

1 HOUSE BILL 252

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Jim R. Trujillo and Nick L. Salazar and Roberto "Bobby" J.
5 Gonzales

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10 AN ACT

11 RELATING TO TRANSPORTATION; AMENDING THE MOTOR CARRIER ACT TO
12 REMOVE A CONFLICT WITH FEDERAL LAW; DECLARING AN EMERGENCY.

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

15 SECTION 1. A new section of the Motor Carrier Act is
16 enacted to read:

17 "[~~NEW MATERIAL~~] FINDINGS.--The legislature finds that:

18 A. the federal Older Americans Act of 1965 was in
19 enacted in part to allow older Americans to continue
20 "meaningful activity within the widest range of civic,
21 cultural, education and training and recreational
22 opportunities";

23 B. federal funding through Title III B of the Older
24 Americans Act of 1965 supplements, but does not supplant,
25 funding for transportation services for older Americans; and

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1 C. the Older Americans Act of 1965 specifically
2 authorizes the solicitation of voluntary contributions for
3 services supplemented by Title III B funding as long as the
4 solicitation is not coercive."

5 SECTION 2. Section 65-2A-7 NMSA 1978 (being Laws 2003,
6 Chapter 359, Section 7, as amended by Laws 2013, Chapter 73,
7 Section 6 and by Laws 2013, Chapter 77, Section 6) is amended
8 to read:

9 "65-2A-7. OPERATING AUTHORITIES IN GENERAL.--

10 A. Other than an entity receiving funding to
11 supplement transportation services through Title III B of the
12 federal Older Americans Act of 1965, no person shall offer or
13 provide a transportation service for hire within the state
14 without first obtaining an appropriate operating authority from
15 the commission. Every motor carrier providing a transportation
16 service shall meet and comply with the requirements of the
17 Motor Carrier Act and the lawfully adopted rules and orders of
18 the commission.

19 B. A certificate, permit or warrant, or a change in
20 a certificate or permit, shall be effective from the date
21 issued by the commission and shall remain in effect until
22 canceled, revoked, suspended or amended.

23 C. A motor carrier shall carry a copy of its
24 operating authority in each motor vehicle it operates in New
25 Mexico.

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D. A certificated service carrier shall render reasonably continuous and adequate service as the commission may by rule prescribe."

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.