

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

SENATE BILL 333

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING DETENTION OF VEHICLES FOR
FAILURE TO PAY WEIGHT DISTANCE TAX; PROVIDING INCREASED
PENALTIES FOR VIOLATIONS OF WEIGHT LIMITATIONS AND FOR FAILURE
TO STOP AT EVERY PORT OF ENTRY AND TO CARRY A TAX
IDENTIFICATION PERMIT OR A PERMIT FOR EXCESSIVE SIZE OR WEIGHT;
INCREASING THE LENGTH LIMITATION FOR BUSES OPERATING ON
NATIONAL NETWORK HIGHWAYS AND COMBINATION VEHICLES OR SADDLE-
MOUNT VEHICLES THAT ARE SPECIALIZED EQUIPMENT; RESTRICTING
APPLICATION OF MAXIMUM DRIVING AND ON-DUTY TIME VIOLATION
PENALTIES TO A PASSENGER CARRIER TRANSPORTATION; PROVIDING
ADDITIONAL MAXIMUM DRIVING AND ON-DUTY TIME PENALTIES.

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

Section 1. Section 65-1-26 NMSA 1978 (being Laws 1967,
Chapter 97, Section 16, as amended) is amended to read:

.160507.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 "65-1-26. DOCUMENTS--REQUIRED IN EACH COMMERCIAL MOTOR
2 CARRIER VEHICLE--DETENTION OF VEHICLES.--

3 A. [~~Every~~] A commercial motor carrier vehicle
4 operated on [~~any~~] a New Mexico public highway by a motor
5 carrier required to be registered with the department shall
6 have in it at all times:

- 7 (1) proof of payment of the trip tax; or
- 8 (2) both evidence of registration and a tax
9 identification [~~card~~] permit issued by the department.

10 B. The driver of the vehicle [~~must~~] shall be able
11 to display either proof of payment of the trip tax or both the
12 evidence of registration and the tax identification [~~card~~]
13 permit upon request by any law enforcement officer or any
14 employee of the department.

15 C. Upon failure of the driver to display either
16 proof of payment of the trip tax or evidence of registration,
17 it shall be presumed that the vehicle is subject to
18 registration under the laws of New Mexico unless it can be
19 demonstrated that the vehicle is exempt from registration
20 requirements of the Motor Vehicle Code. A vehicle presumed
21 subject to registration may be detained until registration,
22 including payment of all required fees, is completed.

23 D. Upon failure of the driver to display either
24 proof of payment of the trip tax or a tax identification [~~card~~]
25 permit issued by the department, the trip tax shall be presumed

.160507.1

underscored material = new
[bracketed material] = delete

1 due. A vehicle presumed subject to the trip tax may be
2 detained until the trip tax is paid.

3 E. A commercial motor carrier vehicle subject to
4 and not in compliance with the weight distance requirements of
5 the Weight Distance Tax Act may be detained until the tax is
6 paid. A nonfiler or zero-filer status or an inactive weight
7 distance account is proof of failure to pay the weight distance
8 tax."

9 Section 2. Section 65-1-36 NMSA 1978 (being Laws 1978,
10 Chapter 16, Section 1, as amended) is amended to read:

11 "65-1-36. PENALTY FOR VIOLATIONS OF ACT.--

12 A. Violation of Section [~~65-1-12 or~~] 65-5-1, 65-5-2
13 or 66-3-1.1 NMSA 1978 is a misdemeanor punishable by a fine of
14 not less than one hundred dollars (\$100) or more than five
15 hundred dollars (\$500) or imprisonment not exceeding ninety
16 days or by both the fine and imprisonment.

17 B. Violation of any section of the Motor
18 Transportation Act other than a violation of Section [~~65-1-12~~]
19 65-1-26, 65-1-36.1 [~~or~~], 66-5-1, 65-5-2 or 66-3-1.1 NMSA 1978
20 or of the Motor Carrier Safety Act is a misdemeanor punishable
21 by a fine of not more than one hundred dollars (\$100) or by
22 imprisonment not exceeding thirty days or by both the fine and
23 imprisonment or is subject to the penalty assessment and fee
24 provisions pursuant to Sections 66-8-116 through 66-8-116.3
25 NMSA 1978.

