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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; ELIMINATING FEES FOR CERTAIN POLICE ESCORTS; 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:

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

A. A commercial motor carrier vehicle operated on a New Mexico public highway by a motor carrier required to be registered with the department shall have in it at all times:

- (1) proof of payment of the trip tax; or
- (2) both evidence of registration and a tax identification permit issued by the department.

1           B. The driver of the vehicle shall be able to  
2 display either proof of payment of the trip tax or both the  
3 evidence of registration and the tax identification permit  
4 upon request by any law enforcement officer or any employee  
5 of the department.

6           C. Upon failure of the driver to display either  
7 proof of payment of the trip tax or evidence of registration,  
8 it shall be presumed that the vehicle is subject to  
9 registration under the laws of New Mexico unless it can be  
10 demonstrated that the vehicle is exempt from registration  
11 requirements of the Motor Vehicle Code. A vehicle presumed  
12 subject to registration may be detained until registration,  
13 including payment of all required fees, is completed.

14           D. Upon failure of the driver to display either  
15 proof of payment of the trip tax or a tax identification  
16 permit issued by the department, the trip tax shall be  
17 presumed due. A vehicle presumed subject to the trip tax may  
18 be detained until the trip tax is paid.

19           E. A commercial motor carrier vehicle subject to  
20 and not in compliance with the weight distance requirements  
21 of the Weight Distance Tax Act may be detained until the tax  
22 is paid. A nonfiler or zero-filer status or an inactive  
23 weight distance account is proof of failure to pay the weight  
24 distance tax."

25           Section 2. Section 65-1-36 NMSA 1978 (being Laws 1978,

1 Chapter 16, Section 1, as amended) is amended to read:

2 "65-1-36. PENALTY FOR VIOLATIONS OF ACT.--

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

8 B. Violation of any section of the Motor  
9 Transportation Act other than a violation of Section 65-1-26,  
10 65-1-36.1, 66-5-1, 65-5-2 or 66-3-1.1 NMSA 1978 or of the  
11 Motor Carrier Safety Act is a misdemeanor punishable by a  
12 fine of not more than one hundred dollars (\$100) or by  
13 imprisonment not exceeding thirty days or by both the fine  
14 and imprisonment or is subject to the penalty assessment and  
15 fee provisions pursuant to Sections 66-8-116 through  
16 66-8-116.3 NMSA 1978.

17 C. The payment of a fine under the provisions of  
18 any act under the jurisdiction of the department pursuant to  
19 the Motor Transportation Act shall not relieve the offender  
20 from the payment of any fees or taxes or from any other of  
21 the provisions of the Motor Transportation Act.

22 D. The department may, for the proper enforcement  
23 of the duties imposed upon the department pursuant to the  
24 Motor Transportation Act, detain any motor vehicle whose  
25 operator or owner is in violation of any law the department

1 is empowered under the Motor Transportation Act to administer  
2 or enforce."

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

5 "65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--  
6 Except as otherwise provided in this section, a commercial  
7 motor carrier vehicle having a gross vehicle weight or  
8 combination gross vehicle weight of over twenty-six thousand  
9 pounds shall not travel on New Mexico highways without either  
10 proof that the trip tax has been paid for the movement of the  
11 vehicle or both evidence of registration and a tax  
12 identification permit issued by the department, unless that  
13 vehicle is exempt from the weight distance tax. The  
14 department may, by regulation, exempt portions of a highway  
15 from the requirements of this section if those portions are  
16 prior to reaching a port of entry where the trip tax may be  
17 paid."

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

20 "66-3-1.1. MOTOR CARRIERS REQUIRED TO REGISTER WITH THE  
21 DEPARTMENT.--

22 A. All motor carriers desiring and eligible for  
23 annual registration provisions relating to proportional  
24 registration or full reciprocity shall register their  
25 vehicles with the department. The department shall register

1 all motor carriers who satisfy all New Mexico requirements  
2 relating to motor carriers, but may refuse to register any  
3 vehicle subject to the federal heavy vehicle use tax imposed  
4 by Section 4481 of the United States Internal Revenue Code of  
5 1986 without proof of payment of such tax in the form  
6 prescribed by the secretary of the treasury of the United  
7 States. Registration of motor carrier vehicles with the  
8 department shall remain in force during the calendar  
9 registration year as specified in Section 65-1-13 or 66-3-2.1  
10 NMSA 1978 unless suspended or canceled by the department for  
11 noncompliance with any New Mexico motor vehicle or motor  
12 carrier requirements.

