

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

18.3.3.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[18.3.3.1 NMAC - Rp, 18.3.3.1 NMAC, 2-13-15]

18.3.3.2 SCOPE:
 A. This rule applies to all motor carriers subject to the jurisdiction of the commission.
 B. This rule also applies to persons who provide a service for which they charge at the time the service is rendered and who transport the public incidentally to providing that service. For purposes of this rule only, such persons are considered motor carriers.
[18.3.3.2 NMAC - Rp, 18.3.3.2 NMAC, 2-13-15]

18.3.3.3 STATUTORY AUTHORITY: Sections 8-8-4, 65-2A-3.S, 65-2A-4, and 65-2A-18 NMSA 1978.
[18.3.3.3 NMAC - Rp, 18.3.3.3 NMAC, 2-13-15]

18.3.3.4 DURATION: Permanent.
[18.3.3.41 NMAC - Rp, 18.3.3.4 NMAC, 2-13-15]

18.3.3.5 EFFECTIVE DATE: February 13, 2015, unless a later date is cited at the end of a section.
[18.3.3.5 NMAC - Rp, 18.3.3.5 NMAC, 2-13-15]

18.3.3.6 OBJECTIVE: The purpose of this rule is to implement Section 65-2A-18 NMSA 1978.
[18.3.3.6 NMAC - Rp, 18.3.3.6 NMAC, 2-13-15]

18.3.3.7 DEFINITIONS: See 18.3.1.7 NMAC.
[18.3.3.7 NMAC - Rp, 18.3.3.7 NMAC, 2-13-15]

18.3.3.8 PROOF OF FINANCIAL RESPONSIBILITY: Every motor carrier must file proof of financial responsibility with the commission. The required financial responsibility must be in the exact legal and "doing business as" name of the motor carrier.

A. Public liability financial responsibility. The commission will accept the following documents as proof of the required public liability financial responsibility:

(1) a certificate showing the issuance of an insurance policy with the required uniform endorsement by a company authorized to transact insurance business in New Mexico on uniform filing form E for public liability insurance; or

(2) a surety bond issued by a company authorized to do surety business in New Mexico; or

(3) a certified statement from the office of superintendent of insurance that the motor carrier has met all requirements to be self-insured.

B. Cargo liability financial responsibility. The commission will accept as proof of the required cargo liability financial responsibility a certificate showing the issuance of an insurance policy with the required uniform endorsement by a company authorized to transact insurance business in New Mexico on uniform filing form H.

[18.3.3.8 NMAC - Rp, 18.3.3.8 NMAC, 2-13-15]

18.3.3.9 INSURANCE FILINGS:

Insurance companies must mail original uniform filing forms E, H, and K to the New Mexico public regulation commission, transportation division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269. The commission will not accept copies of uniform filings. In lieu of mailing, insurance companies may also electronically transmit uniform filing forms E, H, and K as allowed by the commission. The commission will make available, on its website, information directing insurance companies how to file forms E, H, and K (electronically).

[18.3.3.9 NMAC - Rp, 18.3.3.9 NMAC, 2-13-15]

18.3.3.10 MINIMUM LIMITS OF PUBLIC LIABILITY INSURANCE:

A. Passenger services providing service in vehicles with a seating capacity of sixteen (16) passengers or more must maintain the minimum levels of financial responsibility required by 49 CFR 387.33.

B. Passenger services providing service in vehicles with a seating capacity of fifteen (15) passengers or less, excluding taxicab services having a seating capacity of less than seven (7) passengers, must maintain the minimum levels of financial responsibility required by 49 CFR 387.33.

C. Taxicab services having a seating capacity of less than seven (7) passengers must maintain a combined single-limit public liability insurance policy of at least one million dollars (\$1,000,000) per occurrence for bodily injury to or death of all persons injured or killed and property damage.

D. Towing services, repossession services, household goods movers, and motor carriers of property with a gross vehicle weight rating of 10,001 pounds or more must maintain the minimum levels of financial responsibility required by 49 CFR 387.9. The minimum level of financial responsibility covers environmental restoration, as required 49 CFR 387.301(a)(1).