.160507.1

underscoring material = new
[bracketed material] = delete

1 C. The payment of a fine under the provisions of
2 any act under the jurisdiction of the department pursuant to
3 the Motor Transportation Act shall not relieve the offender
4 from the payment of any fees or taxes or from any other of the
5 provisions of the Motor Transportation Act.

6 D. The department may [~~also~~], for the proper
7 enforcement of the duties imposed upon the department pursuant
8 to the Motor Transportation Act, detain any motor vehicle whose
9 operator or owner is in violation of any law the department is
10 empowered under the Motor Transportation Act to administer or
11 enforce."

12 Section 3. Section 65-5-2 NMSA 1978 (being Laws 1943,
13 Chapter 125, Section 9, as amended) is amended to read:

14 "65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--
15 Except as otherwise provided in this section, [~~no~~] a commercial
16 motor carrier vehicle having a gross vehicle weight or
17 combination gross vehicle weight of over twenty-six thousand
18 pounds shall not travel on New Mexico highways without either
19 proof that the trip tax has been paid for the movement of the
20 vehicle or both evidence of registration and a tax
21 identification [~~card~~] permit issued by the department, unless
22 that vehicle is exempt from the weight distance tax. The
23 department may, by regulation, exempt portions of a highway
24 from the requirements of this section if those portions are
25 prior to reaching a port of entry where the trip tax may be

.160507.1

underscored material = new
[bracketed material] = delete

1 paid."

2 Section 4. Section 66-3-1.1 NMSA 1978 (being Laws 1978,
3 Chapter 18, Section 1, as amended) is amended to read:

4 "66-3-1.1. MOTOR CARRIERS REQUIRED TO REGISTER WITH THE
5 DEPARTMENT.--

6 A. All motor carriers desiring and eligible for
7 annual registration provisions relating to proportional
8 registration or full reciprocity shall register their vehicles
9 with the department. The department shall register all motor
10 carriers who satisfy all New Mexico requirements relating to
11 motor carriers, but [~~after September 30, 1984~~] may refuse to
12 register any vehicle subject to the federal heavy vehicle use
13 tax imposed by Section 4481 of the United States Internal
14 Revenue Code of 1986 without proof of payment of such tax in
15 the form prescribed by the secretary of the treasury of the
16 United States. Registration of motor carrier vehicles with the
17 department shall remain in force during the calendar
18 registration year as specified in Section 65-1-13 or 66-3-2.1
19 NMSA 1978 unless suspended or canceled by the department for
20 noncompliance with any New Mexico motor vehicle or motor
21 carrier requirements.

22 B. In addition to the provisions of Subsection A of
23 this section, motor carriers operating vehicles subject to the
24 weight distance tax pursuant to the Weight Distance Tax Act or
25 vehicles subject to special fuel user permit requirements

.160507.1

underscored material = new
[bracketed material] = delete

1 pursuant to the Special Fuels Supplier Tax Act shall apply for
2 a tax identification [~~card~~] permit."

3 Section 5. Section 66-3-3.1 NMSA 1978 (being Laws 1992,
4 Chapter 106, Section 7, as amended) is amended to read:

5 "66-3-3.1. TAX IDENTIFICATION [~~CARD~~] PERMIT.--The
6 department shall implement a system for identifying motor
7 carriers subject to the weight distance tax and special fuel
8 user permit requirements, including an identifying number for
9 each motor carrier covered by the system. Annually, the
10 department shall issue one or more original tax identification
11 [~~cards~~] permits sufficient for the number of vehicles specified
12 by each motor carrier who applies for a tax identification
13 [~~card~~] permit; provided that the motor carrier continues to be
14 subject to and in compliance with the weight distance tax and
15 special fuel user permit requirements. The tax identification
16 [~~card~~] permit shall contain the department's identifying number
17 for the motor carrier and other information that the department
18 deems necessary."