13 B. In addition to the provisions of Subsection A  
14 of this section, motor carriers operating vehicles subject to  
15 the weight distance tax pursuant to the Weight Distance Tax  
16 Act or vehicles subject to special fuel user permit  
17 requirements pursuant to the Special Fuels Supplier Tax Act  
18 shall apply for a tax identification permit."

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

21 "66-3-3.1. TAX IDENTIFICATION PERMIT.--The department  
22 shall implement a system for identifying motor carriers  
23 subject to the weight distance tax and special fuel user  
24 permit requirements, including an identifying number for each  
25 motor carrier covered by the system. Annually, the

1 department shall issue one or more original tax  
2 identification permits sufficient for the number of vehicles  
3 specified by each motor carrier who applies for a tax  
4 identification permit; provided that the motor carrier  
5 continues to be subject to and in compliance with the weight  
6 distance tax and special fuel user permit requirements. The  
7 tax identification permit shall contain the department's  
8 identifying number for the motor carrier and other  
9 information that the department deems necessary. A tax  
10 identification permit shall be issued within fourteen days of  
11 the date on the form of payment for the permit, including  
12 cashier's checks and money orders, submitted with the  
13 application for the permit."

14 Section 6. Section 66-7-207 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 396, as amended) is amended to read:

16 "66-7-207. WRITTEN REPORTS OF ACCIDENTS.--

17 A. The driver of a vehicle involved in an accident  
18 resulting in bodily injury to or death of any person or total  
19 property damage to an apparent extent of five hundred dollars  
20 (\$500) or more shall, within five days after the accident,  
21 forward a written report of the accident to the department of  
22 transportation.

23 B. The department of transportation may require  
24 any driver of a vehicle involved in an accident of which  
25 report must be made as provided in this section to file

1 supplemental reports whenever the original report is  
2 insufficient in the opinion of the department of  
3 transportation and may require witnesses of accidents to  
4 render reports concerning the accidents to the department of  
5 transportation.

6 C. Every law enforcement officer who, in the  
7 regular course of duty, investigates a motor vehicle accident  
8 of which report must be made as required in this section,  
9 either at the time of and at the scene of the accident or  
10 thereafter by interviewing participants or witnesses, shall,  
11 within twenty-four hours after completing the investigation,  
12 forward a written report of the accident to the department of  
13 transportation. A law enforcement officer shall also, within  
14 twenty-four hours after completing the investigation, forward  
15 the written report of the accident to the motor  
16 transportation division of the department of public safety if  
17 the accident involves a commercial motor vehicle and results  
18 in:

19 (1) bodily injury to any person and the  
20 person is transported to a medical facility for immediate  
21 medical attention;

22 (2) the death of any person; or

23 (3) any vehicle involved in the accident  
24 being towed from the scene due to disabling damage caused by  
25 the accident."

1           Section 7. Section 66-7-314 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 418, as amended) is amended to read:

3           "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT MAY BE  
4 REQUIRED.--When, in the judgment of the motor transportation  
5 division of the department of public safety or local  
6 authorities with respect to highways under their  
7 jurisdiction, the movement of any vehicle is deemed a hazard  
8 to traffic upon a highway over which the vehicle is to  
9 travel, the granting of permission for the movement of the  
10 vehicle may be conditioned upon a special escort accompanying  
11 the hazardous vehicle."

12           Section 8. Section 66-7-404 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 475, as amended) is amended to read:

14           "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

15           A. A vehicle shall not exceed a height of fourteen  
16 feet.

17           B. A vehicle shall not exceed a length of forty  
18 feet extreme overall dimension and no motor home shall exceed  
19 a length of forty-five feet extreme overall dimension,  
20 exclusive of front and rear bumpers, except when operated in  
21 combination with another vehicle as provided in this section.  
22 A bus may exceed a length of forty-five feet when operating  
23 on national network highways. A combination of vehicles,  
24 unless otherwise exempted in this section, shall not exceed  
25 an overall length of sixty-five feet, exclusive of front and



1 rear bumpers.

