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AN ACT

RELATING TO MOTOR VEHICLES; IMPOSING A PENALTY ASSESSMENT FOR FAILURE TO COMPLY WITH WEIGHT DISTANCE TAX ACT REQUIREMENTS.

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

Section 1. Section 66-8-116.2 NMSA 1978 (being Laws 1989, Chapter 319, Section 13, as amended) is amended to read:

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

A. GENERAL

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Failure to register motor carrier	66-3-1.1	\$300.00
Failure to carry tax identification permit	65-1-26	300.00
Failure of motor carrier to comply with weight distance		

1	requirements of the Weight		
2	Distance Tax Act	65-1-26	
3	(1) first conviction		300.00
4	(2) second conviction, within		
5	ten years of the first conviction		500.00
6	(3) third or subsequent		
7	conviction, within ten years of the		
8	first conviction		1,000.00
9	Failure to comply with		
10	public regulation		
11	commission rules and		
12	regulations	65-2A-7	50.00
13	Failure to		
14	carry single state		
15	registration receipt issued		
16	by a base state	65-2A-7	50.00
17	Failure to register with		
18	a base state under the Federal		
19	Unified Carrier Registration Act		
20	of 2005	65-2A-16	50.00
21	Failure to stop at		
22	designated		
23	registration place	65-5-1	100.00
24	Failure to obtain		
25	proper clearance		

1 certificates 65-5-3 100.00.

2 B. VEHICLE OUT-OF-SERVICE VIOLATIONS

3 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

4 Absence of braking action 65-3-9 \$100.00

5 Damaged brake lining or pads 65-3-9 50.00

6 Loose or missing brake
7 components 65-3-12 100.00

8 Inoperable breakaway braking
9 system 65-3-12 50.00

10 Defective or damaged brake
11 tubing 65-3-12 50.00

12 Inoperative low pressure
13 warning device 65-3-9 50.00

14 Reservoir pressure not
15 maintained 65-3-12 100.00

16 Inoperative tractor
17 protection valve 65-3-9 100.00

18 Damaged or loose air
19 compressor 65-3-12 100.00

20 Audible air leak at brake
21 chamber 65-3-12 50.00

22 Defective safety devices--
23 chains or hooks 65-3-9 100.00

24 Defective towing or coupling
25 devices 65-3-9 100.00

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

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

9 C. DRIVER OUT-OF-SERVICE VIOLATIONS

10	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
11	Driver's age	65-3-7	\$30.00
12	Driver not licensed for		
13	type of vehicle being		
14	operated	65-3-7	30.00
15	Failure to have valid		
16	commercial driver's license		
17	in possession	66-5-59	30.00
18	No waiver of physical		
19	disqualification		
20	in possession	65-3-7	30.00
21	Sickness or fatigue	65-3-8	100.00
22	Driver disqualification	65-3-7	500.00
23	Exceeding the 10-hour		
24	driving rule for		
25	passenger carrier		

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

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Placarding violations	65-3-13	\$250.00
Cargo tank not meeting		
specifications	65-3-13	250.00
Internal valve operation		
violations	65-3-13	250.00

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

13 E. Upon a second conviction for failure to stop at
14 a port of entry or inspection station pursuant to Section
15 65-5-1 NMSA 1978, the penalty assessment shall be two hundred
16 fifty dollars (\$250). Upon a third or subsequent conviction,
17 the penalty assessment shall be five hundred dollars (\$500)."

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