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SENATE BILL 447

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

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MOTOR CARRIERS; CHANGING PROVISIONS OF THE MOTOR CARRIER ACT TO COMPLY WITH THE FEDERAL UNIFIED CARRIER REGISTRATION ACT OF 2005; PRESCRIBING A PENALTY ASSESSMENT MISDEMEANOR FOR FAILURE TO REGISTER WITH A BASE STATE; PROVIDING FOR A CONTINGENT EFFECTIVE DATE, WITH NOTIFICATION TO THE NEW MEXICO COMPILATION COMMISSION AND THE LEGISLATIVE COUNCIL SERVICE.

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

Section 1. Section 65-2A-16 NMSA 1978 (being Laws 2003, Chapter 359, Section 16) is amended to read:

"65-2A-16. INTERSTATE MOTOR CARRIERS.--

~~[A. A motor carrier engaged in interstate commerce shall not provide compensated interstate transportation of persons or property on the highways of this state without a~~

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1 ~~single state registration receipt from a base state. The~~
2 ~~commission is authorized to issue single state registration~~
3 ~~receipts without notice or a public hearing.~~

4 ~~B. The commission is authorized to collect an~~
5 ~~annual per vehicle fee, enter into agreements with state~~
6 ~~agencies and other state governments and promulgate rules~~
7 ~~necessary to enable New Mexico to participate in the single~~
8 ~~state registration system or its successor system for~~
9 ~~interstate motor carriers either subject to regulation, or~~
10 ~~transporting commodities exempt from regulation, by the federal~~
11 ~~motor carrier safety administration pursuant to Section 4005 of~~
12 ~~the federal Intermodal Surface Transportation Efficiency Act of~~
13 ~~1991, and implementing regulations promulgated by the federal~~
14 ~~motor carrier safety administration.~~

15 ~~C. The commission shall require an application,~~
16 ~~proof of financial responsibility and a single state~~
17 ~~registration receipt showing that the annual per vehicle fee~~
18 ~~has been paid for New Mexico from an interstate motor carrier~~
19 ~~transporting commodities exempt from regulation by the federal~~
20 ~~motor carrier safety administration in interstate commerce on~~
21 ~~the highways of the state, but shall not require payment of~~
22 ~~duplicate annual per vehicle fees from an interstate motor~~
23 ~~carrier transporting both exempt and regulated commodities.]~~

24 A. Foreign and domestic motor carriers, motor
25 private carriers, leasing companies, brokers and freight

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1 forwarders shall not operate in interstate commerce in this
2 state without first registering with a base state and paying
3 all fees as required under the federal Unified Carrier
4 Registration Act of 2005. The commission is authorized to
5 register applicants and collect all fees without notice or a
6 public hearing.

7 B. The commission is authorized to follow rules and
8 collect fee assessments set by the federal secretary of
9 transportation from foreign and domestic motor carriers, motor
10 private carriers, leasing companies, brokers and freight
11 forwarders, and do all things necessary to enable New Mexico to
12 participate in the federal unified carrier registration system
13 pursuant to the federal Unified Carrier Registration Act of
14 2005, including the collection of an equal amount of revenue as
15 was collected by the commission in the last registration year
16 under Section 4005 of the federal Intermodal Surface
17 Transportation Efficiency Act of 1991 and the collection of an
18 equal amount of revenue annually from all other sources allowed
19 under the Unified Carrier Registration Act of 2005 in the last
20 year that such collections were not prohibited by federal law.

21 C. The commission is the state agency in New Mexico
22 responsible for operation of the federal Unified Carrier
23 Registration Act of 2005, including participating in the
24 development, implementation and administration of the unified
25 carrier registration agreement. The commission is authorized

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1 to follow rules governing the unified carrier registration
2 agreement issued under the unified carrier registration plan by
3 its board of directors.

4 D. Compliance by an interstate motor carrier with
5 the provisions of the federal [~~Intermodal Surface~~
6 ~~Transportation Efficiency Act of 1991~~] Unified Carrier
7 Registration Act of 2005 shall not authorize a carrier to
8 provide intrastate transportation services in New Mexico. An
9 interstate motor carrier wishing to provide compensated
10 transportation in intrastate commerce shall apply for the
11 appropriate intrastate operating authority from the commission.
12 A taxicab service or terminal shuttle service is engaged in
13 nonexempt intrastate business within the state regardless of a
14 prior exemption if its service provides, with regard to any
15 service run, for both:

16 (1) initiation of the transportation of one or
17 more passengers within this state; and

18 (2) delivery to a departure point within this
19 state of one or more passengers whose transportation on that
20 service run was initiated at a point within this state."

