

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

**18.7.1.1           ISSUING AGENCY:** New Mexico Department of Transportation.  
[18.7.1.1 NMAC - Rp, 18.7.1.1 NMAC, 7/1/2024]

**18.7.1.2           SCOPE:** This rule applies to all transportation network companies subject to the jurisdiction of the department of transportation.  
[18.7.1.2 NMAC - Rp, 18.7.1.2 NMAC, 7/1/2024]

**18.7.1.3           STATUTORY AUTHORITY:** This part is promulgated pursuant to the provisions of the Transportation Network Company Services Act, Chapter 65, Article 7 NMSA 1978 and 2023 N.M. Laws, Chapter 100, Section 81.  
[18.7.1.3 NMAC - Rp, 18.7.1.3 NMAC, 7/1/2024]

**18.7.1.4           DURATION:** Permanent.  
[18.7.1.4 NMAC - Rp, 18.7.1.4 NMAC, 7/1/2024]

**18.7.1.5           EFFECTIVE DATE:** July 1, 2024, unless a later date is cited at the end of a section.  
[18.7.1.5 NMAC - Rp, 18.7.1.5 NMAC, 7/1/2024]

**18.7.1.6           OBJECTIVE:** The purpose of this rule is to set forth rules governing transportation network companies operating in New Mexico.  
[18.7.1.6 NMAC - Rp, 18.7.1.6 NMAC, 7/1/2024]

**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.  
    **B.**       **“Department”** means the New Mexico department of transportation.  
[18.7.1.7 NMAC - Rp, 18.7.1.7 NMAC, 7/1/2024]

**18.7.1.8           VEHICLE INSPECTIONS:**  
    **A.**       A transportation network company shall cause every motor vehicle to be inspected prior to initial service and once each calendar year thereafter.  
    **B.**       Inspections must be performed by a mechanic certified by the national institute for automotive service excellence (ASE) or qualified pursuant to the requirements of 49 CFR 396.19. Brake inspections must be performed by a mechanic qualified pursuant to the requirements of 49 CFR 396.25.  
    **C.**       Vehicle inspections 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.  
    **D.**       Records of all inspections performed pursuant to section shall be maintained in accordance with the requirements of 49 CFR 396.21 and the Act.  
[18.7.1.8 NMAC - Rp, 18.7.1.8 NMAC, 7/1/2024]

**18.7.1.9           TRANSPORTATION NETWORK COMPANY PERMIT APPLICATION PROCESS:**  
    **A.**       A transportation network company shall apply for a transportation network company permit in writing on the form prescribed by the department at least 30 days prior to the intended date of operations.  
    **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) a permit fee as set forth in the Act;
- (11) a copy of the insurance policy that meets the requirements set forth in the Act;
- (12) a copy of the insurance coverage disclosures that meets the requirements set forth in the Act;
- (13) the applicant's combined reporting system (CRS) number obtained from the New Mexico taxation and revenue department;
- (14) a certification that the applicant will comply with the requirements of the Act.

C. A permit will be issued within 15 days after the receipt of a completed application. Any application that remains incomplete 15 days prior to the expiration of an existing permit may delay the issuance of a new permit. Absent the issuance of a new permit, all service operations in New Mexico must immediately cease upon the expiration of an existing permit.  
[18.7.1.9 NMAC - Rp, 18.7.1.9 NMAC, 7/1/2024]

#### **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.
- B. Proof of the required financial responsibility for bodily injury and property damage liability must be presented on a uniform filing "Form T" issued by an insurer or eligible surplus lines insurer authorized by the New Mexico office of superintendent of insurance.
- C. Cancellation of an insurance policy may be effected only by giving 30 days prior notice in writing to the department.  
[18.7.1.10 NMAC - Rp, 18.7.1.10 NMAC, 7/1/2024]

**18.7.1.11 NON-EMERGENCY MEDICAL TRANSPORT SERVICES:** This rule is adopted on an emergency basis pursuant to Section 62-19-21 NMSA 1978 and Section 14-4-5.6 NMSA 1978 to preserve the public peace, health, safety or general welfare. 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 - Rp, 18.7.1.11 NMAC, 7/1/2024]

#### **HISTORY OF 18.7.1 NMAC:**

**Pre-NMAC History:** None.

#### **History of Repealed Material:**

18.7.1 NMAC, Transportation Network Companies - General Provisions filed 5-18-2016 - Repealed effective 8/15/2016.  
18.7.1 NMAC, Transportation Network Companies - General Provisions filed 8/1/2016 - Repealed effective 7/1/2024.

#### **Other History:**

18.7.1 NMAC, General Provisions (filed 8/1/2024) replaced by 18.7.1 NMAC, General Provisions, effective 7/1/2024.