

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 - N, 5-15-08]

18.3.15.2 SCOPE: This rule applies to all wrecker services performing non-consensual tows.
[18.3.15.2 NMAC - N, 5-15-08; A, 8-15-11]

18.3.15.3 STATUTORY AUTHORITY: NMSA 1978 Sections 8-8-4, 65-2A-4 and 65-2A-21.
[18.3.15.3 NMAC - N, 5-15-08]

18.3.15.4 DURATION: Permanent.
[18.3.15.4 NMAC - N, 5-15-08]

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 - N, 5-15-08]

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 - N, 5-15-08; A, 8-15-11]

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

A. base year means the reference calendar year used as a base for determining the fuel price increase percentage in comparison to a current reference price;

B. 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;

C. fuel price increase percentage is the percentage by which the current EIA weekly reference price of fuel has risen in comparison to the base year;

D. 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;

E. maximum chargeable rates are highest rates that may be charged by a motor carrier under the fuel surcharge program, pursuant to a current reference price;

F. motor carrier fuel expense percentage means the percentage derived by dividing a motor carrier's fuel expense attributable to a certificated service by the motor carrier's gross revenues derived that same certificated;

G. participating motor carrier means a motor carrier of persons which has elected to participate in the fuel surcharge program;

H. rate increase percentage is the potential percentage increase in rates available to a particular motor carrier.

[18.3.15.7 NMAC - N, 5-15-08; A, 8-15-11]

18.3.15.8 TOWING SERVICES PERFORMING NON-CONSENSUAL TOWS: Motor carriers performing non-consensual towing services that choose to participate in the fuel surcharge program shall comply with the following adjustment formula:

A. fuel adjustment per mile = (the current EIA reference price for diesel or gasoline fuel minus \$2.50) divided by 5, where 5 is a constant for the miles per gallon and \$2.50 is the base cost per gallon for fuel conclusively assumed and used in this formula for wrecker vehicles;

B. fuel surcharge = fuel adjustment per mile multiplied by total distance traveled, included both loaded and unloaded miles;

C. the result of the “fuel adjustment”: formula defined in this section shall be applied by participating motor carriers as an addition to the overall customer bill for fuel costs, as may be applicable for EIA reference diesel or gasoline prices above \$2.50 per gallon;

D. the fuel adjustment shall be stated as a separate charge on the charge ticket or invoice, and shall include the surcharge amount per mile and total miles charged for fuel;

E. any EIA reference price below \$2.50 per gallon shall not require a refund on the charge ticket or invoice.

[18.3.15.8 NMAC - N, 5-15-08; A, 8-15-11]

HISTORY of 18.3.15 NMAC: [RESERVED]