is operated only in intrastate commerce and  
19 has a gross vehicle weight rating or gross combination weight  
20 rating, or gross vehicle weight or gross combination weight, of  
21 twenty-six thousand one or more pounds;

22                   (2) is designed or used to transport more than  
23 eight passengers, including the driver, and is used to  
24 transport passengers for compensation;

25                   (3) is designed or used to transport more than

underscored material = new  
[bracketed material] = delete

1 fifteen passengers, including the driver, and is not used to  
2 transport passengers for compensation; or

3 (4) is used to transport hazardous materials  
4 of the type or quantity requiring placarding under rules  
5 prescribed by applicable federal or state law;

6 D. "converter gear" means any assemblage of one or  
7 more axles with a fifth wheel mounted thereon designed for use  
8 in a combination to support the front end of a semitrailer, but  
9 not permanently attached thereto. A "converter gear" shall not  
10 be considered a vehicle as that term is used in Chapter 66 NMSA  
11 1978, but weight attributable thereto shall be included in  
12 declared gross weight;

13 E. "declared gross weight" means maximum gross  
14 vehicle weight or combination gross vehicle weight at which a  
15 vehicle or combination will be operated during the registration  
16 period as declared by the registrant for registration and fee  
17 purposes. The vehicle or combination shall have only one  
18 "declared gross weight" for all operating considerations;

19 F. "department", without modification, means the  
20 department of public safety, the secretary of public safety or  
21 any employee of the department exercising authority lawfully  
22 delegated to that employee by the secretary;

23 G. "director" means the secretary;

24 H. "division" means the motor transportation  
25 division of the department;

. 142740. 1

underscored material = new  
[bracketed material] = delete

1 I. "evidence of registration" means ~~any~~  
2 documentation issued by the taxation and revenue department  
3 identifying a motor carrier vehicle as being registered with  
4 New Mexico or documentation issued by another state pursuant to  
5 the terms of a multistate agreement on registration of vehicles  
6 to which this state is a party identifying a motor carrier  
7 vehicle as being registered with that state; provided that  
8 evidence of payment of the weight distance tax and permits  
9 obtained under either the Special Fuels Supplier Tax Act or  
10 Trip Tax Act are not "evidence of registration";

11 J. "field enforcement" or "in the field" means  
12 patrolling of the highway, stopping of commercial motor carrier  
13 vehicles or establishing ports of entry and roadblocks for the  
14 purpose of checking motor carriers and includes similar  
15 activities;

16 K. "freight trailer" means any trailer, semitrailer  
17 or pole trailer drawn by a truck tractor or road tractor and  
18 any trailer, semitrailer or pole trailer drawn by a truck that  
19 has a gross vehicle weight of more than twenty-six thousand  
20 pounds, but the term does not include house trailers, trailers  
21 of less than one-ton carrying capacity used to transport  
22 animals or fertilizer trailers of less than three thousand five  
23 hundred pounds empty weight;

24 L. "gross vehicle weight" means the weight of a  
25 vehicle without load plus the weight of any load thereon;

. 142740. 1

underscored material = new  
[bracketed material] = delete

1 M "motor carrier" means any person [~~or firm~~] that  
2 owns, controls, operates or manages any motor vehicle with  
3 gross vehicle weight of twelve thousand pounds or more that is  
4 used to transport persons or property on the public highways of  
5 this state;

6 N. "motor vehicle" means any vehicle or device that  
7 is propelled by an internal combustion engine or electric motor  
8 power that is used or may be used on the public highways for  
9 the purpose of transporting persons or property and includes  
10 any connected trailer or semitrailer;

11 O. "one-way rental fleet" means two or more  
12 vehicles each having a gross vehicle weight of under twenty-six  
13 thousand one pounds and rented to the public without a driver;

14 P. "person" means any individual, estate, trust,  
15 receiver, cooperative association, club, corporation, company,  
16 firm, partnership, joint venture, syndicate or other  
17 association; "person" also means, to the extent permitted by  
18 law, any federal, state or other governmental unit or  
19 subdivision or an agency, department or instrumentality  
20 thereof; "person" also includes an officer or employee of a  
21 corporation, a member or employee of a partnership or any  
22 individual who, as such, is under a duty to perform any act in  
23 respect of which a violation occurs;