19 Section 6. Section 66-7-404 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 475, as amended) is amended to read:

21 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

22 A. [~~No~~] A vehicle shall not exceed a height of
23 fourteen feet.

24 B. [~~No~~] A vehicle shall not exceed a length of
25 forty feet extreme overall dimension and no motor home shall

.160507.1

underscoring material = new
[bracketed material] = delete

1 exceed a length of forty-five feet extreme overall dimension,
2 exclusive of front and rear bumpers, except when operated in
3 combination with another vehicle as provided in this section.
4 ~~[No]~~ A bus may exceed a length of forty-five feet when
5 operating on national network highways. A combination of
6 vehicles, unless otherwise exempted in this section, shall not
7 exceed an overall length of sixty-five feet, exclusive of front
8 and rear bumpers.

9 C. ~~[No]~~ A combination of vehicles coupled together
10 shall not consist of more than two units, except:

11 (1) a truck tractor and semitrailer shall be
12 permitted to pull one trailer;

13 (2) a vehicle shall be permitted to pull two
14 units, provided that the middle unit is equipped with brakes
15 and has a weight equal to or greater than the last unit and the
16 total combined gross weight of the towed units does not exceed
17 the manufacturer's stated gross weight of the towing units;

18 (3) a double or triple saddle-mount or fifth
19 wheel mount of vehicles in transit by driveaway-towaway methods
20 shall be permitted;

21 (4) vehicles and trailers operated by or under
22 contract for municipal refuse systems;

23 (5) farm trailers, implements of husbandry and
24 fertilizer trailers operated by or under contract to a farmer
25 or rancher in ~~[his]~~ farming or ranching operations; and

.160507.1

underscored material = new
[bracketed material] = delete

1 (6) as provided in Subsections D [~~and E~~]
2 through G of this section.

3 D. Exclusive of safety and energy conservation
4 devices, refrigeration units and other devices such as coupling
5 devices, vehicles operating a truck tractor semitrailer or
6 truck tractor semitrailer-trailer combinations on the
7 interstate highway system and those qualifying federal aid
8 primary system highways designated by the secretary of the
9 United States department of transportation, pursuant to the
10 [~~United States~~] federal Surface Transportation Assistance Act
11 of 1982, Public Law 97-424, Section 411, and on those highways
12 designated by the department by rule or regulation with the
13 concurrence of the [~~state highway and transportation~~] New
14 Mexico department of transportation may exceed an overall
15 length limitation of sixty-five feet, provided that the length
16 of the semitrailer in a truck tractor semitrailer combination
17 does not exceed fifty-seven feet six inches and the length of
18 the semitrailer or trailer in a truck tractor semitrailer-
19 trailer combination does not exceed twenty-eight feet six
20 inches. The department of public safety shall adopt rules and
21 regulations granting reasonable access to terminals, facilities
22 for food, fuel, repairs and rest and points of loading and
23 unloading for household goods carriers to vehicles operating in
24 combination pursuant to this subsection. As used in this
25 subsection, "truck tractor" means a non-cargo carrying power

.160507.1

underscored material = new
[bracketed material] = delete

1 unit designed to operate in combination with a semitrailer or
2 trailer, except that a truck tractor and semitrailer engaged in
3 the transportation of automobiles may transport motor vehicles
4 on part of the truck tractor.

5 E. The following combination vehicles are
6 specialized equipment and may exceed an overall length of
7 sixty-five feet pursuant to the Code of Federal Regulations,
8 Title 23, Section 658.13:

- 9 (1) automobile transporters;
10 (2) boat transporters;
11 (3) beverage semitrailers; and
12 (4) munitions carriers using dromedary
13 equipment.

14 F. A saddle-mount vehicle is specialized equipment
15 and may not exceed an overall length of ninety-seven feet
16 pursuant to the Code of Federal Regulations, Title 23, Section
17 658.13.

18 [~~E.~~] G. Notwithstanding any other subsection of
19 this section, [~~any~~] a trailer or semitrailer combination of
20 such dimensions as those that were in actual and lawful use in
21 this state on December 1, 1982 may be lawfully operated on the
22 highways of this state."

