

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 3        MOTOR CARRIER GENERAL PROVISIONS**  
**PART 7            REPORTS, RECORDS, AND ACCOUNTS**

**18.3.7.1           ISSUING AGENCY:** New Mexico Public Regulation Commission.  
[18.3.7.1 NMAC - Rp, 18.3.7.1 NMAC, 2/13/2015]

**This is an amendment to 18.3.7 NMAC, Sections 2 and 9 effective 01/30/2018.**

**18.3.7.2           SCOPE:**

**A.**       18.3.7.8 NMAC through 18.3.7.13 NMAC apply to all motor carriers subject to the jurisdiction of the commission other than in the operation of small passenger vehicles, except that ambulance services are exempt from 18.3.7.8, 18.3.7.9, and 18.3.7.13 NMAC.

**B.**       18.3.7.14 NMAC through 18.3.7.16 NMAC apply only to motor carriers operating pursuant to a certificate or a permit other than in the operation of small passenger vehicles.

**C.**       The maintenance, inspection and production of documents for carriers providing passenger transportation services through the use of small passenger vehicles is governed by the following provisions:

**(1)**       A transportation service shall maintain:

**(a)**       individual ride records for at least four years from the date each ride was provided; and

**(b)**       individual records of transportation service drivers for at least four years after the driver's relationship with the transportation service has ended.

**(2)**       In response to a specific complaint, the public regulation commission, its employees or its duly authorized agents may inspect those records held by a transportation service for the investigation and resolution of the complaint.

**(3)**       No more than semiannually and as determined by the public regulation commission, the commission, its employees or its duly authorized agents may, in a mutually agreed setting, inspect those records held by a transportation service whose review is necessary to ensure public safety; provided that such review shall be on an audit rather than a comprehensive basis.

[18.3.7.2 NMAC - Rp, 18.3.7.2 NMAC, 2/13/15; A, 11/30/2016; A, 01/30/2018]

**18.3.7.3           STATUTORY AUTHORITY:** Sections 8-8-4, 65-2A-4, and 65-2A-29 NMSA 1978.

[18.3.7.3 NMAC - Rp, 18.3.7.3 NMAC, 2/13/2015]

**18.3.7.4           DURATION:** Permanent.

[18.3.7.4 NMAC - Rp, 18.3.7.1 NMAC, 2/13/2015]

**18.3.7.5           EFFECTIVE DATE:** February 13, 2015, unless a later date is cited at the end of a section.

[18.3.7.5 NMAC - Rp, 18.3.7.5 NMAC, 2/13/2015]

**18.3.7.6           OBJECTIVE:** The purpose of this rule is to implement Section 65-2A-29 NMSA 1978.

[18.3.7.6 NMAC - Rp, 18.3.7.6 NMAC, 2/13/2015]

**18.3.7.7           DEFINITIONS:** See 18.3.1.7 NMAC.

[18.3.7.7 NMAC - Rp, 18.3.7.7 NMAC, 2/13/2015]

**18.3.7.8           ANNUAL REPORT:** Every motor carrier except ambulance services shall prepare and file with the commission an annual report of its operations.

**A.       Date of filing.** Motor carriers shall file reports on or before March 31 of each year for the immediately preceding calendar year.

**B.       Form and signature of annual report:** The annual report must be made on the form prescribed by the director. The accuracy of the contents of the report must be affirmed by signature of the owner of the motor carrier, if the motor carrier is a sole proprietorship; of a partner, if the motor carrier is a partnership; of an authorized member, if the motor carrier is a limited liability company; or of the president and secretary, if the motor carrier is a corporation.

**C. Failure to file annual report:** The commission may assess fines or may suspend or revoke the operating authority of a motor carrier for failure to file an annual report by the applicable filing deadline. Failure to timely file an annual report will create a presumption that the motor carrier holding the operating authority has failed to render continuous and adequate service.

[18.3.7.8 NMAC - Rp, 18.3.7.8 NMAC, 2/13/2015]

**18.3.7.9 CONTENTS OF ANNUAL REPORT:** The annual report shall include:

- A.** the motor carrier's operating authority number;
- B.** the motor carrier's name;
- C.** the motor carrier's d/b/a name;
- D.** the motor carrier's principal place of business;
- E.** the motor carrier's business telephone number;
- F.** the applicant's electronic mail address;
- G.** an affirmation by checking a box on the annual report that:
  - (1)** the motor carrier certifies that each piece of equipment it uses has passed an annual inspection within the preceding 12 months;
  - (2)** the motor carrier certifies that it maintains a file containing a current MVD printout of the driving record and all other information required by these rules for each of its drivers;
  - (3)** the motor carrier certifies that it has received a current certificate of workers' compensation insurance or evidence that the motor carrier is not required to maintain workers' compensation insurance;
- H.** an updated appointment of an agent for service of process, if applicable; and
- I.** the signature prescribed by Subsection B of 18.3.7.8 NMAC.

