

**TAXATION AND REVENUE DEPARTMENT
JOSEPH M. MONTOYA BUILDING
1100 ST. FRANCIS DRIVE
P. O. BOX 630
SANTA FE, NM 87504-0630**

**REGULATION PERTAINING TO THE
MOTOR TRANSPORTATION ACT
(18.1.1 NMAC)**

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65-1-26. DOCUMENTS--REQUIRED IN EACH COMMERCIAL MOTOR CARRIER VEHICLE--DETENTION OF VEHICLES.--

A. A commercial motor carrier vehicle operated on a New Mexico public highway by a motor carrier required to be registered with the department shall have in it at all times:

(1) proof of payment of the trip tax; or

(2) both evidence of registration and a tax identification permit issued by the department.

B. The driver of the vehicle shall be able to display either proof of payment of the trip tax or both the evidence of registration and the tax identification permit upon request by any law enforcement officer or any employee of the department.

C. Upon failure of the driver to display either proof of payment of the trip tax or evidence of registration, it shall be presumed that the vehicle is subject to registration under the laws of New Mexico unless it can be demonstrated that the vehicle is exempt from registration requirements of the Motor Vehicle Code. A vehicle presumed subject to registration may be detained until registration, including payment of all required fees, is completed.

D. Upon failure of the driver to display either proof of payment of the trip tax or a tax identification permit issued by the department, the trip tax shall be presumed due. A vehicle presumed subject to the trip tax may be detained until the trip tax is paid.

E. A commercial motor carrier vehicle subject to and not in compliance with the weight distance requirements of the Weight Distance Tax Act may be detained until the tax is paid. A nonfiler or zero-filer status or an inactive weight distance account is proof of failure to pay the weight distance tax.

(Laws 2007, Chapter 209, Section 1)

**65-1-36.1. CIVIL PENALTY FOR BAD CHECKS -- If any payment required pursuant to the Motor Transportation Act [Chapter 65, Articles 1, 3 and 5 NMSA 1978] is attempted to be made by check that is not paid upon presentment, such dishonor is presumptive of negligence. The penalty for such dishonor shall not be less than ten dollars (\$10.00). This penalty is in addition to any other penalty imposed under any other law.
(Laws 1992, Chapter 106, Section 15)**

18.1.1.8 - IMPOSITION OF PENALTY

A penalty in the amount of twenty dollars (\$20.00) will be imposed under Section 18.1.1.8 NMAC for each instance in which a check tendered to the department is not paid upon presentment. This penalty is in addition to any other penalty imposed under the Motor Transportation Act. This regulation is applicable to checks tendered on or after January 1, 1995. [2/10/94, 4/30/97; 18.1.1.8 NMAC – Rn & A, 18 NMAC 1.1.8, 11/15/01]

65-1-36. PENALTY FOR VIOLATIONS OF ACT.--

A. Violation of Section 65-5-1, 65-5-2 or 66-3-1.1 NMSA 1978 is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or imprisonment not exceeding ninety days or by both the fine and imprisonment.

B. Violation of any section of the Motor Transportation Act other than a violation of Section 65-1-26, 65-1-36.1, 66-5-1, 65-5-2 or 66-3-1.1 NMSA 1978 or of the Motor Carrier Safety Act is a misdemeanor punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment not exceeding thirty days or by both the fine and imprisonment or is subject to the penalty assessment and fee provisions pursuant to Sections 66-8-116 through 66-8-116.3 NMSA 1978.

C. The payment of a fine under the provisions of any act under the jurisdiction of the department pursuant to the Motor Transportation Act shall not relieve the offender from the payment of any fees or taxes or from any other of the provisions of the Motor Transportation Act.

D. The department may, for the proper enforcement of the duties imposed upon the department pursuant to the Motor Transportation Act, detain any motor vehicle whose operator or owner is in violation of any law the department is empowered under the Motor Transportation Act to administer or enforce.

(Laws 2007, Chapter 209, Section 2)

65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--

Except as otherwise provided in this section, a commercial motor carrier vehicle having a gross vehicle weight or combination gross vehicle weight of over twenty-six thousand pounds shall not travel on New Mexico highways without either proof that the trip tax has been paid for the movement of the vehicle or both evidence of registration and a tax identification permit issued by the department, unless that vehicle is exempt from the weight distance tax. The department may, by regulation, exempt portions of a highway from the requirements of this section if those portions are prior to reaching a port of entry where the trip tax may be paid.

(Laws 2007, Chapter 209, Section 3)
