

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 9 LEASING OF EQUIPMENT

18.3.9.1 ISSUING AGENCY: New Mexico Department of Transportation.
[18.3.9.1 NMAC - Rp, 18.3.9.1 NMAC, 7/1/2024]

18.3.9.2 SCOPE: This rule applies to all motor carriers leasing equipment.
[18.3.9.2 NMAC - Rp, 18.3.9.2 NMAC, 7/1/2024]

18.3.9.3 STATUTORY AUTHORITY: Section 65-2A-4 NMSA 1978, 2023 N.M. Laws, Chapter 100,
Section 81.
[18.3.9.3 NMAC - Rp, 18.3.9.3 NMAC, 7/1/2024]

18.3.9.4 DURATION: Permanent.
18.3.9.4 NMAC - Rp, 18.3.9.4 NMAC, 7/1/2024]

18.3.9.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[18.3.9.5 NMAC - Rp, 18.3.9.5 NMAC, 7/1/2024]

18.3.9.6 OBJECTIVE: The purpose of this rule is to implement Section 65-2A-24 NMSA 1978.
[18.3.9.6 NMAC - Rp, 18.3.9.6 NMAC, 7/1/2024]

18.3.9.7 DEFINITIONS: See 18.3.1.7 NMAC.
[18.3.9.7 NMAC - Rp, 18.3.9.7 NMAC, 7/1/2024]

18.3.9.8 NOTICE OF LEASE: Prior to, or within three days of, placing a leased vehicle into use a motor
carrier must file a notice of equipment lease with the department. The notice shall include:

A. the date that the vehicle is or was placed in service, the period of the lease or the final date that the
vehicle was used; full identification of the vehicle make, model, model year and VIN; the state of registration; and
the registration license plate number;

B. verification that each vehicle leased or to be leased complies with all applicable laws including
financial responsibility and safety requirements.

[18.3.9.8 NMAC - Rp, 18.3.9.8 NMAC, 7/1/2024]

18.3.9.9 [RESERVED]

18.3.9.10 RESPONSIBILITY FOR COMPLIANCE WITH APPLICABLE LAW:

A. The motor carrier is responsible at all times for ensuring that the leased vehicle complies with all
applicable laws.

B. The motor carrier shall maintain a copy of the written lease and a record of use of the leased
vehicle in its equipment records, including the dates that the vehicle is or was in service; full identification of the
vehicle make, model, model year and VIN; the state of registration; and the registration license plate number.

[18.3.9.10 NMAC - Rp, 18.3.9.10 NMAC, 7/1/2024]

HISTORY OF 18.3.9 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. 24, Lease and Interchange, filed on 3/5/1982;
SCC Rule 223, Leasing and Interchange of Equipment, filed on 1/5/1993.

HISTORY OF REPEALED MATERIAL:

SCC Rule 223, Leasing and Interchange of Equipment, filed on 1/5/1993.
18.3.9 NMAC, Motor Carrier General Provisions - Leasing of Equipment filed 12/10/2002, repealed 2/13/2015
18.3.9 NMAC, Motor Carrier General Provisions - Leasing of Equipment filed 1/28/2015, repealed 7/1/2024

Other History:

18.3.9 NMAC, Leasing of Equipment filed 12/10/2002 was replaced by 18.3.9 NMAC, Leasing of Equipment effective 2/13/2015.
18.3.9 NMAC, Leasing of Equipment filed 1/28/2015 was replaced by 18.3.9 NMAC, Leasing of Equipment effective 7/1/2024.