24 Q. "properly registered" means bearing the lawfully  
25 issued and currently valid evidence of registration of this or

underscored material = new  
[bracketed material] = delete

1 another jurisdiction, regardless of the owner's residence,  
2 except in those cases where the evidence has been procured by  
3 misrepresentation or fraud;

4 R. "public highway" means every way or place  
5 generally open to the use of the public as a matter of right  
6 for the purpose of vehicular travel, even though it may be  
7 temporarily closed or restricted for the purpose of  
8 construction, maintenance, repair or reconstruction;

9 S. "secretary" means the secretary of public safety  
10 and, except for the purposes of 65-1-33 NMSA 1978, also  
11 includes the deputy secretary and any division director  
12 delegated by the secretary;

13 T. "state" or "jurisdiction" means a state,  
14 territory or possession of the United States, the District of  
15 Columbia, the commonwealth of Puerto Rico, a foreign country or  
16 a state or province of a foreign country; and

17 U. "utility trailer" means any trailer, semitrailer  
18 or pole trailer and includes house trailers that exceed neither  
19 eight feet in width nor forty feet in length, but does not  
20 include freight trailers, trailers of less than one-ton  
21 carrying capacity used to transport animals or fertilizer  
22 trailers of less than three thousand five hundred pounds empty  
23 weight. "

24 Section 2. Section 65-3-3 NMSA 1978 (being Laws 1989,  
25 Chapter 201, Section 4, as amended) is amended to read:

. 142740. 1

1 "65-3-3. APPLICABILITY. --

2 A. Notwithstanding any provision of the Motor  
3 Vehicle Code to the contrary, the provisions of the Motor  
4 Carrier Safety Act and the regulations promulgated under that  
5 act shall apply to ~~[the following motor vehicles]~~ a commercial  
6 motor carrier vehicle operating on the public highways of New  
7 Mexico of a type that:

8 ~~[(1) interstate commercial motor carrier~~  
9 ~~vehicles with a declared gross vehicle weight of over ten~~  
10 ~~thousand pounds;~~

11 ~~(2) intrastate commercial motor carrier~~  
12 ~~vehicles with a declared gross vehicle weight of over twenty-~~  
13 ~~six thousand pounds;~~

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

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

19 (1) is operated interstate and has a gross  
20 vehicle weight rating or gross combination weight rating, or  
21 gross vehicle weight or gross combination weight, of four  
22 thousand five hundred thirty-six kilograms, or ten thousand one  
23 pounds or more; or is operated only in intrastate commerce and  
24 has a gross vehicle weight rating or gross combination weight  
25 rating, or gross vehicle weight or gross combination weight, of

. 142740. 1

underscored material = new  
[bracketed material] = delete

1 twenty-six thousand one or more pounds;

2 (2) is designed or used to transport more than  
3 eight passengers, including the driver, and is used to  
4 transport passengers for compensation;

5 (3) is designed or used to transport more than  
6 fifteen passengers, including the driver, and is not used to  
7 transport passengers for compensation; or

8 (4) is used to transport hazardous materials  
9 of the type or quantity requiring placarding under rules  
10 prescribed by applicable federal or state law.

11 B. Whenever a [~~motor vehicle~~] commercial motor  
12 carrier vehicle of one type is used to perform the functions  
13 normally performed by a motor vehicle of another type, the  
14 requirements of the Motor Carrier Safety Act shall apply to  
15 that motor vehicle and to its operation as if that motor  
16 vehicle were actually a motor vehicle of the latter type.

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

23 Section 3. Section 66-1-4.3 NMSA 1978 (being Laws 1990,  
24 Chapter 120, Section 4, as amended) is amended to read:

25 "66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle

. 142740. 1



1 Code:

2 A. "camping body" means a vehicle body primarily  
3 designed or converted for use as temporary living quarters for  
4 recreational, camping or travel activities;

5 B. "camping trailer" means a camping body, mounted  
6 on a chassis, or frame with wheels, designed to be drawn by  
7 another vehicle and that has collapsible partial side walls  
8 that fold for towing and unfold at the campsite;

9 C. "cancellation" means that a driver's license is  
10 annulled and terminated because of some error or defect or  
11 because the licensee is no longer entitled to the license, but  
12 cancellation of a license is without prejudice, and application  
13 for a new license may be made at any time after cancellation;

14 D. "casual sale" means the sale of a motor vehicle  
15 by the registered owner of the vehicle if the owner has not  
16 sold more than four vehicles in that calendar year;

