

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

18.3.15.1 ISSUING AGENCY: New Mexico Department of Transportation.
[18.3.15.1 NMAC - Rp. 18.3.15.1 NMAC, 7/1/2024]

18.3.15.2 SCOPE: This rule applies to all towing services performing non-consensual tows.
[18.3.15.2 NMAC - Rp. 18.3.15.2 NMAC, 7/1/2024]

18.3.15.3 STATUTORY AUTHORITY: Sections 65-2A-4 and 65-2A-20(H) NMSA 1978, and 2023 N.M. Laws, Chapter 100, Section 81.
[18.3.15.3 NMAC - Rp. 18.3.15 NMAC, 7/1/2024]

18.3.15.4 DURATION: Permanent.
[18.3.15.4 NMAC - Rp. 18.3.15.4 NMAC, 7/1/2024]

18.3.15.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[18.3.15.5 NMAC - Rp. 18.3.15.5 NMAC, 7/1/2024]

18.3.15.6 OBJECTIVE: The purpose of this rule is to establish a procedure providing for periodic fuel surcharges for towing services performing non-consensual tows.
[18.3.15.6 NMAC - Rp. 18.3.15.6 NMAC, 7/1/2024]

18.3.15.7 DEFINITIONS:

A. EIA fuel price refers to the weekly gasoline or diesel fuel price for the Rocky Mountain region, as published by the United States department of energy's energy information administration (EIA) at: <http://www.eia.gov/petroleum/gasdiesel/>.

B. fuel surcharge means the additional charge that towing services may impose for a non-consensual tow to account for the changing price of fuel.
[18.3.15.7 NMAC - Rp. 18.3.15.7 NMAC, 7/1/2024]

18.3.15.8 FUEL SURCHARGE LINE ITEM CALCULATION: A towing service may add to a non-consensual tow invoice a separate fuel surcharge line item that must comply with the following table and formula.

A. formula: the fuel surcharge amount is calculated by multiplying the total allowable mileage charge by the 'multiplier' in the table, below, that corresponds to the applicable 'EIA gas/diesel price range for the Rocky Mountain region'. Example: if the total allowable mileage charge for the non-consensual tow is \$100, and that week's EIA fuel price (as identified on the EIA website) is \$4.00, then that fuel price falls within the \$3.76 - \$4.00 price range, which corresponds on the table, below, to a multiplier of .0675; so the fuel surcharge is calculated as \$100 (the mileage charge) multiplied by .0675 (or 6.75%), which equals a fuel surcharge amount of \$6.75.

B. table:

EIA Fuel Price Range	Multiplier
\$2.26 - \$2.50	.0375 (or 3.75%)
\$2.51 - \$2.75	.0425 (or 4.25%)
\$2.76 - \$3.00	.0475 (or 4.75%)
\$3.01 - \$3.25	.0525 (or 5.25%)
\$3.26 - \$3.50	.0575 (or 5.75%)
\$3.51 - \$3.75	.0625 (or 6.25%)
\$3.76 - \$4.00	.0675 (or 6.75%)
\$4.01 - \$4.25	.0725 (or 7.25%)

\$4.26 - \$4.50	.0775 (or 7.75%)
\$4.51 - \$4.75	.0825 (or 8.25%)
\$4.76 - \$5.00	.0875 (or 8.75%)
\$5.01 - \$5.25	.0925 (or 9.25%)
\$5.26 - \$5.50	.0975 (or 9.75%)
\$5.51 - \$5.75	.1025 (or 10.25%)
\$5.76 - \$6.00	.1075 (or 10.75%)
\$6.01 - \$6.25	.1125 (or 11.25%)
\$6.26 - \$6.50	.1175 (or 11.75%)
\$6.51 - \$6.75	.1225 (or 12.25%)
\$6.76 - \$7.00	.1275 (or 12.75%)
\$7.01 - \$7.25	.1325 (or 13.25%)
\$7.26 - \$7.50	.1375 (or 13.75%)

[18.3.15.8 NMAC - Rp. 18.3.15.8, NMAC, 7/1/2024]

HISTORY of 18.3.15 NMAC:

History of repealed material:

18.3.15 NMAC, Motor Carrier General Provisions / Fuel Surcharge for Wrecker Services Performing Non-consensual Tows (filed 3/2/2017), repealed 7/1/2024.

Other History:

18.3.15 NMAC, Fuel Surcharge for Wrecker Services Performing Non-consensual Tows (filed 3/2/2017) was replaced by 18.3.15 NMAC Fuel Surcharge for Non-consensual Tows effective 7/1/2024.