2 C. A combination of vehicles coupled together  
3 shall not consist of more than two units, except:

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

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

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

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

17 (5) farm trailers, implements of husbandry  
18 and fertilizer trailers operated by or under contract to a  
19 farmer or rancher in farming or ranching operations; and

20 (6) as provided in Subsections D through G  
21 of this section.

22 D. Exclusive of safety and energy conservation  
23 devices, refrigeration units and other devices such as  
24 coupling devices, vehicles operating a truck tractor  
25 semitrailer or truck tractor semitrailer-trailer combinations

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

24 E. The following combination vehicles are  
25 specialized equipment and may exceed an overall length of

1 sixty-five feet pursuant to the Code of Federal Regulations,  
2 Title 23, Section 658.13:

3 (1) automobile transporters;  
4 (2) boat transporters;  
5 (3) beverage semitrailers; and  
6 (4) munitions carriers using dromedary  
7 equipment.

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

12 G. Notwithstanding any other subsection of this  
13 section, a trailer or semitrailer combination of such  
14 dimensions as those that were in actual and lawful use in  
15 this state on December 1, 1982 may be lawfully operated on  
16 the highways of this state."

17 Section 9. Section 66-7-410 NMSA 1978 (being Laws 1978,  
18 Chapter 35, Section 481) is amended to read:

19 "66-7-410. GROSS WEIGHT OF VEHICLES AND LOADS.--

20 A. Subject to the limit upon the weight imposed  
21 upon the highway through any one axle as set forth in Section  
22 66-7-409 NMSA 1978 and except as provided in Subsection D of  
23 this section, the total gross weight with load imposed upon  
24 the highway by any one group of two or more consecutive axles  
25 of a vehicle or combination of vehicles shall not exceed the

1 gross weight given for the respective distance between the  
2 first and last axle of the group of axles measured  
3 longitudinally to the nearest foot as set forth in the  
4 following table:

5	Distance in feet between first	Allowed load in pounds
6	and last axles of group	on group of axles
7	4	34,320
8	5	35,100
9	6	35,880
10	7	36,660
11	8	37,440
12	9	38,220
13	10	39,000
14	11	39,780
15	12	40,560
16	13	41,340
17	14	42,120
18	15	42,900
19	16	43,680
20	17	44,460
21	18	45,240.

22 B. Except as provided in Subsection D of this  
23 section, the total gross weight with load imposed on the  
24 highway by any vehicle or combination of vehicles where the  
25 distance between the first and last axles is more than

1 eighteen feet shall not exceed that given for the respective  
2 distances in the following table:

3	Distance in feet between first	Allowed load in pounds
4	and last axles of group	on group of axles
5	19	53,100
6	20	54,000
7	21	54,900
8	22	55,800
9	23	56,700
10	24	57,600
11	25	58,500
12	26	59,400
13	27	60,300
14	28	61,200
15	29	62,100
16	30	63,000
17	31	63,900
18	32	64,800
19	33	65,700
20	34	66,600
21	35	67,500
22	36	68,400
23	37	69,300
24	38	70,200
25	39	71,100

1	40	72,000
2	41	72,900
3	42	73,800
4	43	74,700
5	44	75,600
6	45	76,500
7	46	77,400
8	47	78,300
9	48	79,200
10	49	80,100
11	50	81,000
12	51	81,900
13	52	82,800
14	53	83,700
15	54	84,600
16	55	85,500
17	56 or over	86,400.

18           C. The distance between the centers of the axles  
19 shall be measured to the nearest even foot. When a fraction  
20 is exactly one-half, the next larger whole number shall be  
21 used.

22           D. The total gross weight with load limitations  
23 imposed by this section for any vehicle or combination of  
24 vehicles shall be increased by four hundred pounds if the  
25 vehicle or combination of vehicles uses idle reduction

1 technology."

2 Section 10. Section 66-7-411 NMSA 1978 (being Laws  
3 1978, Chapter 35, Section 482, as amended) is amended to  
4 read:

5 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH  
6 VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED  
7 PENALTIES.--

8 A. A police officer with the motor transportation  
9 division or the New Mexico state police division of the  
10 department of public safety, having reason to believe that  
11 the weight of a vehicle and load is unlawful, may require the  
12 driver to stop and submit to weighing of the vehicle and load  
13 by means of either portable or stationary scales and may  
14 require the vehicle to be driven to the nearest scales  
15 approved by the department of public safety if the scales are  
16 within five miles.

