

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 78

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE LAW ENFORCEMENT  
PROVISIONS GOVERNING A COMMERCIAL MOTOR CARRIER VEHICLE STOP.

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

**SECTION 1.** Section 65-5-1 NMSA 1978 (being Laws 1943,  
Chapter 125, Section 8, as amended) is amended to read:

"65-5-1. VEHICLES TO STOP AT PORTS OF ENTRY--FIELD  
ENFORCEMENT--INFORMATION--INSPECTION.--

A. All commercial motor carrier vehicles shall  
enter, leave or travel through the state on designated highways  
and shall stop at every port of entry as designated by the  
division for manifesting and clearance stickers, except as  
provided in Subsection H of this section.

B. An officer may enforce in the field [~~the~~  
~~provisions of~~] the Motor Transportation Act, [~~and~~] the Motor

underscored material = new  
[bracketed material] = delete

1 Carrier Act, the Motor Vehicle Code or the Criminal Code and  
2 perform inspections as provided in this section [~~whenever~~] when  
3 the officer stops a commercial motor carrier vehicle [~~after~~  
4 ~~observing that the vehicle is in, or is being operated in,~~  
5 ~~violation of those acts, the Motor Vehicle Code or the Criminal~~  
6 ~~Code~~].

7 C. The operator of a commercial motor carrier  
8 vehicle shall:

9 (1) upon request, make out and deliver to the  
10 agent of the division at a port of entry or to an officer  
11 conducting field enforcement a manifest showing that part of  
12 the following information requested:

13 (a) the point of origin of the shipment;  
14 (b) the ultimate destination of the  
15 shipment; and

16 (c) the gross vehicle weight of the  
17 vehicle and cargo;

18 (2) sign the manifest and present it to the  
19 agent at the port of entry or to the officer conducting field  
20 enforcement; and

21 (3) present for inspection to the agent at the  
22 port of entry or the officer conducting field enforcement a  
23 copy of the billing or invoice describing the contents of the  
24 cargo and the weight of the cargo.

25 D. The agent at the port of entry or the officer

.211359.1

underscoring material = new  
~~[bracketed material] = delete~~

1 conducting field enforcement may verify the information  
2 contained upon the billing or invoice and shall:

3 (1) check the license, permit, engine and  
4 serial numbers, weight and description of the vehicle; and

5 (2) inspect the vehicle and ascertain whether  
6 it is in safe and road-worthy condition and properly equipped  
7 with all lights, brakes and other appliances required by law.

8 E. The agent at the port of entry or officer  
9 conducting field enforcement may confirm the contents and  
10 weight of the cargo of a commercial motor carrier vehicle and  
11 interview the operator about the cargo and, if in doubt as to  
12 the declared gross weight, may order the cargo weighed before  
13 issuing any clearance certificate for the vehicle.

14 F. The agent at the port of entry or the officer  
15 conducting field enforcement may inspect the contents of a  
16 commercial motor carrier vehicle to determine whether all taxes  
17 on gasoline and motor fuel and excise taxes on alcoholic  
18 liquors and all taxes on any other property have been fully  
19 paid.

20 G. The agent at the port of entry or the officer  
21 conducting field enforcement may inspect a commercial motor  
22 carrier vehicle and its contents to determine whether they are  
23 in compliance with laws and rules regarding public safety,  
24 health, welfare and comfort.

25 H. An agricultural product transport vehicle is

.211359.1

underscored material = new  
~~[bracketed material] = delete~~

1 excluded from the requirements of Subsection A of this section  
2 if the agricultural product transport vehicle has cleared the  
3 port of entry at least once and has successfully passed a  
4 commercial vehicle safety alliance level 1 inspection during  
5 the current harvest season.

6 I. As used in this section, "agricultural product  
7 transport vehicle" means a motor vehicle, freight trailer or  
8 utility trailer or a combination thereof used exclusively for  
9 hauling agricultural products harvested by a farmer from the  
10 place of harvesting to market, storage or a processing plant."

11 - 4 -  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.211359.1