23 Section 7. Section 66-7-411 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 482, as amended) is amended to read:

25 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
.160507.1

underscored material = new
[bracketed material] = delete

1 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

2 A. [~~Any~~] A police officer with the motor
3 transportation division or the New Mexico state police division
4 of the department of public safety, having reason to believe
5 that the weight of a vehicle and load is unlawful, may require
6 the driver to stop and submit to weighing of the vehicle and
7 load by means of either portable or stationary scales and may
8 require the vehicle to be driven to the nearest scales approved
9 by the department of public safety if the scales are within
10 five miles.

11 B. When a police officer with the motor
12 transportation division or the New Mexico state police division
13 of the department of [~~the~~] public safety or a transportation
14 inspector, upon weighing a vehicle or combination, determines
15 that the gross vehicle weight or combination gross vehicle
16 weight exceeds the maximum authorized by Sections 66-7-409 and
17 66-7-410 NMSA 1978, the officer or inspector shall require the
18 driver or owner of the vehicle or combination to unload that
19 portion of the load necessary to decrease the gross vehicle
20 weight or combination gross vehicle weight to the authorized
21 maximum.

22 C. [~~Any~~] A driver of a vehicle who fails or refuses
23 to stop and submit the vehicle and load to weighing or who
24 fails or refuses, when directed by a duly authorized police
25 officer with the motor transportation division or the New

.160507.1

1 Mexico state police division of the department of public safety
2 or a transportation inspector, upon a weighing of the vehicle,
3 to unload the vehicle and otherwise comply with the provisions
4 of this section is guilty of a misdemeanor.

5 D. ~~[Any]~~ A shipper or ~~[any other]~~ a person loading
6 the vehicle who intentionally overloads a vehicle ~~[which he]~~
7 that the shipper or person has reason to believe will travel in
8 that condition upon a public highway is guilty of a misdemeanor
9 and shall be fined in accordance with Subsection E of this
10 section.

11 E. In all cases of violations of weight
12 limitations, the penalties shall be assessed and imposed in
13 accordance with the following schedule:

WEIGHT OF EXCESS	
LOAD IN POUNDS	AMOUNT OF FINE
1 to 3,000	[twenty-five dollars (\$25.00)] <u>fifty dollars (\$50.00)</u>
3,001 to 4,000	[forty dollars (\$40.00)] <u>eighty dollars (\$80.00)</u>
4,001 to 5,000	[seventy-five dollars (\$75.00)] <u>one hundred fifty dollars (\$150)</u>
5,001 to 6,000	[one hundred twenty-five dollars (\$125)] <u>two hundred fifty dollars (\$250)</u>
6,001 to 7,000	[two hundred dollars (\$200)] <u>four hundred dollars (\$400)</u>

.160507.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 7,001 to 8,000 ~~[two hundred seventy-five dollars (\$275)]~~
2 five hundred dollars (\$500)
3 8,001 to 9,000 ~~[three hundred fifty dollars (\$350)]~~
4 seven hundred dollars (\$700)
5 9,001 to 10,000 ~~[four hundred twenty-five dollars (\$425)]~~
6 eight hundred fifty dollars (\$850)
7 over 10,000 ~~[five hundred dollars (\$500)]~~
8 one thousand dollars (\$1,000)."

9 Section 8. Section 66-8-116 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 524, as amended) is amended to read:

11 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
12 DEFINITION--SCHEDULE OF ASSESSMENTS.--

13 A. As used in the Motor Vehicle Code, "penalty
14 assessment misdemeanor" means violation of any of the following
15 listed sections of the NMSA 1978 for which, except as provided
16 in ~~[Subsection]~~ Subsections D and E of this section, the listed
17 penalty assessment is established:

18 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
19 Permitting unlicensed		
20 minor to drive	66-5-40	\$ 10.00
21 Failure to obey sign	66-7-104	10.00
22 Failure to obey signal	66-7-105	10.00
23 Speeding	66-7-301	
24 (1) up to and including		
25 ten miles an hour		