17 B. When a police officer with the motor  
18 transportation division or the New Mexico state police  
19 division of the department of public safety or a  
20 transportation inspector, upon weighing a vehicle or  
21 combination, determines that the gross vehicle weight or  
22 combination gross vehicle weight exceeds the maximum  
23 authorized by Sections 66-7-409 and 66-7-410 NMSA 1978, the  
24 officer or inspector shall require the driver or owner of the  
25 vehicle or combination to unload that portion of the load

1 necessary to decrease the gross vehicle weight or combination  
2 gross vehicle weight to the authorized maximum.

3 C. A driver of a vehicle who fails or refuses to  
4 stop and submit the vehicle and load to weighing or who fails  
5 or refuses, when directed by a duly authorized police officer  
6 with the motor transportation division or the New Mexico  
7 state police division of the department of public safety or a  
8 transportation inspector, upon a weighing of the vehicle, to  
9 unload the vehicle and otherwise comply with the provisions  
10 of this section is guilty of a misdemeanor.

11 D. A shipper or a person loading the vehicle who  
12 intentionally overloads a vehicle that the shipper or person  
13 has reason to believe will travel in that condition upon a  
14 public highway is guilty of a misdemeanor and shall be fined  
15 in accordance with Subsection E of this section.

16 E. In all cases of violations of weight  
17 limitations, the penalties shall be assessed and imposed in  
18 accordance with the following schedule:

WEIGHT OF EXCESS	
LOAD IN POUNDS	AMOUNT OF FINE
1 to 3,000	fifty dollars (\$50.00)
3,001 to 4,000	eighty dollars (\$80.00)
4,001 to 5,000	one hundred dollars (\$100)
5,001 to 6,000	one hundred fifty dollars (\$150)
6,001 to 7,000	two hundred fifty dollars (\$250)



1           7,001 to 8,000           three hundred fifty dollars (\$350)  
2           8,001 to 9,000           four hundred dollars (\$400)  
3           9,001 to 10,000          five hundred dollars (\$500)  
4           over 10,000               seven hundred dollars (\$700)."

5           Section 11. Section 66-7-413 NMSA 1978 (being Laws  
6           1978, Chapter 35, Section 484, as amended) is amended to  
7           read:

8           "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--  
9           SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED  
10          HOMES.--

11                 A. The department of public safety and local  
12           highway authorities may, in their discretion, upon  
13           application in writing and good cause being shown, issue a  
14           special permit in writing authorizing the applicant to  
15           operate or move a vehicle or load of a size or weight  
16           exceeding the maximum specified in Sections 66-7-401 through  
17           66-7-416 NMSA 1978 on a highway under the jurisdiction of the  
18           state transportation commission or local authorities. Except  
19           for the movement of manufactured homes, a permit may be  
20           granted, in cases of emergency, for the transportation of  
21           loads on a certain unit or combination of equipment for a  
22           specified period of time not to exceed one year, and the  
23           permit shall contain the route to be traversed, the type of  
24           load to be transported and any other restrictions or  
25           conditions deemed necessary by the body granting the permit.

1 In every other case, the permit shall be issued for a single  
2 trip and may designate the route to be traversed and contain  
3 any other restrictions or conditions deemed necessary by the  
4 body granting the permit. Every permit shall be carried in  
5 the vehicle to which it refers and shall be opened for  
6 inspection to any peace officer. It is a misdemeanor for a  
7 person to violate a condition or term of the special permit.

8 B. The department of public safety shall  
9 promulgate rules in accordance with the State Rules Act  
10 pertaining to safety practices, liability insurance and  
11 equipment for escort vehicles provided by the motor carrier  
12 and for escort vehicles provided by a private business in  
13 this state.

14 (1) The department of public safety shall  
15 provide the escort personnel with a copy of applicable rules  
16 and shall inspect the escort vehicles for the safety  
17 equipment required by the rules. If the escort vehicles and  
18 personnel meet the requirements set forth in the rules, the  
19 department of public safety shall issue the special permit.