17 E. "chassis" means the complete motor vehicle,  
18 including standard factory equipment, exclusive of the body and  
19 cab;

20 F. "collector" means a person who is the owner of  
21 one or more vehicles of historic or special interest who  
22 collects, purchases, acquires, trades or disposes of these  
23 vehicles or parts thereof for the person's own use in order to  
24 preserve, restore and maintain a similar vehicle for hobby  
25 purposes;

. 142740. 1

underscored material = new  
[bracketed material] = delete

1           G. "combination" means any connected assemblage of  
2 a motor vehicle and one or more semitrailers, trailers or  
3 semitrailers converted to trailers by means of a converter  
4 gear;

5           H. "combination gross vehicle weight" means the sum  
6 total of the gross vehicle weights of all units of a  
7 combination;

8           I. "commerce" means the transportation of persons,  
9 property or merchandise for hire, compensation, profit or in  
10 the furtherance of a commercial enterprise in this state or  
11 between New Mexico and a place outside New Mexico, including a  
12 place outside the United States;

13           J. "commercial motor vehicle" means [~~a motor~~  
14 ~~vehicle used in commerce:~~

15                   ~~(1) if the vehicle has a declared gross~~  
16 ~~vehicle weight rating of twenty-six thousand one or more~~  
17 ~~pounds;~~

18                   ~~(2) if the vehicle is designed to transport~~  
19 ~~sixteen or more passengers, including the driver; or~~

20                   ~~(3) if the vehicle is transporting hazardous~~  
21 ~~materials and is required to be placarded pursuant to~~  
22 ~~applicable law] a self-propelled or towed vehicle, other than  
23 special mobile equipment, used on public highways in commerce  
24 to transport passengers or property when the vehicle:~~

25                   (1) is operated interstate and has a gross

underscored material = new  
[bracketed material] = delete

1 vehicle weight rating or gross combination weight rating, or  
2 gross vehicle weight or gross combination weight, of four  
3 thousand five hundred thirty-six kilograms, or ten thousand one  
4 pounds or more; or is operated only in intrastate commerce and  
5 has a gross vehicle weight rating or gross combination weight  
6 rating, or gross vehicle weight or gross combination weight, of  
7 twenty-six thousand one or more pounds;

8 (2) is designed or used to transport more than  
9 eight passengers, including the driver, and is used to  
10 transport passengers for compensation;

11 (3) is designed or used to transport more than  
12 fifteen passengers, including the driver, and is not used to  
13 transport passengers for compensation; or

14 (4) is used to transport hazardous materials  
15 of the type or quantity requiring placarding under rules  
16 prescribed by applicable federal or state law;

17 K. "controlled-access highway" means every highway,  
18 street or roadway in respect to which owners or occupants of  
19 abutting lands and other persons have no legal right of access  
20 to or from the highway, street or roadway except at those  
21 points only and in the manner as may be determined by the  
22 public authority having jurisdiction over the highway, street  
23 or roadway;

24 L. "controlled substance" means any substance  
25 defined in Section 30-31-2 NMSA 1978 as a controlled substance;

. 142740. 1

underscored material = new  
[bracketed material] = delete

1 M "converter gear" means any assemblage of one or  
2 more axles with a fifth wheel mounted thereon, designed for use  
3 in a combination to support the front end of a semitrailer but  
4 not permanently attached thereto. A converter gear shall not  
5 be considered a vehicle, as that term is defined in Section 66-  
6 1-4.19 NMSA 1978, but weight attributable thereto shall be  
7 included in declared gross weight;

8 N. "conviction" means the alleged violator has  
9 entered a plea of guilty or nolo contendere or has been found  
10 guilty in the trial court and has waived or exhausted all  
11 rights to an appeal;

12 O. "crosswalk" means:

13 (1) that part of a roadway at an intersection  
14 included within the connections of the lateral lines of the  
15 sidewalks on opposite sides of the highway measured from the  
16 curbs or, in the absence of curbs, from the edges of the  
17 traversable roadway; and

18 (2) any portion of a roadway at an  
19 intersection or elsewhere distinctly indicated for pedestrian  
20 crossing by lines or other markings on the surface; and

21 P. "curb cut" means a short ramp through a curb or  
22 built up to the curb."

23 Section 4. EFFECTIVE DATE. --The effective date of the  
24 provisions of this act is July 1, 2003.