CHAPTER 48

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

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

SECTION 2. 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.

E. 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

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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 the port of entry at the border with Mexico at Santa Teresa or within a circular quadrant starting at that port of entry
with an east boundary line running due north twelve miles
from the Santa Teresa port of entry to a point, then along an
arc to the west with a twelve-mile radius and central angle
of approximately ninety degrees to a point on the
international boundary with Mexico, then returning due east
twelve miles to the starting point at that port of entry, and
twelve miles of other ports 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.

0. 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."
John A. Sanchez, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Don L. Tripp, Speaker
House of Representatives

Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 6th day of April, 2015

Governor Susana Martinez
State of New Mexico