20 (2) The movement of vehicles upon the  
21 highways of this state requiring a special permit and  
22 required to use an escort of the type noted in Paragraph (1)  
23 of this subsection is subject to department of public safety  
24 authority and inspection at all times.

25 (3) The department of transportation shall

1 conduct engineering investigations and engineering  
2 inspections to determine which four-lane highways are safe  
3 for the operation or movement of manufactured homes without  
4 an escort. After making that determination, the department  
5 of transportation shall hold public hearings in the area of  
6 the state affected by the determination, after which it may  
7 adopt rules designating those four-lane highways as being  
8 safe for the operation or movement of manufactured homes  
9 without an escort. If a portion of such a four-lane highway  
10 lies within the boundaries of a municipality, the department  
11 of transportation, after obtaining the approval of the  
12 municipal governing body, shall include such portions in its  
13 rules.

14 C. Except for the movement of manufactured homes,  
15 special permits may be issued for a single vehicle or  
16 combination of vehicles by the department of public safety  
17 for a period not to exceed one year for a fee of two hundred  
18 fifty dollars (\$250). The special permits may allow  
19 excessive height, length and width for a vehicle or  
20 combination of vehicles or load thereon and may include a  
21 provision for excessive weight if the weight of the vehicle  
22 or combination of vehicles is not greater than one hundred  
23 forty thousand pounds. Utility service vehicles, operating  
24 with special permits pursuant to this subsection, shall be  
25 exempt from prohibitions or restrictions relating to hours or

1 days of operation or restrictions on movement because of poor  
2 weather conditions.

3 D. Special permits for a single trip for a  
4 vehicle or combination of vehicles or load thereon of  
5 excessive weight, width, length and height may be issued by  
6 the department of public safety for a single vehicle for a  
7 fee of twenty-five dollars (\$25.00) plus the product of two  
8 and one-half cents (\$.025) for each two thousand pounds in  
9 excess of eighty-six thousand four hundred pounds or major  
10 fraction thereof multiplied by the number of miles to be  
11 traveled by the vehicle or combination of vehicles on the  
12 highways of this state.

13 E. If a vehicle for which a permit is issued  
14 pursuant to this section is a manufactured home, the  
15 department of public safety or local highway authority  
16 issuing the permit shall furnish the following information to  
17 the property tax division of the taxation and revenue  
18 department, which shall forward the information:

19 (1) to the county assessor of a county from  
20 which a manufactured home is being moved, the date the permit  
21 was issued, the location being moved from, the location being  
22 moved to if within the same county, the name of the owner of  
23 the manufactured home and the identification and registration  
24 numbers of the manufactured home;

25 (2) to the county assessor of any county in

1 this state to which a manufactured home is being moved, the  
2 date the permit was issued, the location being moved from,  
3 the location being moved to, the name of the owner of the  
4 manufactured home and the registration and identification  
5 numbers of the manufactured home; and

6 (3) to the owner of a manufactured home  
7 having a destination in this state, notification that the  
8 information required in Paragraphs (1) and (2) of this  
9 subsection is being given to the respective county assessors  
10 and that manufactured homes are subject to property taxation.

11 F. Except as provided in Subsection G of this  
12 section, if the movement of a manufactured home originates in  
13 this state, a permit shall not be issued pursuant to  
14 Subsection E of this section until the owner of the  
15 manufactured home or the authorized agent of the owner  
16 obtains and presents to the department of public safety proof  
17 that a certificate has been issued by the county assessor or  
18 treasurer of the county in which the manufactured home  
19 movement originates showing that either:

20 (1) all property taxes due or to become due  
21 on the manufactured home for the current tax year or any past  
22 tax years have been paid, except for manufactured homes  
23 located on an Indian reservation; or

24 (2) liability for property taxes on the  
25 manufactured home does not exist for the current tax year or

1 a past tax year, except for manufactured homes located on an  
2 Indian reservation.

3 G. The movement of a manufactured home from the  
4 lot or business location of a manufactured home dealer to its  
5 destination designated by an owner-purchaser is not subject  
6 to the requirements of Subsection F of this section if the  
7 manufactured home movement originates from the lot or  
8 business location of the dealer and the manufactured home was  
9 part of the dealer's inventory prior to the sale to the  
10 owner-purchaser; however, the movement of a manufactured home  
11 by a dealer or the dealer's authorized agent as a result of a  
12 sale or trade-in from a nondealer-owner is subject to the  
13 requirements of Subsection F of this section whether the  
14 destination is the business location of a dealer or some  
15 other destination.

