

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 7 TRANSPORTATION NETWORK COMPANIES
PART 1 GENERAL PROVISIONS

18.7.1.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[18.7.1.1 NMAC - Rp, 18.7.1.1 NMAC, 8/15/2016]

18.7.1.2 SCOPE: This rule applies to all transportation network companies subject to the jurisdiction of the commission.
[18.7.1.2 NMAC - Rp, 18.7.1.2 NMAC, 8/15/2016]

18.7.1.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Transportation Network Company Services Act; and Section 8-8-4 NMSA 1978.
[18.7.1.3 NMAC - Rp, 18.7.1.3 NMAC, 8/15/2016]

18.7.1.4 DURATION: Permanent.
[18.7.1.4 NMAC - Rp, 18.7.1.4 NMAC, 8/15/2016]

18.7.1.5 EFFECTIVE DATE: August 15, 2016, unless a later date is cited at the end of a section.
[18.7.1.5 NMAC - Rp, 18.7.1.5 NMAC, 8/15/2016]

18.7.1.6 OBJECTIVE: The purpose of this rule is to set forth rules governing permit application processes, vehicle inspections, and proof of financial responsibility for transportation network companies in New Mexico. This rule relates directly to the safety of vehicles to be used in providing transportation services under the Transportation Network Company Services Act (TNCSA) and is adopted on an emergency basis pursuant to Section 8-8-4 NMSA 1978 to preserve the public peace, health, safety or general welfare.
[18.7.1.6 NMAC - Rp, 18.7.1.6 NMAC, 8/15/2016]

18.7.1.7 DEFINITIONS: In addition to the definitions contained in Section 65-7-2 NMSA 1978, as used in this rule:

A. “Act” means the Transportation Network Company Services Act, Sections 65-7-1 to 65-7-22 NMSA 1978.

B. “Commission” means the New Mexico Public Regulation Commission.
[18.7.1.7 NMAC - Rp, 18.7.1.7 NMAC, 8/15/2016]

18.7.1.8 TRANSPORTATION NETWORK COMPANY VEHICLE INSPECTIONS:

A. A transportation network company shall cause to be inspected, by a mechanic certified by the national institute for automotive service excellence (ASE) or qualified pursuant to the requirements of 49 CFR 396.19 of the code of federal regulations, every motor vehicle used by a driver to provide prearranged rides before allowing the driver to use the motor vehicle to provide prearranged rides and not less than once each year thereafter, as set forth in Subsection C of Section 65-7-13 NMSA 1978.

B. The inspection required by Subsection A of 18.7.1.8 NMAC must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, taillights, turn indicator lights, braking lights, front seat adjustment mechanisms, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component or an inspection complying with the requirements of 49 CFR 396.17 or 49 CFR 396.23, as well a brake inspection performed by an inspector qualified pursuant to the requirements of 49 CFR 396.25 of the code of federal regulations.

C. Records of all inspections performed pursuant to section shall be maintained in accordance with the requirements of Title 49, Section 396.21 of the code of federal regulations and the act.
[18.7.1.8 NMAC - Rp, 18.7.1.8 NMAC, 8/15/2016]

18.7.1.9 TRANSPORTATION NETWORK COMPANY PERMIT APPLICATION PROCESS:

A. A transportation network company shall apply for a transportation network company permit from the commission in writing on the form prescribed by the director of the commission’s transportation division in accordance with 18.3.1.12 NMAC.

B. An application for a transportation network company permit shall contain the following information and documents:

- (1) the applicant's name;
- (2) if the applicant is a sole proprietorship or a partnership, the applicants' social security number(s) for purposes of verifying parental responsibility act compliance;
- (3) the applicant's d/b/a name, if applicable;
- (4) the applicant's principal place of business and mailing address;
- (5) the applicant's electronic mail address;
- (6) if the applicant is a corporation;
 - (a) the names and addresses of two principal officers;
 - (b) evidence that the applicant is authorized by the office of the secretary of state to do business in New Mexico and is in good corporate standing.
- (7) if the applicant is other than a corporation, a description of the form of ownership and the names and addresses of all principal owners and managers;
- (8) appointment of an agent for service of process;
- (9) a statement and general description of the type of services to be performed by the applicant;
- (10) an annual permit fee of \$10,000 as set forth in Subsection C of Section 65-7-4 NMSA 1978;
- (11) a copy of the insurance policy that meets the requirements set forth in Section 65-7-8 NMSA 1978;
- (12) a copy of the insurance coverage disclosures that meets the requirements set forth in Section 65-7-9 NMSA 1978;
- (13) the applicant's combined reporting system (CRS) number obtained from the New Mexico taxation and revenue department;
- (14) a certification that the applicant complies or, once permitted in the state, will comply with the requirements of the Transportation Network Company Services Act.

C. Upon receipt of a completed application and upon a determination by the director that an applicant meets the requirements for the issuance of a permit, the director will issue a permit to the applicant within 15 calendar days after receipt of the application.

D. A permit issued to a transportation network company by the commission shall be effective for one year.

[18.7.1.9 NMAC - Rp, 18.7.1.9 NMAC, 8/15/2016]

18.7.1.10 PROOF OF FINANCIAL RESPONSIBILITY:

A. Each transportation network company must file proof of financial responsibility with the commission in the exact legal and d/b/a names as the name in which the permit is issued demonstrating compliance with Transportation Network Company Services Act, Section 65-7-8 NMSA 1978.

B. The commission will accept as proof of the required financial responsibility a completed form t, uniform bodily injury and property damage liability certificate of insurance for use by transportation network companies, showing the issuance of an insurance policy with the required uniform endorsement by a company authorized to do business in the state of New Mexico or with a surplus lines insurer eligible pursuant to the New Mexico insurance code, on uniform filing form t, uniform bodily injury and property damage liability certificate of insurance for use by transportation network companies, available from the office of the commission.

C. Cancellation of the insurance policy required under the act may be effected only by giving 30 days' notice in writing to the commission, with such 30 days' notice to commence from the date notice is actually received in the office of the commission.

[18.7.1.10 NMAC - Rp, 18.7.1.10 NMAC, 8/15/2016]

18.7.1.11 NON-EMERGENCY MEDICAL TRANSPORT SERVICES: Non-emergency medical transport services:

A. May be provided only to riders who do not require medical intervention to maintain their level of response, airway, breathing and circulatory status, with the exception that self-administered oxygen is not to exceed six liters per minute via a nasal cannula; the oxygen container must be secured in accordance with other state and federal laws; and

B. May not be provided to riders who are recumbent (for example, on transport gurneys) or require medical monitoring or medical intervention.
[18.7.1.11 NMAC - N/E, 6/2/2023; A, 11/21/2023]

HISTORY OF 18.7.11 NMAC: [RESERVED]