.160507.1

underscored material = new
[bracketed material] = delete

1	over the speed limit		15.00
2	(2) from eleven up to		
3	and including fifteen		
4	miles an hour		
5	over the speed limit		30.00
6	(3) from sixteen up to		
7	and including twenty		
8	miles an hour over the		
9	speed limit		65.00
10	(4) from twenty-one up to		
11	and including twenty-five		
12	miles an hour		
13	over the speed limit		100.00
14	(5) from twenty-six up to		
15	and including thirty		
16	miles an hour over the		
17	speed limit		125.00
18	(6) from thirty-one up to		
19	and including thirty-five		
20	miles an hour over the		
21	speed limit		150.00
22	(7) more than thirty-five		
23	miles an hour over the		
24	speed limit		200.00
25	Unfastened safety belt	66-7-372	25.00

.160507.1

underscored material = new
[bracketed material] = delete

1	Child not in restraint device		
2	or seat belt	66-7-369	25.00
3	Minimum speed	66-7-305	10.00
4	Speeding	66-7-306	15.00
5	Improper starting	66-7-324	10.00
6	Improper backing	66-7-354	10.00
7	Improper lane	66-7-308	10.00
8	Improper lane	66-7-313	10.00
9	Improper lane	66-7-316	10.00
10	Improper lane	66-7-317	10.00
11	Improper lane	66-7-319	10.00
12	Improper passing	66-7-309 through 66-7-312	10.00
13	Improper passing	66-7-315	10.00
14	Controlled access		
15	violation	66-7-320	10.00
16	Controlled access		
17	violation	66-7-321	10.00
18	Improper turning	66-7-322	10.00
19	Improper turning	66-7-323	10.00
20	Improper turning	66-7-325	10.00
21	Following too closely	66-7-318	10.00
22	Failure to yield	66-7-328 through 66-7-331	10.00
23	Failure to yield	66-7-332	50.00
24	Failure to yield	66-7-332.1	25.00
25	Pedestrian violation	66-7-333	10.00

.160507.1

underscored material = new
[bracketed material] = delete

1	Pedestrian violation	66-7-340	10.00
2	Failure to stop	66-7-342 and 66-7-344	
3		through 66-7-346	10.00
4	Railroad-highway grade		
5	crossing violation	66-7-341 and 66-7-343	10.00
6	Passing school bus	66-7-347	100.00
7	Failure to signal	66-7-325 through 66-7-327	10.00
8	Failure to secure load	66-7-407	100.00
9	Operation without oversize-		
10	overweight permit	66-7-413	50.00
11	Improper equipment	66-3-801	10.00
12	Improper equipment	66-3-901	20.00
13	Improper emergency		
14	signal	66-3-853 through 66-3-857	10.00
15	Operation interference	66-7-357	5.00
16	Littering	66-7-364	300.00
17	Improper parking	66-7-349 through 66-7-352	
18		and 66-7-353	5.00
19	Improper parking	66-7-352.5	50.00
20	Improper parking	66-3-852	5.00
21	Failure to dim lights	66-3-831	10.00
22	Riding in or towing		
23	occupied house trailer	66-7-366	5.00
24	Improper opening of doors	66-7-367	5.00
25	No slow-moving vehicle		

.160507.1

underscored material = new
[bracketed material] = delete

1 emblem or flashing

2 amber light 66-3-887 5.00

3 Open container--first

4 violation 66-8-138 25.00.

5 B. The term "penalty assessment misdemeanor" does not
6 include a violation that has caused or contributed to the cause
7 of an accident resulting in injury or death to a person.

8 C. When an alleged violator of a penalty assessment
9 misdemeanor elects to accept a notice to appear in lieu of a
10 notice of penalty assessment, a fine imposed upon later
11 conviction shall not exceed the penalty assessment established
12 for the particular penalty assessment misdemeanor and probation
13 imposed upon a suspended or deferred sentence shall not exceed
14 ninety days.

