



NEW MEXICO PUBLIC REGULATION COMMISSION

APPLICATION FOR A CERTIFICATE OR PERMIT

NOTICE: This packet contains the materials you will need to apply for a Certificate or Permit as a common motor carrier or an amendment to a Certificate or Permit from the New Mexico Public Regulation Commission.

READ IT CAREFULLY! Follow the instructions carefully. Use the enclosed checklist to be sure your application is complete and correct. **ANY APPLICATION THAT IS NOT COMPLETE OR THAT CONTAINS STAPLES, PAPER CLIPS OR BINDINGS OF ANY KIND WILL BE RETURNED.** For a copy of the PRC's Motor Transportation Rules, visit the Transportation Division's website at www.nmprc.state.nm.us/transportation/index.html.

WARNING: pursuant to NMSA 1978, §65-2A-33, willfully making a false statement of material fact in this application is a felony, punishable by imprisonment of not more than five years.

**NEW MEXICO PUBLIC REGULATION COMMISSION
TRANSPORTATION DIVISION
P.O. BOX 1269
SANTA FE, NEW MEXICO 87504-1269**

THIS PACKET IS TO PREPARE AN APPLICATION FOR:

1. **CERTIFICATE** A Certificate to operate as an intrastate common motor carrier of persons or property. Pursuant to House Bill 194, which took effect on July 1, 2013, the PRC now issues five types of certificates:
 - i) Ambulance Service
 - ii) Household Goods Service
 - iii) Taxicab Service
 - iv) Shuttle Service¹
 - v) Specialized Passenger Service²
2. **PERMIT** A Permit to operate as an intrastate contract motor carrier of persons or property. (You may only receive a permit for Ambulance or Household Goods service if you already have a certificate for those services in the same territory.)
3. **AMENDMENT OF A CERTIFICATE** If you need to amend or add authority to an existing Certificate or Permit.
4. **LEASE OF A CERTIFICATE OR PERMIT**
5. **VOLUNTARY TRANSFER OF A CERTIFICATE OR PERMIT**

(You may only apply for one authority or amendment per application.)

FOR ASSISTANCE PREPARING THIS APPLICATION

If you have any questions regarding this application, or wish to obtain other PRC application forms or copies of the Rules of Procedure or Motor Transportation Rules, please call 505-827-4519 between 8:00 am and 5:00 pm or visit the Transportation Division online at <http://www.nmprc.state.nm.us/transportation/index.html>.

¹ “Shuttle Service” now includes transportation services that, before July 1, 2013, had unique certificates, including Terminal Shuttle, Shared Ride, and Bingo Bus Services.

² “Specialized Passenger Service” now includes transportation services that, before July 1, 2013, had unique certificates, including Limousine, Tour and Sightseeing, and Non-emergency Medical Transport Services.

APPLICATION FORM INSTRUCTIONS

There is a **MANDATORY** pre-filing review process that must be completed before an application is officially docketed and filed. *See* 18.3.2.16 NMAC. The application may not include staples, paper clips or bindings of any kind. If the application is incomplete it will be returned with a letter informing the applicant of the deficiencies. The applicant will have twenty (20) days to submit the requested changes and return the application. If the application is still incomplete, the applicant will get a 2nd letter informing them of the deficiencies. The applicant will then have twenty (20) days to submit the requested changes and return the application. If the applicant fails to return the application within sixty (60) days from the initial application date or the director determines that the application is still incomplete, the application will be deemed abandoned and a letter will be sent to the applicant informing them that the case is closed and a new application will have to be submitted.

Once the application is complete the director will certify in writing that the application is complete. This does not constitute approval of the application. Upon receiving notice that the director has certified the application, the applicant shall file the application in accordance with 18.3.2.14.B NMAC.

INSURANCE REQUIREMENTS

PUBLIC LIABILITY AND PROPERTY DAMAGE LIABILITY (Form E): See PRC Motor Transportation Rules- 18.3.3 NMAC

UNIFORM MOTOR CARGO CERTIFICATE OF INSURANCE (Form H): See PRC Motor Transportation Rules- 18.3.3 NMAC

ANY INSURANCE COMPANY YOU CONTRACT WITH FOR COVERAGE MUST BE LICENSED TO TRANSACT BUSINESS IN THE STATE OF NEW MEXICO. YOU MAY CHECK WITH THE OFFICE OF THE SUPERINTENDENT OF INSURANCE FOR VERIFICATION THAT YOUR INSURANCE COMPANY IS AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF NEW MEXICO BY CALLING (855) 427-5674.

The application form itself begins on page 6. You must fill it out completely. If staples, paper clips or bindings of any kind are included the application will be returned to you. You must submit a cover page for each exhibit.

