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AN ACT

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RELATING TO MOTOR VEHICLES; PERMITTING THE TAXATION AND  
REVENUE DEPARTMENT TO CONDUCT BACKGROUND CHECKS FOR  
HAZARDOUS MATERIAL ENDORSEMENTS; ELIMINATING REQUIREMENTS  
PERTAINING TO HAZARDOUS MATERIALS TRANSPORTATION PERMITS;  
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-5-65 NMSA 1978 (being Laws 1989, Chapter 14,  
Section 14, as amended) is amended to read:

"66-5-65. CLASSIFICATIONS--ENDORSEMENTS--RESTRICTIONS.--

A. Commercial driver's licenses may be issued with the  
classifications, endorsements and restrictions enumerated in Subsections B, C and  
D of this section. The holder of a valid commercial driver's license may drive all  
vehicles in the class for which that license is issued and all lesser classes of  
vehicles except motorcycles and vehicles that require an endorsement, unless the  
proper endorsement appears on the license.

B. The following classifications shall apply to commercial driver's  
licenses:

(1) class A - any combination of vehicles with a gross  
combination weight rating of more than  
twenty-six thousand pounds, if the gross vehicle weight rating of the vehicle or  
vehicles being towed is in excess of ten thousand pounds;

(2) class B - any single vehicle with a gross vehicle weight  
rating of more than twenty-six thousand pounds and any such vehicle towing a  
vehicle with a gross vehicle weight rating of ten thousand pounds or less; and

(3) class C - any single vehicle or combination of vehicles

1 that does not meet either the definition of Paragraph (1) or (2) of this subsection but  
2 is: S  
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3 (a) designed to transport sixteen or more passengers, 4  
4 including the driver; or 0  
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5 (b) used in the transportation of hazardous materials, a  
6 which requires the vehicle to be placarded under applicable law. e

7 C. The secretary, by regulation, may provide for classifications in 2  
8 addition to those set forth in Subsection B of this section.

9 D. The following endorsements and restrictions shall apply to  
10 commercial driver's licenses:

11 (1) "H" - authorizes driving a vehicle transporting hazardous  
12 material;

13 (2) "L" - restricts the driver to vehicles not equipped with  
14 airbrakes;

15 (3) "T" - authorizes driving a vehicle towing more than one  
16 trailer;

17 (4) "P" - authorizes driving vehicles, other than school buses,  
18 carrying passengers;

19 (5) "N" - authorizes driving tank vehicles;

20 (6) "X" - represents a combination of the hazardous material  
21 ("H") and tank vehicle ("N") endorsements;

22 (7) "S" - authorizes driving a school bus; and

23 (8) "K" - restricts the driver to driving a commercial motor  
24 vehicle in intrastate commerce only.

25 E. The department shall require an applicant requesting a  
hazardous material ("H") endorsement to be subject to a background check  
pursuant to the federal Uniting and Strengthening America by Providing Appropriate

1 Tools Required to Intercept and Obstruct Terrorism Act of 2001."

2 Section 2. REPEAL.--Section 74-4F-3 NMSA 1978 (being Laws 1996,  
3 Chapter 37, Section 3) is repealed.

4 Section 3. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2004.

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