16 H. A permit shall not be issued pursuant to this  
17 section for movement of a manufactured home whose width  
18 exceeds eighteen feet with no more than a six-inch roof  
19 overhang on the left side or twelve inches on the right side  
20 in addition to the eighteen-foot width of the manufactured  
21 home. Manufactured homes exceeding the limitations of this  
22 section shall only be moved on dollies placed on the front  
23 and the rear of the structure.

24 I. The secretary of public safety may by rule  
25 provide for movers of manufactured homes to self-issue

1 permits for certain sizes of manufactured homes over specific  
2 routes. The cost of a permit shall not be less than  
3 twenty-five dollars (\$25.00).

4 J. The secretary of public safety may provide by  
5 rule for dealers of implements of husbandry to self-issue  
6 permits for the movement of certain sizes of implements of  
7 husbandry from the lot or business location of the dealer  
8 over specific routes with specific escort requirements, if  
9 necessary, to a destination designated by an owner-purchaser  
10 or for purposes of a working demonstration on the property of  
11 a proposed owner-purchaser. The department of public safety  
12 shall charge a fee for each self-issued permit not to exceed  
13 fifteen dollars (\$15.00).

14 K. A private motor carrier requesting an oversize  
15 or overweight permit shall provide proof of insurance in at  
16 least the following amounts:

17 (1) bodily injury liability, providing:

18 (a) fifty thousand dollars (\$50,000)  
19 for each person; and

20 (b) one hundred thousand dollars  
21 (\$100,000) for each accident; and

22 (2) property damage liability, providing  
23 twenty-five thousand dollars (\$25,000) for each accident.

24 L. A motor carrier requesting an oversize permit  
25 shall produce a copy of a warrant or a single state

1 registration receipt as evidence that the motor carrier  
2 maintains the insurance minimums prescribed by the public  
3 regulation commission.

4 M. The department of public safety may provide by  
5 rule the time periods during which a vehicle or load of a  
6 size or weight exceeding the maximum specified in Sections  
7 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved  
8 by a motor carrier on a highway under the jurisdiction of the  
9 state transportation commission or local authorities.

10 N. Revenue from fees for special permits  
11 authorizing vehicles and loads of excessive size or weight to  
12 operate or move upon a highway under the jurisdiction of the  
13 state transportation commission or local authorities shall be  
14 collected for the department of transportation and  
15 transferred to the state road fund."

16 Section 12. Section 66-8-116 NMSA 1978 (being Laws  
17 1978, Chapter 35, Section 524, as amended) is amended to  
18 read:

19 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--  
20 DEFINITION--SCHEDULE OF ASSESSMENTS.--

21 A. As used in the Motor Vehicle Code, "penalty  
22 assessment misdemeanor" means violation of any of the  
23 following listed sections of the NMSA 1978 for which, except  
24 as provided in Subsections D and E of this section, the  
25 listed penalty assessment is established:



1	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
2			ASSESSMENT
3	Permitting unlicensed		
4	minor to drive	66-5-40	\$ 10.00
5	Failure to obey sign	66-7-104	10.00
6	Failure to obey signal	66-7-105	10.00
7	Speeding	66-7-301	
8	(1) up to and including		
9	ten miles an hour		
10	over the speed limit		15.00
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour		
14	over the speed limit		30.00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over the		
18	speed limit		65.00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour		
22	over the speed limit		100.00
23	(5) from twenty-six up to		
24	and including thirty		
25	miles an hour over the		

1	speed limit		125.00
2	(6) from thirty-one up to		
3	and including thirty-five		
4	miles an hour over the		
5	speed limit		150.00
6	(7) more than thirty-five		
7	miles an hour over the		
8	speed limit		200.00
9	Unfastened safety belt	66-7-372	25.00
10	Child not in restraint device		
11	or seat belt	66-7-369	25.00
12	Minimum speed	66-7-305	10.00
13	Speeding	66-7-306	15.00
14	Improper starting	66-7-324	10.00
15	Improper backing	66-7-354	10.00
16	Improper lane	66-7-308	10.00
17	Improper lane	66-7-313	10.00
18	Improper lane	66-7-316	10.00
19	Improper lane	66-7-317	10.00
20	Improper lane	66-7-319	10.00
21	Improper passing	66-7-309 through 66-7-312	10.00
22	Improper passing	66-7-315	10.00
23	Controlled access		
24	violation	66-7-320	10.00
25	Controlled access		

