



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

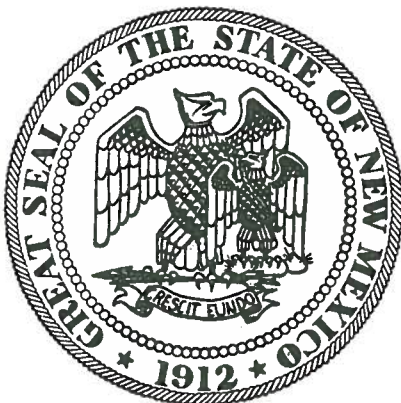
CHAPTER 58

HOUSE BILL 24, as amended

Introduced by

REPRESENTATIVE MARY HELEN GARCÍA AND SENATOR MARY KAY PAPEN

REPRESENTATIVE HENRY “KIKI” SAAVEDRA



ENDORSED BY THE NEW MEXICO FINANCE
AUTHORITY OVERSIGHT COMMITTEE

Chapter 58

AN ACT

1
2 RELATING TO MOTOR VEHICLES; PROVIDING FOR THE ISSUANCE OF
3 SPECIAL PERMITS TO OPERATE OVERWEIGHT VEHICLES WITH REDUCIBLE
4 LOADS WITHIN SIX MILES OF A PORT-OF-ENTRY FACILITY ON THE
5 BORDER WITH MEXICO; IMPOSING PENALTIES.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 66-7-413 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 484, as amended) is amended to read:

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

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

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

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

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

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

1 and inspection at all times.

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

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

1 prohibitions or restrictions relating to hours or days of
2 operation or restrictions on movement because of poor weather
3 conditions.

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

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

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

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

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

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

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

25 (2) liability for property taxes on the

1 manufactured home does not exist for the current tax year or a
2 past tax year, except for manufactured homes located on an
3 Indian reservation.

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

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

25 I. The secretary of public safety may by rule

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

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

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

18 (1) bodily injury liability, providing:

19 (a) fifty thousand dollars (\$50,000)

20 for each person; and

21 (b) one hundred thousand dollars

22 (\$100,000) for each accident; and

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

25 L. A motor carrier requesting an oversize permit

1 shall produce a copy of a warrant or a single state
2 registration receipt as evidence that the motor carrier
3 maintains the insurance minimums prescribed by the public
4 regulation commission.

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

11 N. An applicant for a special permit to operate a
12 vehicle or combination of vehicles with a gross weight not
13 exceeding ninety-six thousand pounds within six miles of a
14 port of entry on the border with Mexico shall not be required
15 to demonstrate to the department of public safety that the
16 load cannot be reduced as a condition of the issuance of the
17 permit.

18 O. Revenue from fees for special permits
19 authorizing vehicles and loads of excessive size or weight to
20 operate or move upon a highway under the jurisdiction of the
21 state transportation commission or local authorities shall be
22 collected for the department of transportation and transferred
23 to the state road fund."

24 SECTION 2. Section 66-8-116 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 524, as amended) is amended to read:

1 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
2 DEFINITION--SCHEDULE OF ASSESSMENTS.--

3 A. As used in the Motor Vehicle Code, "penalty
4 assessment misdemeanor" means violation of any of the
5 following listed sections of the NMSA 1978 for which, except
6 as provided in Subsections D and E of this section, the listed
7 penalty assessment is established:

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

1	(4) from twenty-one up to		
2	and including twenty-five		
3	miles an hour		
4	over the speed limit		100.00
5	(5) from twenty-six up to		
6	and including thirty		
7	miles an hour over the		
8	speed limit		125.00
9	(6) from thirty-one up to		
10	and including thirty-five		
11	miles an hour over the		
12	speed limit		150.00
13	(7) more than thirty-five		
14	miles an hour over the		
15	speed limit		200.00
16	Unfastened safety belt	66-7-372	25.00
17	Child not in restraint device		
18	or seat belt	66-7-369	25.00
19	Minimum speed	66-7-305	10.00
20	Speeding	66-7-306	15.00
21	Improper starting	66-7-324	10.00
22	Improper backing	66-7-354	10.00
23	Improper lane	66-7-308	10.00
24	Improper lane	66-7-313	10.00
25	Improper lane	66-7-316	10.00

