

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 5 FEES AND PENALTIES

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

18.3.5.2 SCOPE: This rule applies to motor carriers and applicants subject to the jurisdiction of the department of transportation.
[18.3.5.2 NMAC - N, 7/1/2024]

18.3.5.3 STATUTORY AUTHORITY: Sections 65-2A-32 and 65-2A-36 NMSA 1978 and 2023 N.M. Laws, Chapter 100, Section 81.
[18.3.5.3 NMAC - N, 7/1/2024]

18.3.5.4 DURATION: Permanent.
[18.3.5.4 NMAC - N, 7/1/2024]

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

18.3.5.6 OBJECTIVE: The purpose of this rule is to set forth the required processing and service fees and the standards for the determination of any applicable penalties under the Motor Carrier Act, Chapter 65, Article 2A NMSA 1978.
[18.3.5.6 NMAC - N, 7/1/2024]

18.3.5.7 REQUIRED FEES:

A. Certificate applications:		
(1)	New certificate	\$300
(2)	Temporary authority (for public safety, government program or public event)	\$100
(3)	Temporary authority (for a challenged application otherwise approved)	\$0
(4)	Temporary authority (for period of hearing on tariff service rate increase)	\$100
(5)	Change to certificate (with statutory hearing requirement)	\$200
(6)	Tariff change (to rates or terms of service)	\$200
(7)	Lease or transfer of certificate	\$100
B. Warrant application:		\$50
C. Reinstatement applications:		
(1)	Following a voluntary suspension (no hearing requirement)	\$0
(2)	Following an involuntary suspension (for public safety risk)	\$100
(3)	Following an involuntary suspension (for other noncompliance)	\$200
(4)	Following an involuntary suspension (for lack of insurance on file)	\$100
D. Other submissions and filings:		
(1)	Miscellaneous filings and submissions (not otherwise listed)	\$0
(2)	Equipment lease form submission	\$0
(3)	Objection to an application (no request for intervention)	\$0
(4)	Leave to protest and intervene by right (by a full-service carrier)	\$150
(5)	Leave to intervene by permission (by interested person)	\$100
(6)	Voluntary suspension (up to 12-months) or cancellation of authority	\$0
(7)	Transfer by operation of law (change of certificate holder)	\$0
(8)	Change of control of certificate by transfer of legal interest	\$50
(9)	Change to business trade name or holder's legal name	\$0

[18.3.5.7 NMAC - N, 7/1/2024]

18.3.5.8 [RESERVED]
[18.3.5.8 NMAC - Repealed, 7/1/2024]

HISTORY OF 18.3.5 NMAC:

Pre-NMAC History. The material in this rule was previously filed with the State Records Center as:
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 9/21/1971;
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. 3, Hours of Service, filed on 3/5/1982;
SCCMC Rule No. 6, Qualifications of Drivers, filed on 3/5/1982;
SCCMC Rule No. 7, Driving of Motor Vehicles, filed on 3/5/1982;
SCCMC Rule No. 8, Emergency Equipment, filed on 3/5/1982;
SCCMC Rule No.9, Securing of Load and Equipment, filed on 3/5/1982;
SCCMC Rule No.11, Emergency Signals, filed on 3/5/1982;
SCCMC Rule No.12, Head Lamps and Auxiliary Road Lighting Lamps, filed on 3/5/1982;
SCCMC Rule No.13, Brakes, filed on 3/5/1982;
SCCMC Rule No.14, Equipment Required on Certain Vehicles, filed on 3/5/1982;
SCCMC Rule No.15, Windshields Must be Unobstructed and Equipped with Wipers, filed on 3/5/1982;
SCCMC Rule No.16, Mirrors, filed on 3/5/1982;
SCCMC Rule No.17, Horns and Warning Devices, filed on 3/5/1982;
SCCMC Rule No. 37, Slick Tires, filed on 3/5/1982;
SCCMC Rule No. 39, Identification of Equipment, filed on 3/5/1982;
SCC Rule 207, Emergency Rule Governing Motor Carriers of Property, filed on 12/28/1994.
SCC Rule 231, General Compliance Requirements, filed on 1/5/1993;
SCC Rule 231, General Compliance Requirements, filed on 10/27/1993;
SCC Rule 241, Records of Motor Transportation Entities, filed on 1/5/1993.

History of Repealed Material:

SCC Rule 207, Emergency Rule Governing Motor Carriers of Property, filed on 12/28/1994;
SCC Rule 231, General Compliance Requirements, filed on 1/5/1993;
SCC Rule 231, General Compliance Requirements, filed on 10/27/1993
SCC Rule 241, Records of Motor Transportation Entities, filed on 1/5/1993.
18.3.5 NMAC, Operating Requirements - Repealed 1/1/2005.
18.3.5 NMAC, Operating Requirements filed 12/16/2004 Repealed effective 7/1/2024.

Other History:

18.3.5 NMAC, Operating Requirements was repealed on 1/1/2005 and replaced with 18.3.4 NMAC.
18.3.5 NMAC, Operating Requirements filed 12/16/2004 was replaced by 18.3.5, Fees and Penalties effective 7/1/2024.