

1 HOUSE BILL 198

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Willie D. Madrid

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10 AN ACT

11 RELATING TO TRANSPORTATION; TRANSFERRING CERTAIN AUTHORITY AND
12 ADMINISTRATIVE DUTIES FROM THE DEPARTMENT OF PUBLIC SAFETY TO
13 THE DEPARTMENT OF TRANSPORTATION.

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

16 SECTION 1. Section 7-15-6 NMSA 1978 (being Laws 1988,
17 Chapter 73, Section 27) is amended to read:

18 "7-15-6. ADMINISTRATION BY DEPARTMENT--AUTHORITY OF
19 DEPARTMENT.--

20 A. The department has the authority and duty to
21 administer the Trip Tax Act and to impose, collect and enforce
22 the trip tax.

23 B. The department has the authority to interpret
24 the provisions of the Trip Tax Act and to promulgate
25 regulations with respect to the Trip Tax Act. The extent to

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1 which regulations will have retroactive effect shall be stated
2 and, if no such statement is made, they will be applied
3 prospectively only.

4 C. The department of transportation may collect
5 revenue under the Trip Tax Act on behalf of the taxation and
6 revenue department."

7 SECTION 2. Section 7-15A-12 NMSA 1978 (being Laws 2003
8 (1st S.S.), Chapter 3, Section 6) is amended to read:

9 "7-15A-12. WEIGHT DISTANCE TAX IDENTIFICATION PERMITS--
10 SUSPENSION AND RENEWAL.--

11 A. An operator of a motor vehicle registered in
12 this state and subject to the weight distance tax shall display
13 a weight distance tax identification permit issued for that
14 vehicle to an enforcement officer of the department of public
15 safety upon demand of that employee and when the vehicle passes
16 through a port of entry.

17 B. The department may suspend or decline to renew a
18 weight distance tax identification permit for a motor vehicle
19 if the owner or operator of the vehicle does not comply with
20 the provisions of the Weight Distance Tax Act.

21 C. The department of transportation may collect
22 delinquent weight distance tax on behalf of the taxation and
23 revenue department at ports of entry operated by the department
24 of transportation."

25 SECTION 3. Section 7-15A-14 NMSA 1978 (being Laws 2003

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1 (1st S.S.), Chapter 3, Section 8, as amended) is amended to
2 read:

3 "7-15A-14. WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
4 FUND.--The "weight distance tax identification permit fund" is
5 created in the state treasury. The purpose of the fund is to
6 provide an account from which the department [~~the department of~~
7 ~~public safety~~] and the department of transportation may pay the
8 costs of issuing and administering weight distance tax
9 identification permits and of enforcing weight distance tax
10 compliance. The fund shall consist of administrative fees
11 collected pursuant to the Weight Distance Tax Act. Money in
12 the fund shall be appropriated to the department [~~the~~
13 ~~department of public safety~~] and the department of
14 transportation to pay for the cost of issuance and
15 administration of weight distance tax identification permits
16 and of enforcement by the department [~~the department of public~~
17 ~~safety~~] and the department of transportation of weight distance
18 tax compliance for motor carriers with the provisions of the
19 Weight Distance Tax Act. Disbursements from the fund shall be
20 by warrant of the secretary of finance and administration upon
21 vouchers signed by the secretary or the secretary's authorized
22 representative. Money in the fund shall not revert to the
23 general fund at the end of a fiscal year."

24 SECTION 4. Section 7-16A-19 NMSA 1978 (being Laws 1992,
25 Chapter 51, Section 19, as amended) is amended to read:

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1 "7-16A-19. SPECIAL FUEL USER PERMITS--VIOLATION.--

2 A. A special fuel user whose vehicle is not
3 registered with the department of transportation shall acquire
4 from the department, before operating the vehicle on New Mexico
5 highways:

6 (1) a temporary special fuel user permit valid
7 for one calendar day only or for one entry into and one exit
8 out of New Mexico; or

9 (2) a border crossing special fuel user
10 permit, as provided for in Section [~~1 of this 2018 act~~]
11 7-16A-19.1 NMSA 1978.