- EXHIBIT A** If applicant is applying for ambulance service, submit affidavits or other evidence upon which the applicant intends to rely upon to show that the service to be provided under the certificate is or will serve a useful public purpose that is responsive to a public demand, and affidavits or other evidence upon which the applicant intends to rely to demonstrate that the applicant is fit and able to provide the applied for ambulance service, as required by 18.3.2.13.G NMAC.
- EXHIBIT B** If applicant is a partnership, submit copies of the Partnership Agreement.
- EXHIBIT C** If applicant is a registered corporation, submit copies of the Articles of Incorporation (not the By-Laws), or Articles of Organization.
- EXHIBIT D** If applicant is other than a corporation, submit a description of the form of ownership, the names and addresses of all principal owners and managers, the percentage of ownership interest of each, and the date the business entity was created.
- EXHIBIT E** If applicant is a registered corporation, submit a current Certificate of Good Standing from the Corporations Bureau of the New Mexico Secretary of State.
- EXHIBIT F** If applicant is a registered corporation, submit names and addresses of shareholders who own 10% or more of the voting stock of the corporation.
- EXHIBIT G** If you are applying for a Certificate, submit a proposed Tariff as required by part 18.3.6 NMAC and NMSA 1978, §65-2A-20 and 21.
- EXHIBIT H** If you are applying for Shuttle Service (Scheduled or General), specify your end or intermediate terminal points or terminal areas. Also, if you are applying for Scheduled Shuttle Service, provide a copy of the proposed schedule, including arrival & departure times for each destination and list all terminal locations, as required by 18.3.2.23 NMAC and NMSA 1978, §65-2A-3(BBB).
- EXHIBIT I** If you are applying for a Permit, submit a copy of each contract under which the applicant intends to operate.
- EXHIBIT J** If you are applying for a Permit, submit a statement of whether the contract or arrangement you are entering into will impair a certificated carrier's access to public places or the public's access to certificated carriers.
- EXHIBIT K** If you are applying for an Amendment to either a Certificate or a Permit, attach to the application a copy of your current NMSCC or

NMPRC operating authority and a copy of any previous endorsements issued to you by the Commission.

EXHIBIT L Proof of Financial Responsibility, refer to 18.3.3.8, 18.3.3.9 and 18.3.3.10 NMAC. Your insurance company must provide the appropriate proof of financial responsibility (Form E or H) directly to the Transportation Division.

EXHIBIT M Submit a drivers list as required by 18.3.2.13B NMAC and the signed statement as required by 18.3.2.13B6 NMAC. Also submit proof that all drivers have current medical cards, driver's licenses and Department of Motor Vehicle driving records, as required by 49 CFR §391.

EXHIBIT N Submit a complete description of the company's daily and annual inspection routine and maintenance program. Please submit annual inspections on company motor vehicles performed by DOT or a certified mechanic and a copy of the mechanic's certification as required by 18.3.4.11E NMAC, 49 CFR 396. Also submit a copy of your preventive maintenance program, as required by 18.3.2.13 NMAC, and your U.S. DOT safety rating, if you have one.

EXHIBIT O Complete description of all vehicles owned or to be purchased if authority is granted. Include the license number, the state of issue, the make and model of the vehicle, the model year, the VIN, the passenger capacity (including the driver), and, if applicable, the carrying capacity or weight rating.

EXHIBIT P For all original certificates and permits, a complete description of a drug policy which satisfies the requirements of the Federal Motor Carrier Safety Administration, (FMCSA), as required by 18.3.2.13B NMAC.

EXHIBIT Q Submit a copy of either a certificate of workers' compensation insurance or a certificate of exemption, as required by 18.3.2.13B NMAC.

NEW MEXICO PUBLIC REGULATION COMMISSION
TRANSPORTATION DIVISION
P.O. BOX 1269
SANTA FE, NEW MEXICO 87504-1269

APPLICATION

PRC USE

 Case No. _____ TR-M

APPLICATION FEES

<u>THIS IS AN ORIGINAL APPLICATION FOR A:</u>	<u>FEES</u>
_____ Certificate	\$250.00
_____ Permit	\$250.00
_____ Amendment of a (check one):	\$250.00
(a) _____ Certificate	
(b) _____ Permit	

NOTE: DO NOT SEND ANY FEES OR DUPLICATE COPIES UNTIL INSTRUCTED TO DO SO BY TRANSPORTATION DIVISION STAFF

Corporate/LLC Name _____

All D/B/A Names _____

Sole Proprietorship/Partnership Name _____

Street Address _____

City, State, Zip Code _____

If application for an Amendment, PRC Certificate No. _____

New Mexico CRS (Taxpayer ID) No. _____ Telephone No. (____) _____

Mailing Address (If different from above) _____

Email Address (Note: the PRC provides direct notices of many proceedings, including rulemakings and applications for new authorities only through email. The PRC will also post notices of these proceedings on its website, at <http://www.nmprc.state.nm.us/transportation/legal-notices.html>. If you wish to receive direct notices of these future proceedings, you must provide an email address below.)

