

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 15 FUEL SURCHARGE FOR WRECKER SERVICES PERFORMING NON-CONSENSUAL TOWS

18.3.15.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
 [18.3.15.1 NMAC - Rp. 18.3.15.1, 03/14/2017]

18.3.15.2 SCOPE: This rule applies to all wrecker services performing non-consensual tows.
 [18.3.15.2 NMAC - Rp. 18.3.15.2, 03/14/2017]

18.3.15.3 STATUTORY AUTHORITY: Sections 8-8-4, 65-2A-4 and 65-2A-21 NMSA 1978.
 [18.3.15.3 NMAC - Rp. 18.3.15.3, 03/14/2017]

18.3.15.4 DURATION: Permanent.
 [18.3.15.4 NMAC - Rp. 18.3.15.4, 03/14/2017]

18.3.15.5 EFFECTIVE DATE: May 15, 2008, unless a later date is cited at the end of a section.
 [18.3.15.5 NMAC - Rp. 18.3.15.5, 03/14/2017]

18.3.15.6 OBJECTIVE: The purpose of this rule is to establish a procedure providing fair and reasonable voluntary fuel surcharges to wrecker services performing non-consensual tows.
 [18.3.15.6 NMAC - Rp. 18.3.15.6, 03/14/2017]

18.3.15.7 DEFINITIONS: In addition to the definitions in Sections 24-10B, 65-2A-3, 65-6-2 NMSA 1978, and 18.3.1.7 NMAC, as used in this rule:

A. EIA reference price refers to the weekly gasoline or diesel fuel price for the Rocky Mountain region, as published at the United States department of energy's official energy information administration website at <http://tonto.eia.doe.gov/oog/infogdu/gasdiesel.asp>, or such other address on which that same information may be displayed by the energy information administration in the future;

B. fuel surcharge program means the procedures and requirements set forth in this rule, by which wrecker services performing non-consensual tows may implement limited increases in their rates, reflecting the changing price of fuel, without a formal proceeding before the commission;
 [18.3.15.7 NMAC - Rp. 18.3.15.7, 3/14/2017]

18.3.15.8 TOWING SERVICES PERFORMING NON-CONSENSUAL TOWS: Motor carriers performing non-consensual towing services that choose to charge a fuel surcharge under the fuel surcharge program shall comply with the following table and formula:

<i>If Rocky Mountain EIA gas/diesel price is between:</i>	<i>Then, the Fuel Surcharge on total mileage charge is:</i>
\$2.26 - \$2.50	3.75 percent
\$2.51 - \$2.75	4.25 percent
\$2.76 - \$3.00	4.75 percent
\$3.01 - \$3.25	5.25 percent
\$3.26 - \$3.50	5.75 percent
\$3.51 - \$3.75	6.25 percent
\$3.76 - \$4.00	6.75 percent
\$4.01 - \$4.25	7.25 percent
\$4.26 - \$4.50	7.75 percent
\$4.51 - \$4.75	8.25 percent
\$4.76 - \$5.00	8.75 percent
\$5.01 - \$5.25	9.25 percent
\$5.26 - \$5.50	9.75 percent
\$5.51 - \$5.75	10.25 percent
\$5.76 - \$6.00	10.75 percent

\$6.01 - \$6.25	11.25 percent
\$6.26 - \$6.50	11.75 percent
\$6.51 - \$6.75	12.25 percent
\$6.76 - \$7.00	12.75 percent
\$7.01 - \$7.25	13.25 percent
\$7.26 - \$7.50	13.75 percent

A. the fuel surcharge formula is the percentage referenced in the above table based on the current EIA reference price multiplied by the total mileage charge, including all allowed loaded, deadhead, and excess deadhead miles;

B. the fuel adjustment shall be stated as a separate charge on the charge ticket or invoice, and shall include the surcharge percentage at the current EIA reference and total miles charged for fuel.

[18.3.15.8 NMAC - Rp. 18.3.15.8, 3/14/2017]

HISTORY of 18.3.15 NMAC: [RESERVED]