1	violation	66-7-321	10.00
2	Improper turning	66-7-322	10.00
3	Improper turning	66-7-323	10.00
4	Improper turning	66-7-325	10.00
5	Following too closely	66-7-318	10.00
6	Failure to yield	66-7-328 through 66-7-331	10.00
7	Failure to yield	66-7-332	50.00
8	Failure to yield	66-7-332.1	25.00
9	Pedestrian violation	66-7-333	10.00
10	Pedestrian violation	66-7-340	10.00
11	Failure to stop	66-7-342 and 66-7-344	
12		through 66-7-346	10.00
13	Railroad-highway grade		
14	crossing violation	66-7-341 and 66-7-343	10.00
15	Passing school bus	66-7-347	100.00
16	Failure to signal	66-7-325 through 66-7-327	10.00
17	Failure to secure load	66-7-407	100.00
18	Operation without oversize-		
19	overweight permit	66-7-413	50.00
20	Improper equipment	66-3-801	10.00
21	Improper equipment	66-3-901	20.00
22	Improper emergency		
23	signal	66-3-853 through 66-3-857	10.00
24	Operation interference	66-7-357	5.00
25	Littering	66-7-364	300.00

1	Improper parking	66-7-349 through 66-7-352	
2		and 66-7-353	5.00
3	Improper parking	66-3-852	5.00
4	Failure to dim lights	66-3-831	10.00
5	Riding in or towing		
6	occupied house trailer	66-7-366	5.00
7	Improper opening of doors	66-7-367	5.00
8	No slow-moving vehicle		
9	emblem or flashing		
10	amber light	66-3-887	5.00
11	Open container - first		
12	violation	66-8-138	25.00.

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

17           C. When an alleged violator of a penalty assessment  
18 misdemeanor elects to accept a notice to appear in lieu of a  
19 notice of penalty assessment, a fine imposed upon later  
20 conviction shall not exceed the penalty assessment  
21 established for the particular penalty assessment misdemeanor  
22 and probation imposed upon a suspended or deferred sentence  
23 shall not exceed ninety days.

24           D. The penalty assessment for speeding in violation  
25 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA

1 1978 is twice the penalty assessment established in  
2 Subsection A of this section for the equivalent miles per  
3 hour over the speed limit.

4 E. Upon a second conviction for operation without a  
5 permit for excessive size or weight pursuant to Section  
6 66-7-413 NMSA 1978, the penalty assessment shall be two  
7 hundred fifty dollars (\$250). Upon a third or subsequent  
8 conviction, the penalty assessment shall be five hundred  
9 dollars (\$500)."

10 Section 13. Section 66-8-116.1 NMSA 1978 (being Laws  
11 1989, Chapter 319, Section 12) is amended to read:

12 "66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS--OVERSIZE  
13 LOAD.--As used in the Motor Vehicle Code and the Motor Carrier  
14 Act, "penalty assessment misdemeanor" means, in addition to  
15 the definition of that term in Section 66-8-116 NMSA 1978,  
16 violation of the following listed sections of the NMSA 1978  
17 for which the listed penalty is established:

18	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
19	Oversize load		
20	1,000 to 3,000 pounds	66-7-411	\$ 50.00
21	Oversize load		
22	3,001 to 4,000 pounds	66-7-411	80.00
23	Oversize load		
24	4,001 to 5,000 pounds	66-7-411	150.00
25	Oversize load		

1	5,001 to 6,000 pounds	66-7-411	250.00
2	Oversize load		
3	6,001 to 7,000 pounds	66-7-411	400.00
4	Oversize load		
5	7,001 to 8,000 pounds	66-7-411	550.00
6	Oversize load		
7	8,001 to 9,000 pounds	66-7-411	700.00
8	Oversize load		
9	9,001 to 10,000 pounds	66-7-411	850.00
10	Oversize load		
11	over 10,000 pounds	66-7-411	1,000.00."