I. FORM OF BUSINESS: (Check only one)

- LIMITED LIABILITY COMPANY
- CORPORATION
- PARTNERSHIP
- SOLE PROPRIETORSHIP, APPLICANTS SSN# _____
- GOVERNMENTAL/TRIBAL ENTITY

PRIOR ILLEGAL ACTIVITIES

Has the Applicant (if a sole proprietor), or any officer or board member (if a corporation), or any partner (if a partnership), ever been indicted for, or convicted of fraud, fraudulent misrepresentation, or embezzlement?

- NO YES, INDICTED YES, CONVICTED

Name of Person _____

Offense _____

PARENTAL RESPONSIBILITY

18.3.10 NMAC

Are you subject to court ordered spousal or child support payments?

- NO YES

II. APPOINTMENT OF A RESIDENT AGENT FOR SERVICE OF PROCESS

You must appoint an agent other than yourself who is a resident of the State of New Mexico upon whom all legal notices may be served. Section 65-2A-28 NMSA 1978

Name of Agent _____

Street Address _____

Telephone No. & email _____

III. DESIGNATION OF AN ATTORNEY LICENSED IN NEW MEXICO If an attorney has assisted you in preparing this application or will be representing you before the Commission.

Name of Attorney _____

Law Firm & Address _____

Telephone No. & email _____

IV. DESCRIPTION OF TRANSPORTATION SERVICES TO BE PROVIDED:

Please circle the letter that describes the type of Transportation Service you will be providing. If you are selecting Shuttle Service you must choose either Scheduled or General; if you are selecting Taxicab Service you must choose either Municipal or General; and if you are selecting Specialized Passenger Service, you must identify the type of service you will be providing.

A. SHUTTLE SERVICE (NMSA 1978, §65-2A-3(BBB)):

“Shuttle service means the intrastate transportation of passengers for hire pursuant to a set fare for each passenger between two or more specified terminal points or areas and includes both scheduled shuttle service and general shuttle service.”

Scheduled

“Scheduled shuttle service means a shuttle service that transports passengers to and from an airport both through prior arrangement and through presentment at terminal locations, on the basis of a daily time schedule filed with the commission, which must be met in a timely fashion with a vehicle present at the terminal location regardless of the number of passengers carried on any run, if any, and includes general shuttle service.”

General

“General shuttle service means a shuttle service that is not required to operate on a set schedule, that may optionally use a grid map to specify distant or adjacent terminal areas and that is not required to accept passengers other than pre-arranged passengers.”

B. TAXICAB SERVICE (NMSA 1978, §65-2A-3(GGG)):

“Taxicab service means intrastate transportation of passengers for hire in a motor vehicle having a capacity of not more than eight persons, including the driver, for which the passenger or other person engaging the vehicle is allowed to specify not only the origin and destination points of the trip but also, within reason, the route taken by the vehicle, any intermediate stop, any optional waiting at a stop and any other passengers transported during the trip and that charges a fare for use of the vehicle primarily on the basis of a drop-flag fee, cumulative mileage and cumulative wait time through a taxicab meter used to cumulate and display the fare to the passenger and includes both municipal taxicab service and general taxicab service.”

Municipal

“Municipal taxicab service means a taxicab service that deploys vehicles at all times of the day and year, is centrally dispatched and reasonably responds to all calls for service within its endorsed full-service territory regardless of profitability of the individual trip, in addition to the transportation service provided by a general taxicab service.”

General

“General taxicab service means a taxicab service that need not be dispatched, that may pick up on-demand passengers through flagging or at a taxicab stand or queue, that need not deploy vehicles in any particular manner and that may charge for trips to destination points or places outside of the taxicab service’s certificated territories on the basis of a set fare.”

C. SPECIALIZED PASSENGER SERVICE (NMSA 1978, §65-2A-3(CCC)):

“Specialized passenger service means the intrastate transportation for hire of passengers with special physical needs by specialized types of vehicles, or for specialized types of service to the public or community.”

Non-emergency Medical Transport

“Non-emergency medical transport service means a specialized passenger service providing the scheduled medically necessary transportation of passengers not requiring medical monitoring or treatment in a motor vehicle to or from a required medical or therapeutic appointment.” 18.3.1.7.H NMAC.

Tour and Sightseeing

“Tour and sightseeing service means specialized passenger service providing scheduled or unscheduled guided compensated transportation of passengers in motor vehicles to scenic points or other points of interest at rates that apply to each individual passenger.” 18.3.1.7.N NMAC.