1	Improper lane	66-7-317	10.00
2	Improper lane	66-7-319	10.00
3	Improper passing	66-7-309 through 66-7-312	10.00
4	Improper passing	66-7-315	10.00
5	Controlled access		
6	violation	66-7-320	10.00
7	Controlled access		
8	violation	66-7-321	10.00
9	Improper turning	66-7-322	10.00
10	Improper turning	66-7-323	10.00
11	Improper turning	66-7-325	10.00
12	Following too closely	66-7-318	10.00
13	Failure to yield	66-7-328 through 66-7-331	10.00
14	Failure to yield	66-7-332	50.00
15	Failure to yield	66-7-332.1	25.00
16	Pedestrian violation	66-7-333	10.00
17	Pedestrian violation	66-7-340	10.00
18	Failure to stop	66-7-342 and 66-7-344	
19		through 66-7-346	10.00
20	Railroad-highway grade		
21	crossing violation	66-7-341 and 66-7-343	150.00
22	Passing school bus	66-7-347	100.00
23	Failure to signal	66-7-325 through 66-7-327	10.00
24	Failure to secure load	66-7-407	100.00
25	Operation without oversize-		

1	overweight permit	66-7-413	50.00
2	Transport of reducible	66-7-413	100.00
3	load with special		
4	permit more than six miles		
5	from a border crossing		
6	Improper equipment	66-3-801	10.00
7	Improper equipment	66-3-901	20.00
8	Improper emergency		
9	signal	66-3-853 through 66-3-857	10.00
10	Operation interference	66-7-357	5.00
11	Littering	66-7-364	300.00
12	Improper parking	66-7-349 through 66-7-352	
13		and 66-7-353	5.00
14	Improper parking	66-3-852	5.00
15	Failure to dim lights	66-3-831	10.00
16	Riding in or towing		
17	occupied house trailer	66-7-366	5.00
18	Improper opening of doors	66-7-367	5.00
19	No slow-moving vehicle		
20	emblem or flashing		
21	amber light	66-3-887	5.00
22	Open container - first		
23	violation	66-8-138	25.00.

24 B. The term "penalty assessment misdemeanor" does
25 not include a violation that has caused or contributed to the

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1 cause of an accident resulting in injury or death to a person.

2 C. When an alleged violator of a penalty assessment
3 misdemeanor elects to accept a notice to appear in lieu of a
4 notice of penalty assessment, a fine imposed upon later
5 conviction shall not exceed the penalty assessment established
6 for the particular penalty assessment misdemeanor and
7 probation imposed upon a suspended or deferred sentence shall
8 not exceed ninety days.

9 D. The penalty assessment for speeding in violation
10 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
11 is twice the penalty assessment established in Subsection A of
12 this section for the equivalent miles per hour over the speed
13 limit.

14 E. Upon a second conviction for operation without a
15 permit for excessive size or weight pursuant to Section
16 66-7-413 NMSA 1978, the penalty assessment shall be two
17 hundred fifty dollars (\$250). Upon a third or subsequent
18 conviction, the penalty assessment shall be five hundred
19 dollars (\$500).

20 F. Upon a second conviction for transport of a
21 reducible load with a permit for excessive size or weight
22 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more
23 than six miles from a port-of-entry facility on the border
24 with Mexico, the penalty assessment shall be five hundred
25 dollars (\$500). Upon a third or subsequent conviction, the

1 penalty assessment shall be one thousand dollars (\$1,000)."

2 SECTION 3. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2011. _____

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STATE OF MISSISSIPPI
JUL 1 2011

Ben Lujan

BEN LUJAN, SPEAKER
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SENATE

Lenore M. Naranjo

LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 5th day of April, 2011

Susana Martinez

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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