15 D. The penalty assessment for speeding in violation
16 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
17 is twice the penalty assessment established in Subsection A of
18 this section for the equivalent miles per hour over the speed
19 limit.

20 E. Upon a second conviction for operation without a
21 permit for excessive size or weight pursuant to Section
22 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
23 fifty dollars (\$250). Upon a third or subsequent conviction,
24 the penalty assessment shall be five hundred dollars (\$500)."

25 Section 9. Section 66-8-116.1 NMSA 1978 (being Laws 1989,
.160507.1

1 Chapter 319, Section 12) is amended to read:

2 "66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS--OVERSIZE
3 LOAD.--As used in the Motor Vehicle Code and the Motor Carrier
4 Act, "penalty assessment misdemeanor" means, in addition to the
5 definition of that term in Section 66-8-116 NMSA 1978,
6 violation of the following listed sections of the NMSA 1978 for
7 which the listed penalty is established:

8	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
9	Oversize load		
10	1,000 to 3,000 pounds	66-7-411	\$ [25.00] <u>50.00</u>
11	Oversize load		
12	3,001 to 4,000 pounds	66-7-411	[40.00] <u>80.00</u>
13	Oversize load		
14	4,001 to 5,000 pounds	66-7-411	[75.00] <u>150.00</u>
15	Oversize load		
16	5,001 to 6,000 pounds	66-7-411	[125.00] <u>250.00</u>
17	Oversize load		
18	6,001 to 7,000 pounds	66-7-411	[200.00] <u>400.00</u>
19	Oversize load		
20	7,001 to 8,000 pounds	66-7-411	[275.00] <u>550.00</u>
21	Oversize load		
22	8,001 to 9,000 pounds	66-7-411	[350.00] <u>700.00</u>
23	Oversize load		
24	9,001 to 10,000 pounds	66-7-411	[425.00] <u>850.00</u>
25	Oversize load		

.160507.1

underscored material = new
[bracketed material] = delete

1 over 10,000 pounds 66-7-411 [~~500.00~~] 1,000.00."

2 Section 10. Section 66-8-116.2 NMSA 1978 (being Laws
3 1989, Chapter 319, Section 13, as amended) is amended to read:

4 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR
5 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor
6 Carrier Act, "penalty assessment misdemeanor" means, in
7 addition to the definitions of that term in Sections 66-8-116
8 and 66-8-116.1 NMSA 1978, violation of the following listed
9 sections of the NMSA 1978 for which, except as provided in
10 Subsection E of this section, the listed penalty is
11 established:

12 A. GENERAL

13 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

14 Failure to register
15 motor carrier [~~65-1-12~~] 66-3-1.1 \$~~[100.00]~~
16 300.00

17 Failure to carry tax
18 identification [~~card~~] 65-1-26 50.00
19 permit 300.00

20 Failure to comply with
21 public regulation
22 commission rules and
23 regulations [~~Section 7 of~~
24 ~~the Motor Carrier Act~~] 65-2A-7 50.00

25 Failure to
.160507.1

underscored material = new
[bracketed material] = delete

1 carry single state
2 registration receipt issued
3 by a base state [Section 7 of
4 ~~the Motor Carrier Act~~] 65-2A-7 50.00

5 Failure to stop at
6 designated
7 registration place 65-5-1 100.00
8 Failure to obtain
9 proper clearance
10 certificates 65-5-3 100.00.

11 B. VEHICLE OUT-OF-SERVICE VIOLATIONS

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
13	Absence of braking action	65-3-9	\$100.00
14	Damaged brake lining or pads	65-3-9	50.00
15	Loose or missing brake		
16	components	65-3-12	100.00
17	Inoperable breakaway braking		
18	system	65-3-12	50.00
19	Defective or damaged brake		
20	tubing	65-3-12	50.00
21	Inoperative low pressure		
22	warning device	65-3-9	50.00
23	Reservoir pressure not		
24	maintained	65-3-12	100.00
25	Inoperative tractor		

