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AN ACT

RELATING TO MOTOR VEHICLES; EXTENDING THE OVERWEIGHT ZONE AT  
PORTS OF ENTRY ON THE BORDER WITH MEXICO TO TWELVE MILES;  
EXPANDING WHEN THE STATE TRANSPORTATION COMMISSION OR LOCAL  
AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.

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

SECTION 1. Section 66-7-415 NMSA 1978 (being Laws 1955,  
Chapter 37, Section 12, as amended) is amended to read:

"66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR  
LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

A. Local authorities, with respect to streets  
under their jurisdiction, may also, by ordinance or  
resolution, prohibit the operation of trucks or other  
commercial vehicles or may impose limitations as to size or  
weight, on designated streets in areas that are primarily  
residential or that pass by educational or medical facilities  
or on streets that are not designed or constructed for heavy  
weight vehicles, which prohibitions and limitations shall be  
designated by appropriate signs placed on the street.

B. The local authority enacting an ordinance or  
resolution shall erect or cause to be erected and maintained  
signs designating the provisions of the ordinance or  
resolution at each end of that portion of the street  
affected, and the ordinance or resolution shall not be  
effective until signs are erected and maintained and notice  
given in writing to the nearest officer or employee of the

1 motor transportation division of the department of public  
2 safety authorized to issue special permits.

3 C. The state transportation commission shall  
4 likewise have authority, as granted to local authorities in  
5 Subsections A and B of this section, to determine by  
6 resolution and to impose restrictions as to the size and  
7 weight of vehicles operated upon any highways under the  
8 jurisdiction of the commission, and such restrictions shall  
9 be effective upon the passage of a resolution and when signs  
10 giving notice thereof are erected upon the highway or portion  
11 of any highway affected by the resolution. The commission  
12 shall deliver a copy of all restrictions adopted by it to the  
13 motor transportation division of the department of public  
14 safety."

15 SECTION 2. 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--  
18 SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED  
19 HOMES.--

20 A. The department of public safety and local  
21 highway authorities may, in their discretion, upon  
22 application in writing and good cause being shown, issue a  
23 special permit in writing authorizing the applicant to  
24 operate or move a vehicle or load of a size or weight  
25 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

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

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

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

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

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

19 C. Except for the movement of manufactured homes,  
20 special permits may be issued for a single vehicle or  
21 combination of vehicles by the department of public safety  
22 for a period not to exceed one year for a fee of two hundred  
23 fifty dollars (\$250). The special permits may allow  
24 excessive height, length and width for a vehicle or  
25 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

1 forty thousand pounds. Utility service vehicles, operating  
2 with special permits pursuant to this subsection, shall be  
3 exempt from prohibitions or restrictions relating to hours or  
4 days of operation or restrictions on movement because of poor  
5 weather conditions.

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

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

22 (1) to the county assessor of a county from  
23 which a manufactured home is being moved, the date the permit  
24 was issued, the location being moved from, the location being  
25 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;

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,  
4 the 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  
17 obtains and presents to the department of public safety proof  
18 that a 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  
manufactured home does not exist for the current tax year or  
a past tax year, except for manufactured homes located on an

1 Indian reservation.

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

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

23 I. The secretary of public safety may by rule  
24 provide for movers of manufactured homes to self-issue  
25 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).

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

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

14                   (1) bodily injury liability, providing:

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

16 for each person; and

17                           (b) one hundred thousand dollars

18 (\$100,000) for each accident; and

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

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

          M. The department of public safety may provide by  
rule the time periods during which a vehicle or load of a