12 B. A special fuel user applying for a temporary
13 special fuel user permit shall apply for the permit on a form
14 approved by the department.

15 C. The fee for a temporary special fuel user permit
16 is five dollars (\$5.00) for each motor vehicle.

17 D. It is a violation of the Special Fuels Supplier
18 Tax Act for a person to act as a temporary special fuel user
19 without possessing a valid temporary special fuel user permit
20 issued by the department of transportation.

21 E. It is a violation of the Special Fuels Supplier
22 Tax Act for a person holding a valid border crossing special
23 fuel user permit to travel in the motor carrier vehicle for
24 which the permit was issued on New Mexico highways outside the
25 area in which the permit authorizes travel, unless the person

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1 may otherwise under law engage in that travel. In addition to
2 any other penalty that may apply, a person who violates this
3 provision is subject to a fine of three hundred dollars
4 (\$300)."

5 SECTION 5. Section 7-16A-19.1 NMSA 1978 (being Laws 2018,
6 Chapter 77, Section 1) is amended to read:

7 "7-16A-19.1. BORDER CROSSING SPECIAL FUEL USER PERMIT.--

8 A. A special fuel user who operates a commercial
9 motor carrier vehicle registered or titled in Mexico, who is
10 engaged primarily in movement across the New Mexico-Mexico
11 border and into or from an international border commercial zone
12 and whose exclusive use of New Mexico highways is limited to an
13 area within ten miles of the New Mexico-Mexico border may apply
14 for, on a form approved by the department of transportation, a
15 quarterly, semi-annual or annual border crossing special fuel
16 user permit. The department of transportation shall issue the
17 permit if it approves the application and upon payment of the
18 fee for the permit.

19 B. The department of transportation shall establish
20 by rule the amount, which shall not exceed the following, of
21 fees for border crossing special fuel user permits:

22 (1) for a quarterly permit, one hundred
23 twenty-five dollars (\$125);

24 (2) for a semi-annual permit, two hundred
25 dollars (\$200); and

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1 (3) for an annual permit, three hundred fifty
2 dollars (\$350).

3 ~~[G. The department may revoke, after notice and a~~
4 ~~hearing, the border crossing special fuel user permit of a~~
5 ~~special fuel user found to have violated the Special Fuels~~
6 ~~Supplier Tax Act.~~

7 ~~D.]~~ C. As used in this section, "international
8 border commercial zone" means that part of a commercial zone
9 established by a law of the United States that extends into New
10 Mexico."

11 SECTION 6. Section 65-1-11 NMSA 1978 (being Laws 1967,
12 Chapter 97, Section 13, as amended) is amended to read:

13 "65-1-11. PORTS OF ENTRY.--The department of
14 transportation shall designate the main highways upon which
15 motor carriers shall enter and leave the state and shall
16 designate stations or establish places, either temporary or
17 permanent, where inspection, registration and permit services
18 shall be maintained [~~The state highway and transportation~~
19 ~~department]~~ and shall provide the necessary right of way,
20 approach roads, ramps and other road facilities required [~~by~~
21 ~~the department for places established after June 17, 1967]~~ for
22 ports of entry."

23 SECTION 7. Section 65-1-28 NMSA 1978 (being Laws 1987,
24 Chapter 128, Section 1, as amended) is amended to read:

25 "65-1-28. PAYMENT BY CREDIT CARD--OPTIONAL SERVICES--
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1 FEES--APPROPRIATIONS.--

2 A. Notwithstanding any other provision of law, the
3 department is authorized to enter into agreements with
4 financial institutions and credit card companies under which
5 the department may accept payment by credit card from motor
6 carriers of the taxes, fees or other charges due pursuant to
7 the Motor Transportation Act, Motor Vehicle Code, Trip Tax Act
8 [~~Special Fuels Tax Act~~] or Weight Distance Tax Act. Any fee
9 payable to the financial institution or credit card company for
10 a payment by credit card authorized under this section may be
11 deducted from the proceeds of the taxes, fees or other charges
12 paid on a pro-rata basis prior to any other distribution of the
13 proceeds required by law. The necessary portion of the
14 proceeds of the taxes, fees and other charges collected under
15 this subsection is [~~hereby~~] appropriated for the purpose of
16 paying the fee payable to the financial institution or credit
17 card company.