.160507.1

underscored material = new
[bracketed material] = delete

1	protection valve	65-3-9	100.00
2	Damaged or loose air		
3	compressor	65-3-12	100.00
4	Audible air leak at brake		
5	chamber	65-3-12	50.00
6	Defective safety devices--		
7	chains or hooks	65-3-9	100.00
8	Defective towing or coupling		
9	devices	65-3-9	100.00
10	Defective exhaust systems	65-3-9	30.00
11	Frame defects--trailers	65-3-12	100.00
12	Frame defects--other	65-3-9	100.00
13	Defective fuel systems	65-3-9	50.00
14	Missing or inoperative		
15	lamps	65-3-9	25.00
16	Missing lamps on projecting		
17	loads	65-3-9	50.00
18	Missing or inoperative		
19	turn signal	65-3-9	25.00
20	Unsafe loading	65-3-8	100.00
21	Excessive steering wheel		
22	play	65-3-9	100.00
23	Steering column defects	65-3-9	100.00
24	Steering box or steering		
25	system defects	65-3-9	100.00

.160507.1

underscored material = new
[bracketed material] = delete

1	Suspension system defects	65-3-9	50.00
2	Defective springs or spring		
3	assembly	65-3-9	50.00
4	Defective tires--steering		
5	axle	65-3-9	100.00
6	Defective tires--other axles	65-3-9	30.00
7	Defective wheels and rims	65-3-9	50.00
8	Defective or missing		
9	windshield wipers	65-3-9	30.00
10	Defective or inoperative		
11	emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

13	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
14	Driver's age	65-3-7	\$30.00
15	Driver not licensed for		
16	type of vehicle being		
17	operated	65-3-7	30.00
18	Failure to have valid		
19	commercial driver's license		
20	in possession	66-5-59	30.00
21	No waiver of physical		
22	disqualification		
23	in possession	65-3-7	30.00
24	Sickness or fatigue	65-3-8	100.00
25	Driver disqualification	65-3-7	500.00

.160507.1

underscored material = new
[bracketed material] = delete

1	Exceeding the 10-hour		
2	driving rule <u>for</u>		
3	<u>passenger carrier</u>		
4	<u>transportation</u>	65-3-11	100.00
5	<u>Exceeding the 11-hour</u>		
6	<u>driving rule for property</u>		
7	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
8	<u>Exceeding the 14-hour on</u>		
9	<u>duty rule for property</u>		
10	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
11	Exceeding the 15-hour on		
12	duty rule <u>for passenger</u>		
13	<u>carrier transportation</u>	65-3-11	100.00
14	Exceeding the 60 hours in 7		
15	days on duty rule	65-3-11	100.00
16	Exceeding <u>the</u> 70 hours in 8		
17	days on duty rule	65-3-11	100.00
18	False log book	65-3-11	100.00
19	<u>No log book</u>	<u>65-3-11</u>	<u>100.00</u>
20	<u>No record for previous</u>		
21	<u>7 days</u>	<u>65-3-11</u>	<u>100.00.</u>

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

23	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
24	Placarding violations	65-3-13	\$250.00
25	Cargo tank not meeting		

.160507.1

underscored material = new
[bracketed material] = delete

1	specifications	65-3-13	250.00
2	Internal valve operation		
3	violations	65-3-13	250.00
4	Hazardous materials		
5	packaging violations	65-3-13	250.00
6	Insecure load--hazardous		
7	materials	65-3-13	250.00
8	Shipping papers violations	65-3-13	30.00
9	Shipment of forbidden		
10	combination of hazardous		
11	materials	65-3-13	250.00
12	No hazardous waste manifest	65-3-13	30.00
13	Bulk packaging marking		
14	violations	65-3-13	30.00
15	Cargo tank marking violations	65-3-13	30.00.

16 E. Upon a second conviction for failure to stop at a
17 port of entry or inspection station pursuant to Section 65-5-1
18 NMSA 1978, the penalty assessment shall be two hundred fifty
19 dollars (\$250). Upon a third or subsequent conviction, the
20 penalty assessment shall be five hundred dollars (\$500)."

21 Section 11. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2006.