[18.3.7.9 NMAC - Rp, 18.3.7.9 NMAC, 2/13/2015; A, 01/30/2018]

**18.3.7.10 CHANGE OF ADDRESS REPORTS:**

**A.** Every motor carrier shall notify the commission in writing of any change in the mailing address or street address or other physical locations of its business office within 10 business days of the effective date of the change.

**B.** No change of address will be permitted that has the effect of moving the motor carrier's operations to a location not permitted under its operating authority.

[18.3.7.10 NMAC - Rp, 18.3.7.10 NMAC, 2/13/2015]

**18.3.7.11 ACCIDENT REPORTS:**

**A. Report required.** Every motor carrier shall report directly to the commission every accident which occurs in the course of the motor carrier's operations within the state, on either public or private property, that results in the death of a person; injury to a person that requires treatment by a physician; or damage to property belonging to the carrier or any other person to an apparent extent of five thousand dollars (\$5,000.00) or more. Property damage shall include damage to either vehicles or cargo.

**B. Report form.** A motor carrier shall report each accident in writing on the uniform accident report form prescribed by the state of New Mexico. Accident report forms are available from the director and from law enforcement agencies. The uniform accident report filed with the motor vehicle division will satisfy the requirements of this section if a copy of it is timely filed with the commission.

**C. Time to file report.**

**(1)** In the case of an accident resulting in death, the report must be filed within forty-eight (48) hours of the accident.

**(2)** All other accident reports shall be filed no later than fifteen (15) days after the date the accident occurred.

**(3)** If a death results from the accident after the filing of a written accident report, the motor carrier shall file an amended report no later than fifteen (15) days after receiving notification of the death.

**(4)** If an accident results in the release of any hazardous matter, the motor carrier shall inform the New Mexico state police by telephone immediately.

[18.3.7.11 NMAC - Rp, 18.3.7.11 NMAC, 2/13/2015]

**18.3.7.12 LOCATION OF RECORDS:** Every motor carrier shall maintain records at the motor carrier's principal place of business within the state. The commission may, on a showing of good cause, allow the records to

be maintained at a location outside the state, provided the motor carrier demonstrates to the satisfaction of the commission that the records will be reasonably accessible for inspection.

[18.3.7.12 NMAC - Rp, 18.3.7.12 NMAC, 2/13/2015]

**18.3.7.13 EQUIPMENT LISTS FOR MOTOR CARRIERS EXCEPT AMBULANCES:** Every motor carrier shall maintain at its principal place of business within the state an updated list of motor vehicles used in its authorized operations. The list shall identify each motor vehicle by make, model, year, VIN, and license plate number and shall state whether the motor vehicle is leased or owned.

[18.3.7.13 NMAC - Rp, 18.3.7.13 NMAC, 2/13/2015]

**18.3.7.14 MAINTENANCE, PRESERVATION, AND RETENTION OF RECORDS.**

**A.** Motor carriers operating pursuant to a certificate or permit shall maintain:

- (1) complete accounts;
- (2) records of all services performed for others, such as work orders, invoices, bills of lading, warehouse receipts, dispatch sheets, and claim registers;
- (3) records of numbers of runs made and numbers of passengers transported;
- (4) records of equipment, such as driver inspection reports, repair and maintenance records, equipment lists, titles and registration certificates;
- (5) driver qualification files;
- (6) drivers' records of duty status;
- (7) records and forms evidencing driver drug and alcohol testing;
- (8) copies of equipment leases or leases of certificates;
- (9) records of all complaints indicating dissatisfaction with rates, service, safety, equipment or driving practices; and

(10) driver contracts as provided by Section 65-2A-24 B and C NMSA 1978.

**B.** Motor carriers operating pursuant to a certificate or permit shall retain records for the previous three complete calendar years.

**C.** All municipal taxicab services must maintain records documenting response times as required by Paragraph (7) and (8) of Subsection G of 18.3.2.9 NMAC.

**D.** All required records are subject to inspection by the commission as provided in Sections 65-2A-4 and 65-2A-29 NMSA 1978, and shall be maintained so that they are reasonably accessible. A motor carrier operating pursuant to a certificate or permit shall take reasonable steps to protect required records from destruction and physical hazards. A motor carrier operating pursuant to a certificate or permit shall notify the commission if records are substantially damaged or destroyed before the end of the retention period.