E. Towing services, repossession services, household goods movers, and motor carriers of property with a gross vehicle weight rating of 10,000 pounds or less must maintain a combined single-limit public liability insurance policy of at least seven hundred and fifty thousand dollars (\$750,000) per occurrence for bodily injury to or death of all persons injured or killed and property damage.

F. Motor carriers of property transporting hazardous matter in intrastate commerce in New Mexico must maintain the minimum levels of financial responsibility required by 49 CFR 387.9 for interstate commerce regardless of gross vehicle weight.

[18.3.3.10 NMAC - Rp, 18.3.3.10 NMAC, 2-13-15]

18.3.3.11 ADDITIONAL SPECIALTY INSURANCE REQUIREMENTS:

A. Towing services must maintain fifty thousand dollars (\$50,000) of both on-the-hook and garage-keepers' liability insurance.

B. Household goods carriers must maintain fifty thousand dollars (\$50,000) cargo liability insurance per shipper for loss or damage to cargo of the shipper.

[18.3.3.11 NMAC - Rp, 18.3.3.11 NMAC, 2-13-15]

18.3.3.12 MAXIMUM DEDUCTIBLE: No motor carrier insurance policy shall have a deductible in excess of five thousand dollars (\$5,000), except that the commission may approve a higher deductible for a motor carrier that files:

A. a surety bond with the commission in an amount equal to the difference between five thousand dollars (\$5,000) and the amount of the higher deductible; or

B. a certified statement from the office of superintendent of insurance that the person has met the requirements to be self-insured up to a limit equal to or greater than the amount of the higher deductible.

[18.3.3.12 NMAC - Rp, 18.3.3.12 NMAC, 2-13-15]

18.3.3.13 CANCELLATION OF INSURANCE:

A. Required expiration date. All motor carrier insurance policies must be written or endorsed with an expiration date "until canceled."

B. Intrastate. An intrastate motor carrier may cancel its insurance by having its insurance company file with the commission or its designee a uniform filing form K stating that the motor carrier's public liability insurance or cargo insurance will expire in thirty (30) days.

[18.3.3.13 NMAC - Rp, 18.3.3.13 NMAC, 2-13-15]

18.3.3.14 AUTOMATIC SUSPENSION OF OPERATING AUTHORITY: The commission shall, in accordance with 18.3.2.26 NMAC, suspend the operating authority of a motor carrier if it fails to continuously maintain the amounts of financial responsibility required by this rule. If a motor carrier's operating authority explicitly authorizes seasonal transportation service, the continuous coverage requirement of this rule shall apply only during the seasonal period during which the motor carrier is authorized to provide service.

[18.3.3.14 NMAC - Rp, 18.3.3.14 NMAC, 2-13-15]

HISTORY OF 18.3.3 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 3-14-68; SCC 71-6, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1971, filed on 9-21-71;

SCC 73-1, N.M. Motor Carrier Act, Rules and Regulations, filed on 6-14-73;
SCC 74-1, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1973, filed on 2-5-74;
SCC 75-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1975, filed on 4-17-75;
SCC 75-3, N.M. Motor Carrier Act, Rules and Regulations (Rev.), effective Jan. 1, 1975, filed on 9-19-75;
SCC 76-1, N.M. Motor Carrier Act, Rules and Regulations, effective April 1, 1976, filed on 4-15-76;
SCC 77-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1977, filed on 1-25-77;
SCCMC Rule No. 30, Insurance, filed on 3-5-82;
SCCMC Rule No. 41, Uniform Standards, filed on 3-5-82;
SCC Rule 231, General Compliance Requirements, filed on 1-5-93;
SCC Rule 232, Insurance Requirements, filed on 1-5-93.

History of Repealed Material.

SCC Rule 231, General Compliance Requirements, filed on 1-5-93;
SCC Rule 232, Insurance Requirements, filed on 1-5-93.
18.3.3 NMAC, Motor Carrier General Provisions - Financial Responsibilities, filed 12-10-2002, repealed 2-13-2015