12 Section 14. Section 66-8-116.2 NMSA 1978 (being Laws  
13 1989, Chapter 319, Section 13, as amended) is amended to  
14 read:

15 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR  
16 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor  
17 Carrier Act, "penalty assessment misdemeanor" means, in  
18 addition to the definitions of that term in Sections 66-8-116  
19 and 66-8-116.1 NMSA 1978, violation of the following listed  
20 sections of the NMSA 1978 for which, except as provided in  
21 Subsection E of this section, the listed penalty is  
22 established:

23 A. GENERAL

24	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
25	Failure to register		

1	motor carrier	66-3-1.1	\$300.00
2	Failure to carry tax		
3	identification		
4	permit	65-1-26	300.00
5	Failure to comply with		
6	public regulation		
7	commission rules and		
8	regulations	65-2A-7	50.00
9	Failure to		
10	carry single state		
11	registration receipt issued		
12	by a base state	65-2A-7	50.00
13	Failure to register with		
14	a base state under the Federal		
15	Unified Carrier Registration Act		
16	of 2005	65-2A-16	50.00
17	Failure to stop at		
18	designated		
19	registration place	65-5-1	100.00
20	Failure to obtain		
21	proper clearance		
22	certificates	65-5-3	100.00.

B. VEHICLE OUT-OF-SERVICE VIOLATIONS

24	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
25	Absence of braking action	65-3-9	\$100.00

1	Damaged brake lining or pads	65-3-9	50.00
2	Loose or missing brake		
3	components	65-3-12	100.00
4	Inoperable breakaway braking		
5	system	65-3-12	50.00
6	Defective or damaged brake		
7	tubing	65-3-12	50.00
8	Inoperative low pressure		
9	warning device	65-3-9	50.00
10	Reservoir pressure not		
11	maintained	65-3-12	100.00
12	Inoperative tractor		
13	protection valve	65-3-9	100.00
14	Damaged or loose air		
15	compressor	65-3-12	100.00
16	Audible air leak at brake		
17	chamber	65-3-12	50.00
18	Defective safety devices--		
19	chains or hooks	65-3-9	100.00
20	Defective towing or coupling		
21	devices	65-3-9	100.00
22	Defective exhaust systems	65-3-9	30.00
23	Frame defects--trailers	65-3-12	100.00
24	Frame defects--other	65-3-9	100.00
25	Defective fuel systems	65-3-9	50.00



1	Missing or inoperative		
2	lamps	65-3-9	25.00
3	Missing lamps on projecting		
4	loads	65-3-9	50.00
5	Missing or inoperative		
6	turn signal	65-3-9	25.00
7	Unsafe loading	65-3-8	100.00
8	Possession of radar detector		
9	in commercial motor carrier		
10	vehicle	65-3-8	100.00
11	Possession of alcoholic		
12	beverage in commercial		
13	motor carrier vehicle	65-3-8	200.00
14	Excessive steering wheel		
15	play	65-3-9	100.00
16	Steering column defects	65-3-9	100.00
17	Steering box or steering		
18	system defects	65-3-9	100.00
19	Suspension system defects	65-3-9	50.00
20	Defective springs or spring		
21	assembly	65-3-9	50.00
22	Defective tires--steering		
23	axle	65-3-9	100.00
24	Defective tires--other axles	65-3-9	30.00
25	Defective wheels and rims	65-3-9	50.00

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

1	Exceeding the 14-hour on		
2	duty rule for property		
3	carrier transportation	65-3-11	100.00
4	Exceeding the 15-hour on		
5	duty rule for passenger		
6	carrier transportation	65-3-11	100.00
7	Exceeding the 60 hours in 7		
8	days on duty rule	65-3-11	100.00
9	Exceeding the 70 hours in 8		
10	days on duty rule	65-3-11	100.00
11	False log book	65-3-11	100.00
12	No log book	65-3-11	100.00
13	No record for previous		
14	7 days	65-3-11	100.00.

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

16	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
17	Placarding violations	65-3-13	\$250.00
18	Cargo tank not meeting		
19	specifications	65-3-13	250.00
20	Internal valve operation		
21	violations	65-3-13	250.00
22	Hazardous materials		
23	packaging violations	65-3-13	250.00
24	Insecure load--hazardous		
25	materials	65-3-13	250.00