18 B. The secretary is authorized to establish by
19 regulation fees to cover the expense of providing additional
20 services for the convenience of the motoring public. Any
21 service established for which a fee is adopted under this
22 section shall be optional, with the fee not being charged to
23 any person not taking advantage of the service. Amounts
24 collected pursuant to this subsection are appropriated to the
25 department for the purpose of defraying the expense of

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1 providing the service.

2 C. Notwithstanding any other provision of law, the
3 department of transportation is authorized to enter into
4 agreements with financial institutions and credit card
5 companies under which the department of transportation may
6 accept payment by credit card from motor carriers of the taxes,
7 fees or other charges due pursuant to the Trip Tax Act or the
8 Weight Distance Tax Act. Any fee payable to the financial
9 institution or credit card company for a payment by credit card
10 authorized under this section may be deducted from the proceeds
11 of the taxes, fees or other charges paid on a pro-rata basis
12 prior to any other distribution of the proceeds required by
13 law. The necessary portion of the proceeds of the taxes, fees
14 and other charges collected under this subsection is hereby
15 appropriated for the purpose of paying the fee payable to the
16 financial institution or credit card company."

17 SECTION 8. Section 65-1-28.1 NMSA 1978 (being Laws 1992,
18 Chapter 106, Section 12) is amended to read:

19 "65-1-28.1. SPECIAL METHODS OF PAYMENT.--The department
20 and the department of transportation may require the motor
21 carriers specified in this section to make payment of taxes,
22 fees and other charges due under the Motor Transportation Act,
23 Motor Vehicle Code, Trip Tax Act [~~Special Fuels Tax Act~~] or
24 Weight Distance Tax Act by credit card, certified check or
25 other method of guaranteed payment. The provisions of this

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1 section apply to any motor carrier whose check in payment of
2 any amount due under any act administered by the department has
3 been dishonored upon presentment on two or more occasions
4 within the previous two years."

5 SECTION 9. Section 66-3-302 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 78, as amended) is amended to read:

7 "66-3-302. CARAVAN FEE.--

8 A. A person or an employee, agent or representative
9 of that person shall not use the highways of New Mexico for the
10 transportation of any vehicle, regardless of whether the
11 vehicle is registered in another state or whether the vehicle
12 is transported on its own wheels or on another vehicle or by
13 being drawn or towed behind another, if the vehicle is
14 transported by any person or the agents or employees of that
15 person engaged in the business of transporting vehicles or if
16 the vehicle is being transported for the purpose of delivery to
17 any purchaser of the vehicle on a sale or contract of sale
18 previously made, unless the vehicle carries:

- 19 (1) a valid New Mexico registration plate;
20 (2) a valid dealer's plate issued by the
21 department;
22 (3) a special permit for the use of the
23 highways of this state for the transportation of the vehicle in
24 the manner in which the vehicle is being transported, which has
25 first been obtained and the fee paid as specified in this

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1 section; or

2 (4) a valid temporary transportation permit
3 issued under Subsection B of Section 66-3-6 NMSA 1978.

4 B. Special permits for the use of the highways of
5 this state for the transportation of such vehicles shall be
6 issued by the department of [~~public safety~~] transportation upon
7 application on the form prescribed by the department of [~~public~~
8 ~~safety~~] transportation and upon payment of a fee of ten dollars
9 (\$10.00) for each vehicle transported by use of its own power
10 and a fee of seven dollars (\$7.00) for each vehicle carried in
11 or on another vehicle or towed or drawn by another vehicle and
12 not transported in whole or in part by the use of its own
13 power. A fee imposed pursuant to this section may be referred
14 to as a "caravan fee". Every permit shall show upon its face
15 the registration number assigned to each vehicle, the name and
16 address of the owner, the manner of transportation authorized
17 and a description of the vehicle registered, including the
18 engine number. The permit shall be carried at all times by the
19 person in charge of the vehicle. A suitable tag or placard for
20 each vehicle may be issued by the department of public safety
21 and, if issued, shall be at all times displayed on each vehicle
22 being transported. The permit, tag or placard shall not be
23 used upon or in connection with the transportation of any
24 vehicle other than the one for which the permit, tag or placard
25 is issued.

