

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 1 GENERAL PROVISIONS

18.3.1.1 ISSUING AGENCY: New Mexico Department of Transportation.
[18.3.1.1 NMAC - Rp, 18.3.1.1 NMAC, 7/1/2024]

18.3.1.2 SCOPE: This rule applies to all motor carriers subject to the jurisdiction of the department of transportation.
[18.3.1.2 NMAC - Rp, 18.3.1.2 NMAC, 7/1/2024]

18.3.1.3 STATUTORY AUTHORITY: Sections 65-2A-4, 65-2A-29 and 65-2A-32 NMSA 1978, and 2023 N.M. Laws, Chapter 100, Section 81.
[18.3.1.3 NMAC - Rp, 18.3.1.3 NMAC, 7/1/2024]

18.3.1.4 DURATION: Permanent.
[18.3.1.4 NMAC - Rp, 18.3.1.4 NMAC, 7/1/2024]

18.3.1.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[18.3.1.5 NMAC - Rp, 18.3.1.5 NMAC, 7/1/2024]

18.3.1.6 OBJECTIVE: The purpose of this rule is to set forth general provisions governing motor carriers in New Mexico.
[18.3.1.6 NMAC - Rp, 18.3.1.6 NMAC, 7/1/2024]

18.3.1.7 DEFINITIONS: As used in these rules, unless the context clearly indicates otherwise, the following definitions apply:

- A. department** means the New Mexico department of transportation;
- B. facilities** includes lands, buildings, and improvements to real property owned, leased, or used in the operations of a motor carrier;
- C. FMCSA** means the federal motor carrier safety administration;
- D. inspection or investigation** means the examination by the department or other lawful entity of a motor carrier's operations, including the facilities and equipment used in connection with its operations, and all pertinent records;
- E. limousine service** means a specialized passenger service providing the transportation of passengers for hire at a fixed, unmetered rate in a chauffeur-driven luxury motor vehicle at the exclusive use of one individual or group for a period of time that is not less than 30 minutes and scheduled by prearrangement and not by soliciting on the streets;
- F. non-emergency medical transport service** means a specialized passenger service providing the scheduled transportation of passengers not requiring medical monitoring or treatment in a motor vehicle to or from a required medical or therapeutic appointment;
- G. principal place of business** means the mailing and street address of the motor carrier's primary business office in New Mexico;
- H. red tag or cease and desist order** means a written demand issued by the department to the motor carrier to immediately discontinue, rectify or prevent a specified act or omission that is a violation of a prior department order or applicable law that threatens or endangers public safety;
- I. stationing point** means a fixed physical location as identified on each operating authority from which a motor carrier responds to a call for service or stores the vehicles it currently uses to provide service and does not include the point where a vehicle responding to a service call is temporarily located;
- J. these rules** means the rules codified in Title 18, Chapter 3 of the New Mexico Administrative Code;

K. tour and sightseeing service means specialized passenger service providing scheduled or unscheduled guided transportation of passengers for hire in a motor vehicle to scenic points or other points of interest at rates that apply to each individual passenger;

L. volunteer driver means a person who drives for an ambulance or commuter service without remuneration; the provision of or reimbursement for training, equipment, uniforms, and supplies necessary to the performance of driving duties are incidental and do not constitute remuneration for purposes of these rules.
[18.3.1.7 NMAC - Rp, 18.3.1.7 NMAC, 7/1/2024]

18.3.1.8 COMPLIANCE WITH THE LAW:

A. A motor carrier shall comply with all applicable state and federal laws and regulations.
B. In an emergency, a motor carrier may vary from a specific requirement of these rules when authorized or directed by a law enforcement officer or public safety official.
[18.3.1.8 NMAC - Rp, 18.3.1.8 NMAC, 7/1/2024]

18.3.1.9 COMPLIANCE WITH TERMS OF OPERATING AUTHORITY AND TARIFFS:

A. A motor carrier shall comply with the terms and conditions of its operating authority.
B. A motor carrier of persons or household goods, and towing services performing nonconsensual tows, shall comply with the terms and conditions of its approved tariff.
C. If there is a conflict between the terms and conditions of an operating authority and the terms and conditions of an approved tariff, the operating authority will govern the specific conflict.
D. If there is a conflict between these rules and the terms and conditions of a tariff or operating authority, these rules will govern the specific conflict.
[18.3.1.9 NMAC - Rp, 18.3.1.9 NMAC, 7/1/2024]

18.3.1.10 STATIONING POINTS FOR CERTIFICATED PASSENGER SERVICES:

A. The approved stationing points shall be identified on the certificate of each passenger service.
B. No stationing point may be adopted, abandoned or moved prior to the issuance of a new certificate reflecting the requested change.
[18.3.1.10 NMAC - Rp, 18.3.1.10 NMAC, 7/1/2024]

18.3.1.11 SUBMISSION AND RECEIPT OF PAYMENTS AND DOCUMENTS:

A. The department accepts documents submitted by mail, electronic mail or hand-delivery.
B. Any required fees must be received by the department by electronic transfer, mail or hand-delivery prior to the consideration of any document submitted.
C. A document or fee is received on the date of delivery, unless that date is a holiday or weekend in which event the document is deemed received on the next business day.
[18.3.1.11 NMAC - Rp, 18.3.1.11 NMAC, 7/1/2024]

18.3.1.12 PRESCRIBED FORMS: The department has prescribed forms to carry out certain requirements of these rules that may be obtained in person or on the department's website. The most current version of a form must be used when a form exists for that purpose.
[18.3.1.12 NMAC - Rp, 18.3.1.12 NMAC, 7/1/2024]

