

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 Department of Transportation.
[18.3.7.1 NMAC - Rp, 18.3.7.1 NMAC, 7/1/2024]

18.3.7.2 SCOPE: This rule applies to all motor carriers subject to the jurisdiction of the department.
[18.3.7.2 NMAC - Rp, 18.3.7.2 NMAC, 7/2/2024]

18.3.7.3 STATUTORY AUTHORITY: Sections 65-2A-4, and 65-2A-29 NMSA 1978, and 2023 N.M. Laws, Chapter 100, Section 81.
[18.3.7.3 NMAC - Rp, 18.3.7.3 NMAC, 7/1/2024]

18.3.7.4 DURATION: Permanent.
[18.3.7.4 NMAC - Rp, 18.3.7.1 NMAC, 7/1/2024]

18.3.7.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[18.3.7.5 NMAC - Rp, 18.3.7.5 NMAC, 7/1/2024]

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, 7/1/2024]

18.3.7.7 DEFINITIONS: See 18.3.1.7 NMAC.
[18.3.7.7 NMAC - Rp, 18.3.7.7 NMAC, 7/1/2024]

18.3.7.8 MANDATORY REPORTING OF CERTAIN ACCIDENTS: Every motor carrier shall immediately report to law enforcement and, and promptly report to the department, any accident which occurs during authorized operations within the state that results in the death of a person, an injury to a person that requires licensed professional medical treatment, or an imminent risk to the public health and safety such as a fire or release of hazardous materials. A completed uniform crash report shall be obtained from law enforcement and submitted to the department by the motor carrier as soon as reasonably possible.
[18.3.7.8 NMAC - Rp, N, 7/1/2024]

18.3.7.9 RECORDS:

A. Retention: All required records shall be retained for a period of no less than three complete calendar years beginning the first January after the creation of the record or, for driver and equipment files, after the date of permanent departure from engagement in the motor carrier's authorized operations.

B. Preservation: A motor carrier shall take reasonable steps to protect required records from destruction and physical hazards and shall promptly notify the department if any required records are substantially damaged or destroyed.

C. Location: Required records must be maintained at the motor carrier's principal place of business within the state unless the department issues a written exception for good cause on a showing by the motor carrier that records maintained outside the state will be reasonably accessible to the department for inspection upon demand.

D. Production: Records are subject to inspection by the department at any time and shall be maintained so that they are reasonably accessible.

E. Required records:

(1) Financial accounts: An ordered system of financial records shall be maintained in conformity with generally accepted accounting principles (GAAP) such that all expenditures and revenues in connection with intrastate operations in New Mexico are fully documented and supported, to include:

(a) all invoices, work orders, fuel records, bills of lading, warehouse receipts, vouchers and statements supporting disbursements;

- (b) all receipts or memoranda with respect to all petty cash reimbursements; and
 - (c) all bank statements, deposit slips and canceled checks.
 - (2) **Passenger services:** All passenger lists, number of runs and number of passengers transported, trip sheets and daily dispatch records.
 - (3) **Equipment and maintenance:**
 - (a) equipment lists must be up to date and identify all motor vehicles, whether in or out of service, by make, model, year, VIN, license plate number, and state whether the vehicle is owned or leased;
 - (b) all driver and mechanic inspections;
 - (c) equipment records of title and registration certificates, repair and maintenance reports.
 - (4) **Driver files:** Must include all employment contracts, hire and separation dates, qualifications, duty status, drug and alcohol testing forms and records.
 - (5) **Service complaints:** A log and documentation of all complaints received regarding the motor carrier's operations to include rates, service and safety concerns for equipment, facilities or drivers.
- [18.3.7.9 NMAC - N, 7/1/2024]

18.3.7.10 ANNUAL REPORT: Every motor carrier shall file on the prescribed form a completed annual report of its operations on or before March 1 of each year for the immediately preceding calendar year unless March 1 is a holiday or weekend, then reports shall be due on the next business day.

A. Authorized affirmation: The accuracy of the contents of the report must be affirmed by the authorized signature(s) of: the owner, if the motor carrier is a sole proprietorship; a partner, if the motor carrier is a partnership; an authorized member, if the motor carrier is a limited liability company; or the president and secretary, if the motor carrier is a corporation.

B. Penalties for failure to timely file: The commission may assess fines and may initiate proceedings to suspend the operating authority of a motor carrier for failure to timely file a completed annual report as required by these rules.

[18.3.7.10 NMAC - Rp, 18.3.7.8 NMAC, 7/1/2024]

18.3.7.11 CONTENTS OF ANNUAL REPORT: The annual report shall be on the prescribed form and include all information as listed below.

A. Identifying information: Some information may be provided by checking a box on the prescribed form. For example, a check-the-box option may be provided to indicate that there are no changes to report for that specific item from the annual report or application submitted by the motor carrier in the prior calendar year.

- (1) operating authority number(s);
- (2) the authorized signatory's name, title, phone number and e-mail address;
- (3) the business name, all trade or d/b/a names, and business telephone number;
- (4) physical and mailing address of the principal place of business;
- (5) name, mailing and e-mail address for a designated agent for service of process;

B. Vehicle and driver information:

- (1) a list of all drivers, employed or contracted;
- (2) the equipment list of vehicles, as required by rule;
- (3) affirmations to certify that:
 - (a) all vehicles and equipment passed an inspection within the preceding 12 months,
 - (b) a current MVD printout of the driving record and all other driver information

as required by rule; and

required by these rules is maintained for each of its drivers.

[18.3.7.11 NMAC - Rp, 18.3.7.9 NMAC, 7/1/2024]

18.3.7.12 - 18.3.7.16 [RESERVED]

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 9/21/1979;

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.
18.3.7 NMAC, Reports, Records and Accounts (filed 1/28/2015), repealed 7/1/2024.

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.
18.3.7 NMAC, Reports, Records, and Accounts (filed 1/28/2015) was replaced by 18.3.7 NMAC, Reports, Records, and Accounts, effective 7/1/2024.