

AN ACT

RELATING TO TRANSPORTATION; REMOVING AN EXEMPTION FROM THE
MOTOR CARRIER ACT.

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

Section 1. Section 65-2-126 NMSA 1978 (being Laws
1981, Chapter 358, Section 47, as amended) is amended to
read:

"65-2-126. EXEMPTIONS.--

A. Neither the Motor Carrier Act nor any
provisions of that act shall apply or be construed to apply
to any of the following:

(1) school buses as defined in Section
66-1-4.16 NMSA 1978, or the use of those vehicles under a
permit pursuant to Sections 22-17-1 through 22-17-4 NMSA
1978, provided that the vehicles shall, notwithstanding the
provisions of this section, be subject to all applicable
school bus safety provisions as established by the state
transportation director pursuant to Sections 22-16-2 and
22-16-11 NMSA 1978;

(2) United States mail carriers operating
star routes, when not engaged in other business as common
carriers or contract carriers of property or persons;

(3) hearses, funeral coaches or any other
motor vehicle belonging to or operated by any funeral service

practitioner or assistant funeral service practitioner licensed pursuant to the Thanatopractice Act in connection with his business;

(4) any municipal bus system; or

(5) private carriers.

B. Exempt from the provisions of Sections 65-2-96 through 65-2-99 NMSA 1978, except as otherwise provided in this section, shall be persons operating motor vehicles engaged in the transportation of materials mixed or unmixed for plant mix bituminous-treated base, base course, cement- or lime-treated subgrade, cold mix asphalt, treated base, plant mix bituminous pavement, hot recycled bituminous pavement, open-grade friction course, slurry seal, bituminous surface treatment, asphalt-rubber crack sealant and aggregates of sand, gravel, rock, crushed rock, rock ballast or dirt, treated or untreated, not transported in tank or tank-type vehicles, obtained or produced on the job and transported over irregular routes under unscheduled service. Persons operating motor vehicles engaged in the transportation of the materials provided for in this subsection shall be deemed to have statewide authority for the transportation of those materials. A minimum tariff for the transportation of the materials provided for in this subsection shall be set by the commission as provided by law. This exemption shall not apply to the transportation of

asphalt petroleum and petroleum products and any commodities in bulk by tank vehicle.

C. Motor vehicles, regularly used to convey children to and from schools or school activities, that comply with the safety requirements prescribed by law may, upon application of the vehicle owner and an eleemosynary organization and in the discretion of the commission, be granted a permit for a single trip. Application for a single trip permit shall be in a form prescribed by the commission and shall state the time, purpose, origin and destination of the trip for which the permit is requested and the name, purpose and status of any organization sponsoring the trip. Single-trip permits authorized by this subsection may be issued for a fee not to exceed five dollars (\$5.00) to be determined by the commission, shall not be subject to tariff-filing requirements and shall be issued only upon the determination of the commission that no certified or permitted common or contract carrier service is available for the trip described in the application for permit."