18.3.1.13 INSPECTIONS AND INVESTIGATIONS:

A. Inspections: The department may inspect a motor carrier's operations for legal compliance at any time and without prior notice, regardless of the status of the motor carrier's operating authority.
B. Investigations: A full or partial investigation may be initiated if an inspection reveals, or the department otherwise is alerted to, a possible violation by the motor carrier of an applicable law or prior department order.
C. Findings and Remedies:
(1) Within 30 days following an inspection, the department shall provide a written report to a motor carrier outlining any required corrective measures and timelines. Failure to timely address the identified deficiencies may result in further proceedings and penalties, as provided by law;
(2) The department may issue a red tag or cease and desist order at the time of inspection or investigation if immediate action is required by the motor carrier to avert the identified dangers or risks to public

safety. Failure to take immediate action to discontinue, remedy or prevent the violations may result in the immediate suspension of all operations and other penalties, as provided by law;

(3) A motor carrier that obstructs or prohibits an inspection or investigation of any of its operations or applicable records shall be deemed a risk to the public safety and be subject to an immediate cease and desist order for all or part of its operations.

[18.3.1.13 NMAC - Rp, 18.3.1.13 NMAC, 7/1/2024]

18.3.1.14 DECEPTIVE ADVERTISING PROHIBITED:

A. No motor carrier shall make a statement orally or in writing, via any medium of advertisement or communication, concerning any aspect of intrastate transportation for hire that is materially false or misleading in part or in whole. A statement shall be deemed materially false or misleading if it omits any material qualification imposed by these rules or contained in the motor carrier's operating authority.

B. A motor carrier shall be subject to potential penalties for violations of this section by persons or firms within the control of the motor carrier.

C. A motor carrier of persons or household goods, or towing service performing non-consensual tows, shall advertise and solicit in the legal or "doing business as" name(s) contained in its approved tariff, but may advertise the name of an officially registered agent or, for household goods movers, the national affiliation or principal for interstate carriage for which the carrier is currently an agent, so long as the name of the motor carrier of persons or household goods, or towing service performing nonconsensual tows, is prominently displayed along with the agent's name.

[18.3.1.16 NMAC - Rp, 18.3.16 NMAC, 7/1/2024]

18.3.1.15 [RESERVED]

18.3.1.16 [RESERVED]

18.3.1.17 [RESERVED]

18.3.1.18 [RESERVED]

HISTORY OF 18.3.1 NMAC:

Pre-NMAC history: The material in this rule was previously filed with the State Records Center as:
SCC 68-16, N.M. Motor Carrier Act, Rules and Regulations, effective Sept. 1, 1967, filed on 3/14/1968;
SCC 71-6, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1971, filed on 9/21/1971;
SCC 73-1, N.M. Motor Carrier Act, Rules and Regulations, on 6/14/1973;
SCC 74-1, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1973, filed on 2/5/1974;
SCC 75-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1975, filed on 4/17/1975;
SCC 75-3, N.M. Motor Carrier Act, Rules and Regulations (Rev.), effective Jan. 1, 1975, filed on 9/19/1975;
SCC 76-1, N.M. Motor Carrier Act, Rules and Regulations, effective April 1, 1976, filed on 4/15/1976;
SCC 77-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1977, filed on 1/25/1977;
SCCMC Rule No. 1, Rules of Procedure Governing Motor Carriers, filed on 3/5/1982;
SCCMC Rule No. 28, Complaints, filed on 3/5/1982;
SCCMC Rule No. 29, Inspector Authority, filed on 3/5/1982;
SCC Rule 201, Prefatory Rules, filed on 1/5/1993;
SCC Rule 202, Definitions, filed on 1/5/1993;
SCC Rule 203, Commission Forms, filed on 1/5/1993;
SCC Rule 206, Commission Procedures, filed on 1/5/1993;
SCC Rule 207, Emergency Rule Governing Motor Carriers of Property, filed on
SCC Rule 231, General Compliance Requirements;
SCC Rule 261, Motor Carriers of Property-General Provisions, filed on 1/5/1993;
SCC Rule 271, Enforcement-General Provisions, filed on 1/5/1993;
SCC Rule 272, Inspections;
SCC Rule 273, Administrative Enforcement Proceedings, filed on 1/5/1993.

History of repealed material.

SCC Rule 201, Prefatory Rules, filed on 1/5/1993;
SCC Rule 202, Definitions, filed on 1/5/1993;
SCC Rule 203, commission Forms, filed on 1/5/1993;
SCC Rule 206, Commission Procedures, filed on 1/5/1993;

SCC Rule 231, General Compliance Requirements;
SCC Rule 261, Motor Carriers of Property-General Provisions, filed on 1/5/1993;
SCC Rule 271, Enforcement-General Provisions, filed on 1/5/1993;
SCC Rule 272, Inspections;
SCC Rule 273, Administrative Enforcement Proceedings, filed on 1/5/1993.
18.3.1 NMAC, Motor Carrier General Provisions - General Provisions, filed 12/10/02, repealed 2/13/2015.
18.3.1 NMAC, Motor Carrier General Provisions - General Provisions, filed 1/28/2015, repealed 7/1/2024.

Other: 18.3.1 NMAC, Motor Carrier General Provisions - General Provisions, filed 1/28/2015, replaced by 18.3.1 NMAC, Motor Carrier General Provisions - General Provisions, effective 7/1/2024.