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1 C. A caravan fee shall not apply to the
2 transportation of vehicles carried on another vehicle for the
3 operation of which a weight distance tax is paid, nor shall the
4 vehicle transported be required to carry a registration plate
5 or temporary transportation permits. The New Mexico state
6 police division of the department of public safety is
7 authorized to impound any vehicle transported in violation of
8 the Motor Transportation Act until a proper permit has been
9 secured and any fine levied has been paid."

10 SECTION 10. Section 66-7-404 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 475, as amended) is amended to read:

12 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS.--

13 A. A vehicle shall not exceed a height of fourteen
14 feet.

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

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

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

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

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

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

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

16 (6) as provided in Subsections D through G of
17 this section.

18 D. Exclusive of safety and energy conservation
19 devices, refrigeration units and other devices such as coupling
20 devices, vehicles operating a truck tractor semitrailer or
21 truck tractor semitrailer-trailer combinations on the
22 interstate highway system and those qualifying federal aid
23 primary system highways designated by the secretary of the
24 United States department of transportation, pursuant to the
25 federal Surface Transportation Assistance Act of 1982, Public

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

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

- 24 (1) automobile transporters;
25 (2) boat transporters;

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1 (3) beverage semitrailers; and

2 (4) munitions carriers using dromedary

3 equipment.

4 F. A saddle-mount vehicle is specialized equipment
5 and may not exceed an overall length of ninety-seven feet
6 pursuant to the Code of Federal Regulations, Title 23, Section
7 658.13.

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

13 SECTION 11. Section 66-7-411 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 482, as amended) is amended to read:

15 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
16 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

17 A. A police officer with the New Mexico state
18 police division of the department of public safety, having
19 reason to believe that the weight of a vehicle and load is
20 unlawful, may require the driver to stop and submit to weighing
21 of the vehicle and load by means of either portable or
22 stationary scales and may require the vehicle to be driven to
23 the nearest scales approved by the department of [public
24 safety] transportation if the scales are within five miles. A
25 police officer shall not require a driver to weigh a vehicle on

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1 a private scale.

2 B. When a police officer with the New Mexico state
3 police division of the department of public safety or a
4 transportation inspector, upon weighing a vehicle or
5 combination, determines that the gross vehicle weight or
6 combination gross vehicle weight exceeds the maximum authorized
7 by Sections 66-7-409 and 66-7-410 NMSA 1978, the officer or
8 inspector shall require the driver or owner of the vehicle or
9 combination to unload that portion of the load necessary to
10 decrease the gross vehicle weight or combination gross vehicle
11 weight to the authorized maximum.

12 C. A driver of a vehicle who fails or refuses to
13 stop and submit the vehicle and load to weighing or who fails
14 or refuses, when directed by a duly authorized police officer
15 with the New Mexico state police division of the department of
16 public safety or a transportation inspector, upon a weighing of
17 the vehicle, to unload the vehicle and otherwise comply with
18 the provisions of this section is guilty of a misdemeanor.

19 D. A shipper or a person loading the vehicle who
20 intentionally overloads a vehicle that the shipper or person
21 has reason to believe will travel in that condition upon a
22 public highway is guilty of a misdemeanor and shall be fined in
23 accordance with Section 66-8-116.1 NMSA 1978.

24 E. In all cases of violations of weight
25 limitations, the penalties shall be assessed and imposed in

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1 accordance with Section 66-8-116.1 NMSA 1978."

2 SECTION 12. Section 66-7-412 NMSA 1978 (being Laws 1959,
3 Chapter 247, Section 1, as amended) is amended to read:

4 "66-7-412. SPECIAL FARM PERMITS.--The [~~New Mexico state~~
5 ~~police division of the department of public safety~~] department
6 of transportation shall have the authority to issue special
7 permits at all ports of entry where registration stations or
8 places where inspection and registration services are
9 maintained by the [~~New Mexico state police division~~] department
10 of transportation to all implements of husbandry using the
11 highways, including farm tractors, and to the instrumentalities
12 or vehicles that may be carrying the implements of husbandry,
13 including farm tractors, when the securing of these permits is
14 required by law."