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

23 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR
24 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor
25 Carrier Act, "penalty assessment misdemeanor" means, in

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1 addition to the definitions of that term in Sections 66-8-116
2 and 66-8-116.1 NMSA 1978, violation of the following listed
3 sections of the NMSA 1978 for which the listed penalty is
4 established:

5 A. GENERAL

6 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

7 Failure to register
8 motor carrier [65-1-12] 66-3-1.1 \$100.00

9 Failure to carry
10 identification card 65-1-26 50.00

11 Failure to comply with
12 public regulation
13 commission rules and
14 regulations [~~Section 7 of~~
15 ~~the Motor Carrier Act~~] 65-2A-7 50.00

16 Failure to
17 carry single state
18 registration receipt issued
19 by a base state [~~Section 7 of~~
20 ~~the Motor Carrier Act~~] 65-2A-7 50.00

21 Failure to register with
22 a base state under the
23 federal Unified Carrier
24 Registration Act of 2005 65-2A-7 50.00

25 Failure to stop at

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1 designated
2 registration place 65-5-1 100.00
3 Failure to obtain
4 proper clearance
5 certificates 65-5-3 100.00.

6 B. VEHICLE OUT-OF-SERVICE VIOLATIONS

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

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1	Defective safety devices--		
2	chains or hooks	65-3-9	100.00
3	Defective towing or coupling		
4	devices	65-3-9	100.00
5	Defective exhaust systems	65-3-9	30.00
6	Frame defects--trailers	65-3-12	100.00
7	Frame defects--other	65-3-9	100.00
8	Defective fuel systems	65-3-9	50.00
9	Missing or inoperative		
10	lamps	65-3-9	25.00
11	Missing lamps on projecting		
12	loads	65-3-9	50.00
13	Missing or inoperative		
14	turn signal	65-3-9	25.00
15	Unsafe loading	65-3-8	100.00
16	Excessive steering wheel		
17	play	65-3-9	100.00
18	Steering column defects	65-3-9	100.00
19	Steering box or steering		
20	system defects	65-3-9	100.00
21	Suspension system defects	65-3-9	50.00
22	Defective springs or spring		
23	assembly	65-3-9	50.00
24	Defective tires--steering		
25	axle	65-3-9	100.00

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1	Defective tires--other axles	65-3-9	30.00
2	Defective wheels and rims	65-3-9	50.00
3	Defective or missing		
4	windshield wipers	65-3-9	30.00
5	Defective or inoperative		
6	emergency exit--bus	65-3-9	100.00.
7	C. DRIVER OUT-OF-SERVICE VIOLATIONS		
8	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
9	Driver's age	65-3-7	\$30.00
10	Driver not licensed for		
11	type of vehicle being		
12	operated	65-3-7	30.00
13	Failure to have valid		
14	commercial driver's license		
15	in possession	66-5-59	30.00
16	No waiver of physical		
17	disqualification		
18	in possession	65-3-7	30.00
19	Sickness or fatigue	65-3-8	100.00
20	Driver disqualification	65-3-7	500.00
21	Exceeding the 10-hour		
22	driving rule	65-3-11	100.00
23	Exceeding the 15-hour on		
24	duty rule	65-3-11	100.00
25	Exceeding the 60 hours in 7		

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1	days on duty rule	65-3-11	100.00
2	Exceeding 70 hours in 8		
3	days on duty rule	65-3-11	100.00
4	False log book	65-3-11	100.00.

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

6	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
7	Placarding violations	65-3-13	\$250.00
8	Cargo tank not meeting		
9	specifications	65-3-13	250.00
10	Internal valve operation		
11	violations	65-3-13	250.00
12	Hazardous materials		
13	packaging violations	65-3-13	250.00
14	Insecure load--hazardous		
15	materials	65-3-13	250.00
16	Shipping papers violations	65-3-13	30.00
17	Shipment of forbidden		
18	combination of hazardous		
19	materials	65-3-13	250.00
20	No hazardous waste manifest	65-3-13	30.00
21	Bulk packaging marking		
22	violations	65-3-13	30.00
23	Cargo tank marking violations	65-3-13	30.00."

24 Section 3. CONTINGENT EFFECTIVE DATE--NOTIFICATION.--The
25 effective date of the provisions of this act is January 1,
.160245.1

1 2007, unless congress or the United States department of
2 transportation delays the implementation of the federal
3 Unified Carrier Registration Act of 2005. If implementation
4 of that act is delayed, the effective date of the provisions
5 of this act will be the date determined by the federal
6 government. The public regulation commission shall notify the
7 New Mexico compilation commission and the legislative council
8 service if the effective date of this act is delayed and when
9 this act becomes effective.

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