Limousine

“Limousine service means specialized passenger service providing the unscheduled compensated transportation of passengers in a chauffeur-driven luxury motor vehicle at the exclusive use of one individual or group at a fixed charge for the motor vehicle and chauffeur for a period of time that is not less than thirty (30) minutes by prearrangement and not by soliciting on the streets.” 18.3.1.7.F NMAC.

Other type of specialized passenger service (fully describe below)

D. HOUSEHOLD GOODS (NMSA 1978, §65-2A-3(Y)):

“Household goods service means the intrastate transportation, packing and storage of household goods for hire.”

E. AMBULANCE SERVICE (NMSA 1978, §65-2A-3(B)):

“Ambulance service means the intrastate transportation of sick or injured persons in an ambulance meeting the standards established by the commission under the Ambulance Standards Act [in 18.3.13 NMAC]

DESCRIPTION OF TERRITORY TO BE SERVED (Does not apply to Shuttle Services – see Exhibit H):

V. (By county only) From Points and Places in:

and Return.

To Points and Places:

and Return

STATEWIDE (To and from all Counties throughout the State of New Mexico)

VI. EQUIPMENT TO BE STATIONED (Physical address):

VII. BALANCE SHEET

BALANCE SHEET AS OF _____, 201 _____

You may provide your own balance sheet as an attachment, however, if you do so, it must be separately notarized. Please provide an income statement for the latest fiscal year if available.

ASSETS

Cash on Hand _____ \$ _____

Notes Receivable _____ \$ _____

Accounts Receivable _____ \$ _____

Investments: Bonds & Stocks, etc. _____ \$ _____

Equipment _____ \$ _____

Real Estate _____ \$ _____

Other Assets _____ \$ _____

TOTAL ASSETS \$ _____ \$ _____

LIABILITIES

Notes Payable _____ \$ _____

Accounts Payable _____ \$ _____

Liens, Encumbrances or Chattel on Equipment \$ _____

Liens on Real Estate _____ \$ _____

Other Liabilities _____ \$ _____

TOTAL LIABILITIES _____ \$ _____

NET WORTH (ASSETS MINUS LIABILITIES)

OATH OF APPLICANT

The signature must be that of the Applicant, not legal representative.

I certify that I will abide by all New Mexico Public Regulation Commission Rules & Regulations. I understand that the New Mexico Public Regulation Commission has also adopted & enforces Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations found in Title 49, Code of Federal Regulations, Chapter 3, with the variances adopted by the Motor Transportation Division of the New Mexico Department of Public Safety. I certify that all motor vehicles, and the drivers operating the vehicles, used in providing the services sought to be authorized meet the safety requirements of the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations.

I certify that I have sent in a COMPLETE application. I understand that if my application is INCOMPLETE, my application will be returned to me and I will have twenty (20) days to cure the deficiencies. I also understand that all fees paid will be forfeited to the state.

I certify that I am fit and able to provide the applied for transportation service, as evidenced by this affidavit, the above balance sheet, and all exhibits attached here to.

I also certify that I abide by all rules and regulations stated in the New Mexico Public Regulation Commission Motor Transportation Rules.

I further certify that I am authorized to make this application and affirm that the facts, statements and representations contained in this application and its attachments are true and correct to the best of my knowledge. I know that willful misstatements or omissions of material facts constitute administrative and criminal violations punishable by imprisonment and fines.

I hereby swear and attest that I have read the Motor Carrier Act §§ 65-2A-1 to 40 NMSA 1978 and the Commission's Motor Transportation Rules, and have a working knowledge of the contents therein, and will operate any authority permitted by the Commission in compliance with the Motor Carrier Act and the Commission's Rules.

Signed: _____ Title (If Any): _____

Date: _____

STATE OF _____

COUNTY OF _____

The person listed above personally appeared before the undersigned Notary Public in & for said County, in said State, who, being by me first duly sworn, says that he/she is authorized to make this application and that the facts, statements & representations contained in the application and attachments are true and correct to the best of his/her knowledge, information & belief.

Sworn & subscribed to before me this _____ day of _____ 20.

(SEAL)

Notary Public

My Commission expires:

CHECK LIST (for after pre-filing review is complete)

Before mailing your application, check to be sure that you have:

- **completed all sections of the application form;**
- **notarized the required forms;**
- **attached all other required forms, documents and exhibits;**
- **enclosed the original and three (3) copies of the application with all documents and exhibits attached to each copy;**
- **not stapled, paper clipped or binded any part of the application, or it will be returned.**

NEW MEXICO PUBLIC REGULATION COMMISSION

Addressed the mailing envelope correctly:

**New Mexico Public Regulation Commission
Transportation Division
P.O. Box 1269
Santa Fe, New Mexico 87504-1269**

Place sufficient postage on the envelope.

If you are requesting that confirmed copies of the application be sent back for your records, you MUST send a self addressed postage paid envelope.