15 SECTION 13. Section 66-7-413 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 484, as amended) is amended to read:

17 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
18 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

19 A. The department of [~~public safety~~] transportation
20 and local highway authorities may, in their discretion, upon
21 application in writing and good cause being shown, issue a
22 special permit in writing authorizing the applicant to operate
23 or move a vehicle or load of a size or weight exceeding the
24 maximum specified in Sections 66-7-401 through 66-7-416 NMSA
25 1978 on a highway under the jurisdiction of the state

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1 transportation commission or local authorities. Except for the
2 movement of manufactured homes, a permit may be granted, in
3 cases of emergency, for the transportation of loads on a
4 certain unit or combination of equipment for a specified period
5 of time not to exceed one year, and the permit shall contain
6 the route to be traversed, the type of load to be transported
7 and any other restrictions or conditions deemed necessary by
8 the body granting the permit. In every other case, the permit
9 shall be issued for a single trip and may designate the route
10 to be traversed and contain any other restrictions or
11 conditions deemed necessary by the body granting the permit.
12 Every permit shall be carried in the vehicle to which it refers
13 and shall be opened for inspection to any peace officer. It is
14 a misdemeanor for a person to violate a condition or term of
15 the special permit.

16 B. The department of [~~public safety~~] transportation
17 shall promulgate rules in accordance with the State Rules Act
18 pertaining to safety practices, liability insurance and
19 equipment for escort vehicles provided by the motor carrier and
20 for escort vehicles provided by a private business in this
21 state.

22 (1) The department of public safety shall
23 provide the escort personnel with a copy of applicable rules
24 and shall inspect the escort vehicles for the safety equipment
25 required by the rules. If the escort vehicles and personnel

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1 meet the requirements set forth in the rules, the department of
2 public safety shall issue the special permit.

3 (2) The movement of vehicles upon the highways
4 of this state requiring a special permit and required to use an
5 escort of the type noted in Paragraph (1) of this subsection is
6 subject to the authority of the department of transportation
7 and the department of public safety [~~authority~~] and to
8 inspection at all times.

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

22 C. Except for the movement of manufactured homes,
23 special permits may be issued for a single vehicle or
24 combination of vehicles by the department of [~~public safety~~]
25 transportation for a period not to exceed one year for a fee of

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1 two hundred fifty dollars (\$250). The special permits may
2 allow excessive height, length and width for a vehicle or
3 combination of vehicles or load thereon and may include a
4 provision for excessive weight if the weight of the vehicle or
5 combination of vehicles is not greater than one hundred forty
6 thousand pounds. Utility service vehicles, operating with
7 special permits pursuant to this subsection, shall be exempt
8 from prohibitions or restrictions relating to hours or days of
9 operation or restrictions on movement because of poor weather
10 conditions.

11 D. Special permits for a single trip for a vehicle
12 or combination of vehicles or load thereon of excessive weight,
13 width, length and height may be issued by the department of
14 ~~[public safety]~~ transportation for a single vehicle for a fee
15 of twenty-five dollars (\$25.00) plus the product of two and
16 one-half cents (\$.025) for each two thousand pounds in excess
17 of eighty-six thousand four hundred pounds or major fraction
18 thereof multiplied by the number of miles to be traveled by the
19 vehicle or combination of vehicles on the highways of this
20 state.

