

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 6 TARIFFS

18.3.6.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[18.3.6.1 NMAC - Rp, 18.3.6.1 NMAC, 2/13/2015]

18.3.6.2 SCOPE: This rule applies to tariffed service carriers.
[18.3.6.2 NMAC - Rp, 18.3.6.2 NMAC, 2/13/2015]

18.3.6.3 STATUTORY AUTHORITY: Sections 8-8-4 and 65-2A-4 NMSA 1978.
[18.3.6.3 NMAC - Rp, 18.3.6.3 NMAC, 2/13/2015]

18.3.6.4 DURATION: Permanent.
[18.3.6.4 NMAC - Rp, 18.3.6.4 NMAC, 2/13/2015]

18.3.6.5 EFFECTIVE DATE: February 13, 2015, unless a later date is cited at the end of a section.
[18.3.6.5 NMAC - Rp, 18.3.6.5 NMAC, 2/13/2015]

18.3.6.6 OBJECTIVE: The purpose of this rule is to implement Sections 65-2A-20 and 65-2A-21 NMSA 1978.
[18.3.6.6 NMAC - Rp, 18.3.6.6 NMAC, 2/13/2015]

18.3.6.7 DEFINITIONS: See 18.3.1.7 NMAC.
[18.3.6.7 NMAC - Rp, 18.3.6.7 NMAC, 2/13/2015]

18.3.6.8 COMMENCEMENT OF OPERATIONS: No motor carrier may commence operations or perform any new service under its operating authority until the commission has approved tariffs containing rates, schedules, and terms and conditions for the services to be performed.
[18.3.6.8 NMAC - Rp, 18.3.6.8 NMAC, 2/13/2015]

18.3.6.9 CONTENTS OF TARIFFS:

- A.** All proposed tariffs shall be in the form approved by the commission and shall include for scheduled shuttle services specific presentment times at each terminal location.
- B.** A motor carrier may not include a provision for mandatory gratuities in a tariff.
- C.** A motor carrier may not limit its liability for negligence through terms and conditions of service in its tariff.

[18.3.6.9 NMAC - Rp, 18.3.6.9 NMAC, 2/13/2015]

18.3.6.10 COMPUTATION OF DISTANCES:

- A.** A motor carrier shall use the least expensive route when charging by mileage, consistent with existing events and road and weather conditions, unless the passenger or customer directs otherwise.
- B.** A motor carrier other than a taxicab service shall compute actual distances using odometer readings, Global Positioning System (GPS) based data, or the official road map of New Mexico issued by the New Mexico department of transportation.
- C.** Any remaining fraction of less than 1/2 (.5) mile will be omitted; any remaining fraction of 1/2 (.5) mile or greater will be increased to the next whole mile.

[18.3.6.10 NMAC - Rp, 18.3.6.11 NMAC, 2/13/2015]

18.3.6.11 TARIFFS TO BE AVAILABLE: A motor carrier subject to this rule shall maintain at its principal place of business and at each of its terminal locations, and make available for inspection to the public at all times the motor carrier is open for business, all of the tariffs containing rates, terms and conditions, and the general schedule of service, and the most current specific schedule of service in effect.
[18.3.6.11 NMAC - Rp, 18.3.6.12 NMAC, 2/13/2015]

18.3.6.12 CHANGES IN TARIFFS:

A. Application. A motor carrier that proposes to change its rates, terms and conditions of service, or general schedule, shall file an application for a change in tariff.

(1) An application for amendment of tariff rates that increases any tariff rate to a level greater than that previously approved by the commission for an ambulance service or a towing service providing non-consensual tows shall be submitted to the director for review prior to filing, and shall include:

- (a) a proposed tariff including the proposed changes in rates;
- (b) a balance sheet for the preceding fiscal year;
- (c) an income statement for the preceding fiscal year;
- (d) all documentary evidence which the applicant believes supports its proposed

change in rates; and

(e) pre-filed direct testimony explaining why a change in rates is required for the motor carrier to achieve revenue levels that will provide a flow of net income adequate to support reasonable expense levels, including reasonable depreciation expense and repayment of a reasonable level of debt, and permit the raising of needed equity capital.

(2) An application for amendment of any tariff rate to a level greater than that previously approved by the commission for a municipal taxicab service carrier, a scheduled shuttle service carrier, or a household goods service carrier shall include:

- (a) a proposed tariff including the proposed changes in rates;
- (b) a side-by-side comparison of a household goods service carrier's proposed increased rates and the rates contained in the household goods service carrier's maximum tariff; and
- (c) a side-by-side comparison of all changes in rates and terms of service for a municipal taxicab service carrier or a scheduled shuttle service carrier.

(3) An application for amendment of tariff rates for any motor carrier not listed in Paragraphs (1) and (2) of this Subsection A of 18.3.6.12 NMAC shall include a proposed tariff.

(4) An application for a change in terms of service or a change in a daily time schedule for a scheduled shuttle service shall include:

- (a) a proposed tariff including the proposed changes in terms of service or daily time schedule; and
- (b) a description of the proposed changes.

B. Docketing and notice. The applicant shall file the application with the filing fee and serve on, and email a copy to, the transportation division of the commission on the date filed. The director shall promptly post notice of a filed application on the commission's website. The carrier may implement the tariff's terms of service and rates 20 days after filing pursuant to Subsection F of 65-2A-20 NMSA 1978, unless the director disapproves the application as incomplete, and except for any specific terms of service which the director or commission may disapprove, or any specific rate increases above prior approved rates for a municipal taxicab service or scheduled shuttle service that the director or commission may disapprove. The director shall file any disapproval of completeness or of specific terms of service or rates in the docket within 20 days of the date of filing of the application. The commission may file disapproval of specific terms of service or rates in the docket within 20 days of the date of filing of the application. The commission's filed disapproval means that for purposes of Subsection H of Section 65-2A-20 NMSA 1978 the commission, at that time, does not deem the increase to be reasonable.

[18.3.6.12 NMAC - Rp, 18.3.6.14 NMAC, 2/13/2015; A, 11/30/2016]

HISTORY OF 18.3.6 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. 5, Tariffs and Schedules, filed on 3/5/82;
SCCMC Rule No. 26, New Time Schedules, filed on 3/5/82;
SCC Rule 221, Tariffs, Rates and Schedules, filed on 1/5/93;

SCC Rule 222, Motor Carrier Agreements, filed on 1/5/93;
SCC Rule 267, Wrecker Services.

History of repealed material.

SCC Rule 221, Tariffs, Rates and Schedules, filed on 1/5/93;
SCC Rule 222, Motor Carrier Agreements, filed on 1/5/93;
SCC Rule 267, Wrecker Services.
18.3.6 NMAC, Tarriffs, (filed on 12/10/02) - repealed effective 2/13/2015.