**E.** If a motor carrier transfers its certificate or permit in accordance with these rules, the transferee of the certificate or permit shall maintain the records of the transferor as required by these rules.

[18.3.7.14 NMAC - Rp, 18.3.7.14 NMAC, 2/13/2015; A/E, 3/2/2015]

**18.3.7.15 CLAIMS REGISTER:**

**A.** Every motor carrier operating pursuant to a certificate or permit shall maintain a claims register in which the carrier shall record every claim it receives for overcharge, personal injury, or property damage.

**B.** The record of each claim shall include the:

- (1) claim number;
- (2) date received;
- (3) amount claimed;
- (4) name of the claimant;
- (5) date and amount of the claim paid, or the date the claim was disallowed and the reasons for disallowance;
- (6) amount of salvage recovered, if any;
- (7) amount reimbursed by insurance companies or others; and
- (8) amount paid by the carrier.

[18.3.7.15 NMAC - Rp, 18.3.7.15 NMAC, 2/13/2015]

**18.3.7.16 ACCOUNTS:**

**A. Maintenance of accounts required.** Every motor carrier operating pursuant to a certificate or permit shall maintain a system of accounts in connection with its intrastate transportation business in New Mexico, and documentation in support of the accounts.

**B. Generally accepted accounting principles.** Every motor carrier operating pursuant to a certificate or permit shall maintain its accounts in conformity with generally accepted accounting principles (GAAP) issued by the financial accounting standards board.

**C. Verification of entries.** Every motor carrier operating pursuant to a certificate or permit shall document all accounting entries and shall file all documentation in an orderly and systematic manner. All expenditures shall be fully supported by vouchers, receipts, canceled checks, or other original memoranda. All revenues shall be supported by invoices or other original memoranda.

**D. Required documentation.** At a minimum, documentation shall include:

- (1) copies of all passenger lists;
- (2) copies of all trip sheets;
- (3) copies of all invoices, vouchers and statements supporting disbursements;
- (4) copies of receipts or memoranda with respect to all petty cash reimbursements;
- (5) all canceled checks;
- (6) all bank statements and deposit slips;
- (7) fuel records; and
- (8) daily dispatch records.

[18.3.7.16 NMAC - Rp, 18.3.7.16 NMAC, 2/13/2015]

## **HISTORY OF 18.3.7 NMAC**

### **Pre-NMAC History.**

SCC 68-16, N.M. Motor Carrier Act, Rules and Regulations, effective Sept. 1, 1967, filed on 3/14/1968;  
SCC 71-6, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1971, filed on 9/21/7191;  
SCC 73-1, N.M. Motor Carrier Act, Rules and Regulations, filed on 6/14/1973;  
SCC 74-1, N.M. Motor Carrier Act, Rules and Regulations, effective July 1, 1973, filed on 2/5/1974;  
SCC 75-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1975, filed on 4/17/1975;  
SCC 75-3, N.M. Motor Carrier Act, Rules and Regulations (Rev.), effective Jan. 1, 1975, filed on 9/19/1975;  
SCC 76-1, N.M. Motor Carrier Act, Rules and Regulations, effective April 1, 1976, filed on 4/15/1976;  
SCC 77-1, N.M. Motor Carrier Act, Rules and Regulations, effective Jan. 1, 1977, filed on 1/25/1977;  
SCCMC Rule No. 34, Report of Accident, filed on 3/5/1982;  
SCC Rule 241, Records of Motor Transportation Entities, filed on 1/5/1993;  
SCC Rule 242, Accounts, filed on 1/5/1993;  
SCC Rule 243, Annual Reports, filed on 1/5/1993;  
SCC Rule 244, Other Reports, filed on 1/5/1993.

### **History of Repealed Material.**

SCC Rule 241, Records of Motor Transportation Entities, filed on 1/5/1993;  
SCC Rule 242, Accounts, filed on 1/5/1993;  
SCC Rule 243, Annual Reports, filed on 1/5/1993;  
SCC Rule 244, Other Reports, filed on 1/5/1993.  
18.3.7 NMAC, Motor Carrier General Provisions - Reports, Records and Accounts (filed 12/10/02), repealed 2/13/2015.

### **Other History:**

18.3.7 NMAC, Reports, Records, and Accounts (filed 12/10/2002) was replaced by 18.3.7 NMAC, Reports, Records, and Accounts, effective 2/13/2015.