21 E. If a vehicle for which a permit is issued
22 pursuant to this section is a manufactured home, the department
23 of ~~[public safety]~~ transportation or local highway authority
24 issuing the permit shall furnish the following information to
25 the property tax division of the taxation and revenue

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1 department, which shall forward the information:

2 (1) to the county assessor of a county from
3 which a manufactured home is being moved, the date the permit
4 was issued, the location being moved from, the location being
5 moved to if within the same county, the name of the owner of
6 the manufactured home and the identification and registration
7 numbers of the manufactured home;

8 (2) to the county assessor of any county in
9 this state to which a manufactured home is being moved, the
10 date the permit was issued, the location being moved from, the
11 location being moved to, the name of the owner of the
12 manufactured home and the registration and identification
13 numbers of the manufactured home; and

14 (3) to the owner of a manufactured home having
15 a destination in this state, notification that the information
16 required in Paragraphs (1) and (2) of this subsection is being
17 given to the respective county assessors and that manufactured
18 homes are subject to property taxation.

19 F. Except as provided in Subsection G of this
20 section, if the movement of a manufactured home originates in
21 this state, a permit shall not be issued pursuant to Subsection
22 E of this section until the owner of the manufactured home or
23 the authorized agent of the owner obtains and presents to the
24 department of ~~[public safety]~~ transportation proof that a
25 certificate has been issued by the county assessor or treasurer

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1 of the county in which the manufactured home movement
2 originates showing that either:

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

7 (2) liability for property taxes on the
8 manufactured home does not exist for the current tax year or a
9 past tax year, except for manufactured homes located on an
10 Indian reservation.

11 G. The movement of a manufactured home from the lot
12 or business location of a manufactured home dealer to its
13 destination designated by an owner-purchaser is not subject to
14 the requirements of Subsection F of this section if the
15 manufactured home movement originates from the lot or business
16 location of the dealer and the manufactured home was part of
17 the dealer's inventory prior to the sale to the owner-
18 purchaser; however, the movement of a manufactured home by a
19 dealer or the dealer's authorized agent as a result of a sale
20 or trade-in from a nondealer-owner is subject to the
21 requirements of Subsection F of this section whether the
22 destination is the business location of a dealer or some other
23 destination.

24 H. A permit shall not be issued pursuant to this
25 section for movement of a manufactured home whose width exceeds

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1 eighteen feet with no more than a six-inch roof overhang on the
2 left side or twelve inches on the right side in addition to the
3 eighteen-foot width of the manufactured home. Manufactured
4 homes exceeding the limitations of this section shall only be
5 moved on dollies placed on the front and the rear of the
6 structure.

7 I. The secretary of [~~public safety~~] transportation
8 may by rule provide for movers of manufactured homes to self-
9 issue permits for certain sizes of manufactured homes over
10 specific routes. The cost of a permit shall not be less than
11 twenty-five dollars (\$25.00).

12 J. The secretary of [~~public safety~~] transportation
13 may provide by rule for dealers of implements of husbandry to
14 self-issue permits for the movement of certain sizes of
15 implements of husbandry from the lot or business location of
16 the dealer over specific routes with specific escort
17 requirements, if necessary, to a destination designated by an
18 owner-purchaser or for purposes of a working demonstration on
19 the property of a proposed owner-purchaser. The department of
20 [~~public safety~~] transportation shall charge a fee for each
21 self-issued permit not to exceed fifteen dollars (\$15.00).

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

- 25 (1) bodily injury liability, providing:

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

3 (b) one hundred thousand dollars
4 (\$100,000) for each accident; and

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

7 L. A motor carrier requesting an oversize permit
8 shall produce a copy of a warrant or a single state
9 registration receipt as evidence that the motor carrier
10 maintains the insurance minimums prescribed by the public
11 regulation commission.

12 M. The department of [~~public safety~~] transportation
13 may provide by rule the time periods during which a vehicle or
14 load of a size or weight exceeding the maximum specified in
15 Sections 66-7-401 through 66-7-416 NMSA 1978 may be operated or
16 moved by a motor carrier on a highway under the jurisdiction of
17 the state transportation commission or local authorities.

18 N. An applicant for a special permit to operate a
19 vehicle or combination of vehicles with a gross weight not
20 exceeding ninety-six thousand pounds within six miles of the
21 port of entry at the border with Mexico at Santa Teresa or
22 within a circular quadrant starting at that port of entry with
23 an east boundary line running due north twelve miles from the
24 Santa Teresa port of entry to a point, then along an arc to the
25 west with a twelve-mile radius and central angle of

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1 approximately ninety degrees to a point on the international
2 boundary with Mexico, then returning due east twelve miles to
3 the starting point at that port of entry, and twelve miles of
4 other ports of entry on the border with Mexico shall not be
5 required to demonstrate to the department of [~~public safety~~]
6 transportation that the load cannot be reduced as a condition
7 of the issuance of the permit.

