AN ACT

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

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

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

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

A. The department of public safety and local highway authorities may, in their discretion, upon application in writing and good cause being shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or load of a size or weight exceeding the maximum specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on a highway under the jurisdiction of the state transportation commission or local authorities. Except for the movement of manufactured homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route to be traversed, the type of load to be transported and any other
restrictions or conditions deemed necessary by the body granting the permit. In every other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit shall be carried in the vehicle to which it refers and shall be opened for inspection to any peace officer. It is a misdemeanor for a person to violate a condition or term of the special permit.

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

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

(2) The movement of vehicles upon the highways of this state requiring a special permit and required to use an escort of the type noted in Paragraph (1) of this subsection is subject to department of public safety authority.
and inspection at all times.

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

C. Except for the movement of manufactured homes, special permits may be issued for a single vehicle or combination of vehicles by the department of public safety for a period not to exceed one year for a fee of two hundred fifty dollars ($250). The special permits may allow excessive height, length and width for a vehicle or combination of vehicles or load thereon and may include a provision for excessive weight if the weight of the vehicle or combination of vehicles is not greater than one hundred forty thousand pounds. Utility service vehicles, operating with special permits pursuant to this subsection, shall be exempt from
prohibitions or restrictions relating to hours or days of operation or restrictions on movement because of poor weather conditions.

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

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

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

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

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

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

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

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

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

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

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

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

(1) bodily injury liability, providing:
   (a) fifty thousand dollars ($50,000) for each person; and
   (b) one hundred thousand dollars ($100,000) for each accident; and

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

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

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

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

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

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

DEFINITION--SCHEDULE OF ASSESSMENTS.--

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

<table>
<thead>
<tr>
<th>COMMON NAME OF OFFENSE</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitting unlicensed minor to drive</td>
<td>66-5-40</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Failure to obey sign</td>
<td>66-7-104</td>
<td>10.00</td>
</tr>
<tr>
<td>Failure to obey signal</td>
<td>66-7-105</td>
<td>10.00</td>
</tr>
<tr>
<td>Speeding</td>
<td>66-7-301</td>
<td></td>
</tr>
<tr>
<td>(1) up to and including ten miles an hour over the speed limit</td>
<td></td>
<td>15.00</td>
</tr>
<tr>
<td>(2) from eleven up to and including fifteen miles an hour over the speed limit</td>
<td></td>
<td>30.00</td>
</tr>
<tr>
<td>(3) from sixteen up to and including twenty miles an hour over the speed limit</td>
<td></td>
<td>65.00</td>
</tr>
</tbody>
</table>
(4) from twenty-one up to 
and including twenty-five 
miles an hour 
over the speed limit \[100.00\]

(5) from twenty-six up to 
and including thirty 
miles an hour over the 
speed limit \[125.00\]

(6) from thirty-one up to 
and including thirty-five 
miles an hour over the 
speed limit \[150.00\]

(7) more than thirty-five 
miles an hour over the 
speed limit \[200.00\]

Unfastened safety belt \[66-7-372\] \[25.00\]
Child not in restraint device or seat belt \[66-7-369\] \[25.00\]
Minimum speed \[66-7-305\] \[10.00\]
Speeding \[66-7-306\] \[15.00\]
Improper starting \[66-7-324\] \[10.00\]
Improper backing \[66-7-354\] \[10.00\]
Improper lane \[66-7-308\] \[10.00\]
Improper lane \[66-7-313\] \[10.00\]
Improper lane \[66-7-316\] \[10.00\]
Improper lane 66-7-317 10.00
Improper lane 66-7-319 10.00
Improper passing 66-7-309 through 66-7-312 10.00
Improper passing 66-7-315 10.00
Controlled access violation 66-7-320 10.00
Controlled access violation 66-7-321 10.00
Improper turning 66-7-322 10.00
Improper turning 66-7-323 10.00
Improper turning 66-7-325 10.00
Following too closely 66-7-318 10.00
Failure to yield 66-7-328 through 66-7-331 10.00
Failure to yield 66-7-332 50.00
Failure to yield 66-7-332.1 25.00
Pedestrian violation 66-7-333 10.00
Pedestrian violation 66-7-340 10.00
Failure to stop 66-7-342 and 66-7-344 through 66-7-346 10.00

Railroad-highway grade crossing violation 66-7-341 and 66-7-343 150.00
Passing school bus 66-7-347 100.00
Failure to signal 66-7-325 through 66-7-327 10.00
Failure to secure load 66-7-407 100.00

Operation without oversize-
overweight permit       66-7-413       50.00
Transport of reducible load with special permit more than six miles from a border crossing
Improper equipment       66-3-801       10.00
Improper equipment       66-3-901       20.00
Improper emergency signal 66-3-853 through 66-3-857       10.00
Operation interference       66-7-357       5.00
Littering       66-7-364       300.00
Improper parking 66-7-349 through 66-7-352
and 66-7-353       5.00
Improper parking 66-3-852       5.00
Failure to dim lights       66-3-831       10.00
Riding in or towing occupied house trailer 66-7-366       5.00
Improper opening of doors 66-7-367       5.00
No slow-moving vehicle emblem or flashing amber light 66-3-887       5.00
Open container - first violation 66-8-138       25.00.

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the
cause of an accident resulting in injury or death to a person.

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

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

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

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section 66-7-413 NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars ($500). Upon a third or subsequent conviction, the
penalty assessment shall be one thousand dollars ($1,000)."

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