

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 3       MOTOR CARRIER GENERAL PROVISIONS**  
**PART 10          PARENTAL RESPONSIBILITY**

**18.3.10.1           ISSUING AGENCY:** New Mexico Public Regulation Commission.

[18.3.10.1 NMAC - N, 12-30-02]

**18.3.10.2           SCOPE:** This rule applies to the issuance, renewal, suspension or revocation of any operating authority issued by the commission.

[18.3.10.2 NMAC - N, 12-30-02]

**18.3.10.3           STATUTORY AUTHORITY:** NMSA 1978 Sections 8-8-4 and 40-5A-9.

[18.3.10.3 NMAC - N, 12-30-02; A, 1-1-05]

**18.3.10.4           DURATION:** Permanent.

[18.3.10.4 NMAC - N, 12-30-02]

**18.3.10.5           EFFECTIVE DATE:** December 30, 2002, unless a later date is cited at the end of a section.

[18.3.10.5 NMAC - N, 12-30-02]

**18.3.10.6           OBJECTIVE:** The purpose of this rule is to implement the requirements of the Parental Responsibility Act, NMSA 1978 Sections 40-5A-1 et seq.

[18.3.10.6 NMAC - N, 12-30-02; A, 1-1-05]

**18.3.10.7           DEFINITIONS:** In addition to the definitions in NMSA 1978 Section 40-5A-3, as used in this rule:

- A.           commission** means the New Mexico public regulation commission;
- B.           holder** means a sole proprietorship or partnership that has an operating authority from the commission;
- C.           HSD** means the New Mexico human services department;
- D.           operating authority** means a certificate, permit, or warrant issued by the commission;
- E.           statement of compliance** means a certified statement from HSD stating that an applicant or holder is in compliance with a judgment and order for support.

[18.3.10.7 NMAC - N, 12-30-02; A, 1-1-05]

**18.3.10.8           SANCTIONS:**

**A.**If an applicant is subject to, and not in compliance with, a judgment and order for support, the commission shall deny an application for an operating authority.

**B.**If a holder is subject to, and not in compliance with, a judgment and order for support, the commission shall have grounds for suspending or revoking the holder's operating authority.

[18.3.10.8 NMAC - N, 12-30-02]

**18.3.10.9           HSD-CERTIFIED LIST:** Upon receipt of an HSD-certified list of obligors not in compliance with a judgment and order for support, the director shall match the certified list of obligors against the current list of holders. Upon receipt of an application for an operating authority, the director shall match the applicant or holder against the current HSD-certified list. By the end of the month in which the HSD-certified list is received, the director shall report to HSD the names of any applicants and holders who are on the HSD-certified list and the action the director has taken with regard to such applicants and holders.

[18.3.10.9 NMAC - N, 12-30-02]

**18.3.10.10          INITIAL ACTION:**

**A.**Upon determination that an applicant or holder appears on the HSD-certified list, the director shall notify the applicant or holder by letter that such individual must provide the director with a statement of compliance within thirty (30) days of the date the director mailed the notification.

**B.**The notice letter to applicants and holders shall advise that failure to timely provide the statement

of compliance shall result in commencement of a formal hearing before the commission to determine whether an application should be rejected or an operating authority suspended or revoked.  
[18.3.10.10 NMAC - N, 12-30-02]

**18.3.10.11 PROCEEDING TO REJECT APPLICATION OR SUSPEND OR REVOKE OPERATING AUTHORITY:** If an applicant or holder fails to provide the statement of compliance, the director shall file and serve a complaint upon the applicant or holder. If the director's complaint is due solely to the failure of an applicant or holder to comply with a judgment and order for support, and there are no additional grounds based on violations of the Motor Carrier Act or commission rules or orders, the complaint shall state:

**A.** the grounds for the director's proposed rejection of the application or suspension or revocation of the operating authority; and

**B.** that a hearing shall be held before the commission on a date that is at least thirty (30) days after the date the complaint is personally served, unless the respondent applicant or holder provides the director with a statement of compliance prior to the hearing date.

[18.3.10.11 NMAC - N, 12-30-02; A, 1-1-05]

**18.3.10.12 EVIDENCE AND PROOF:** In any hearing under subsection B of 18.3.10.11 NMAC, relevant evidence is limited to the accuracy or veracity of the listing of the applicant or holder's name on the HSD-certified list. The listing of the applicant's or holder's name on the HSD-certified list is conclusive evidence requiring the commission to reject the application or suspend or revoke the operating authority, and is rebuttable only with a statement of compliance. Upon presentation of the statement of compliance, the commission shall dismiss the complaint if it is based solely upon the applicant or holder's failure to comply with a judgment and order for support.

[18.3.10.12 NMAC - N, 12-30-02]

**18.3.10.13 ORDER:** When the commission rejects an application or suspends or revokes an operating authority solely because the applicant or holder is not in compliance with a judgment and order for support, the final order shall state that:

**A.** the respondent whose application has been rejected may reapply for an operating authority at any time by filing a statement of compliance and an application with the commission;

**B.** the respondent whose operating authority has been suspended may have its operating authority reinstated at any time by providing a statement of compliance to the commission; and

**C.** the respondent whose operating authority has been in revoked may reapply for an operating authority at any time by filing a statement of compliance and an application with the commission.

[18.3.10.13 NMAC - N, 12-30-02]

#### **HISTORY OF 18.3.10 NMAC**

**Pre-NMAC history.** The material in this rule was previously filed with the State Records Center as: SCC Rule 95-04-TR, Parental Responsibility Act Rule, filed on 10-18-95.

#### **History of repealed material.**

SCC Rule 95-04-TR, Parental Responsibility Act Rule, filed on 10-18-95.