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

14 SECTION 14. Section 66-7-413.2 NMSA 1978 (being Laws
15 1989, Chapter 291, Section 1, as amended) is amended to read:

16 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
17 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

18 A. All vehicles with a gross vehicle weight in
19 excess of one hundred seventy thousand pounds shall require a
20 special permit as provided for in Section 66-7-413 NMSA 1978,
21 and no such permit shall be issued unless:

22 (1) an engineering investigation and review
23 have been conducted to:

24 (a) establish whether the move could be
25 made without visible or documented damages to the portion of

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1 road or bridges upon which the move is to be made;

2 (b) establish whether the move could be
3 made without visible or documented damages to any private
4 facilities along the road upon which the move is to be made;
5 and

6 (c) estimate the cost for any necessary
7 modifications the move may cause; and

8 (2) when required, the applicant has submitted
9 to the ~~[New Mexico state police division of the department of~~
10 ~~public safety]~~ department of transportation and the local
11 highway authorities all pertinent information requested of the
12 applicant by the department of transportation and the New
13 Mexico state police division. If the submitted data are not
14 acceptable to the department of transportation, the applicant
15 will be advised by the New Mexico state police division that
16 engineering investigations will be conducted by the department
17 of transportation, and the cost incurred by the department of
18 transportation will be paid by the applicant as an added cost
19 to the permit fee.

20 B. The ~~[New Mexico state police division]~~
21 department of transportation shall adopt the necessary rules
22 ~~[and regulations]~~ for the development of data for an
23 investigation to determine whether to issue any special permit
24 pursuant to Section 66-7-413 NMSA 1978.

25 C. The applicant or the applicant's employer shall

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1 pay the costs for any modifications to the road, bridges or
2 private facilities along the road that the [~~New Mexico state~~
3 ~~police division~~] department of transportation has determined
4 are necessary for the issuance of the special permit and the
5 costs for any damages to the road or bridges that are the
6 result of the move and the fault of the mover and not the [~~New~~
7 ~~Mexico state police division~~] department of transportation.

8 D. Any person who violates the provisions of
9 Subsection A of this section is guilty of a misdemeanor and
10 shall be punished by a fine of not more than one thousand
11 dollars (\$1,000) or imprisonment for a definite term not to
12 exceed six months, or both.

13 E. Nothing contained in this section shall limit in
14 any manner the authority of the state, a county, a municipality
15 or a political subdivision to collect damages for any unlawful
16 use of highways as provided by law."

17 SECTION 15. Section 66-7-413.4 NMSA 1978 (being Laws
18 2001, Chapter 20, Section 2, as amended) is amended to read:

19 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

20 A. In addition to the authority granted in Section
21 66-7-413 NMSA 1978, the [~~New Mexico state police division of~~
22 ~~the department of public safety~~] department of transportation
23 may issue special permits authorizing an increase of up to
24 twenty-five percent in axle weight for liquid hauling tank
25 vehicles whenever the liquid hauling tank vehicles would have

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1 to haul less than a full tank under the maximum weights
2 authorized in Sections 66-7-409 and 66-7-410 NMSA 1978. A
3 special permit under this section may be issued for a single
4 trip or for a year. The fee for the permits shall be thirty-
5 five dollars (\$35.00) for a single-trip permit and one hundred
6 twenty dollars (\$120) for an annual permit. Revenue from the
7 permit fee shall be used to build, maintain, repair or
8 reconstruct the highways and bridges of this state. Revenue
9 from the permit shall be collected for the department of
10 transportation and transferred to the state road fund.

11 B. The special permits authorized by this section
12 shall not be valid for transportation of excessive weights on
13 the interstate system as currently defined in federal law or as
14 that system may be defined in the future. A special permit
15 issued pursuant to this section shall not be valid for gross
16 vehicle weights in excess of eighty-six thousand four hundred
17 pounds or for a combination vehicle.

18 C. If the federal highway administration of the
19 United States department of transportation gives official
20 notice that money will be withheld or that this section
21 violates the grandfather provision of 23 USCA 127, the
22 secretary may withdraw all special permits and discontinue
23 issuance of all special permits authorized in this section
24 until such time that final determination is made. If the final
25 determination allows the state to issue the special permits

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1 without sanction of funds or weight tables, the secretary shall
2 reissue the special permits previously withdrawn and make the
3 special permits available pursuant to this section."

4 SECTION 16. Section 66-7-413.5 NMSA 1978 (being Laws
5 2003, Chapter 333, Section 1) is amended to read:

6 "66-7-413.5. EXEMPTION--VEHICLES USED TO TRANSPORT SEED
7 COTTON MODULES--LIMITATIONS.--

8 A. A seed cotton module transport vehicle may
9 transport loads without securing a permit or escort if:

- 10 (1) the vehicle is:
 - 11 (a) no wider than nine feet;
 - 12 (b) no longer than forty-eight feet; and
 - 13 (c) no higher than fourteen feet six
14 inches;
- 15 (2) the load is not transported for a distance
16 greater than one hundred miles;
- 17 (3) the gross vehicle weight of the vehicle is
18 less than fifty-nine thousand four hundred pounds;
- 19 (4) the vehicle is marked on the front and the
20 rear with "OVERSIZED LOAD" signs; and
- 21 (5) the vehicle is not operated on highways
22 for which a more strict size or weight limitation is required
23 by federal law.

24 B. If the owner of a seed cotton module transport
25 vehicle transports a load of more than fifty-nine thousand four
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1 hundred pounds, the owner is liable to the state, county or
2 municipality for damage to a highway, street, road or bridge
3 caused by the weight of the load and transport.

4 C. If the seed cotton module transport vehicle is
5 not operated on routes identified by the [~~state highway and~~
6 department of transportation [~~department~~] as having deficient
7 bridge structures, the owner or operator shall obtain and have
8 in possession the deficient bridge information from the
9 department on an annual basis.

10 D. As used in this section, "seed cotton module
11 transport vehicle" means a motor vehicle, trailer or
12 combination of motor vehicle with trailer used exclusively to
13 transport a seed cotton module."

14 SECTION 17. Section 66-7-413.7 NMSA 1978 (being Laws
15 2008, Chapter 63, Section 2) is amended to read:

16 "66-7-413.7. MULTIPLE TRIP SPECIAL PERMIT ALLOWANCE--
17 FEE--VEHICLES USED TO TRANSPORT AGRICULTURAL PRODUCTS--
18 LIMITATIONS.--

19 A. An agricultural product transport vehicle may be
20 issued a special permit for an annual fee of two hundred fifty
21 dollars (\$250) to transport loads for multiple trips pursuant
22 to Section 66-7-413 NMSA 1978. The area covered by the special
23 permit shall be specified on the permit.

24 B. The multiple trip special permits for
25 agricultural product transport vehicles may be issued for up to

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1 five thousand pounds over the gross vehicle weight pursuant to
2 Section 66-7-410 NMSA 1978.

3 C. An agricultural product transport vehicle shall
4 not be operated on highways for which a more strict size or
5 weight limitation is required by federal law.

6 D. An agricultural product transport vehicle shall
7 not be operated on routes identified by the department of
8 transportation as having deficient bridge structures. The
9 owner or operator of the agricultural product transport vehicle
10 shall obtain and have in the owner's or operator's possession a
11 copy of the restrictions imposed by the state transportation
12 commission pursuant to Section 66-7-415 NMSA 1978 regarding the
13 size and weight of vehicles operated on a highway under the
14 jurisdiction of that commission.

15 E. As used in this section, "agricultural product
16 transport vehicle" means a motor vehicle, freight trailer or
17 utility trailer or a combination thereof used exclusively for
18 hauling agricultural products harvested in an agricultural
19 area that lies within New Mexico or within New Mexico and in
20 an adjacent state."