

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 3 MOTOR CARRIER GENERAL PROVISIONS
PART 10 PARENTAL RESPONSIBILITY

18.3.10.1 ISSUING AGENCY: New Mexico Department of Transportation.
[18.3.10.1 NMAC - Rp 18.3.10.1 NMAC, 7/1/2024]

18.3.10.2 SCOPE: This rule applies to the issuance, renewal, suspension or revocation of any operating authority issued by the department.
[18.3.10.2 NMAC - Rp 18.3.10.2 NMAC, 7/1/2024]

18.3.10.3 STATUTORY AUTHORITY: Section 40-5A-9 NMSA 1978, and 2023 N.M. Laws, Chapter 100, Section 81.
[18.3.10.3 NMAC - Rp, 18.3.10.3 NMAC, 7/1/2024]

18.3.10.4 DURATION: Permanent.
[18.3.10.4 NMAC - Rp 18.3.10.4 NMAC, 7/1/2024]

18.3.10.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[18.3.10.5 NMAC - Rp 18.3.10.5 NMAC, 7/1/2024]

18.3.10.6 OBJECTIVE: The purpose of this rule is to implement the requirements of the Parental Responsibility Act, Sections 40-5A-1 to 40-5A-13 NMSA 1978.
[18.3.10.6 NMAC - Rp, 18.3.10.6 NMAC, 7/1/2024]

18.3.10.7 DEFINITIONS: In addition to the definitions in Section 40-5A-3NMSA 1978, as used in this rule:

- A. holder** means a sole proprietorship or partnership that has an operating authority from the commission;
 - B. HCA** means the New Mexico health care authority;
 - C. operating authority** means a certificate or warrant issued by the department;
 - D. statement of compliance** means a recent certified statement from HCA stating that an applicant or holder is in current compliance with a judgment and order for support.
- [18.3.10.7 NMAC - Rp, 18.3.10.7 NMAC, 7/1/2024]

18.3.10.8 HCA-CERTIFIED LIST: Upon receipt of an HCA-certified list, the department shall review the list against a current list of applicants and holders. By the end of the month in which the HCA-certified list is received, the director shall report to HCA the names of any applicants and holders who are on the HCA-certified list and the actions taken with regard to such applicants and holders.
[18.3.10.8 NMAC - Rp, 18.3.10.8 NMAC, 7/1/2024]

18.3.10.9 NOTICE:

- A.**The department shall notify the applicant or holder in writing that a statement of compliance is due within 30 days of the date the notification was issued.
- B.**The notice shall advise that a failure to timely provide the statement of compliance shall result in the rejection of an application or the commencement of a formal hearing to suspend or revoke any associated operating authorities.

[18.3.10.9 NMAC - Rp 18.3.10.9 NMAC, 7/1/2024]

18.3.10.10 SANCTIONS: If an applicant or holder fails to provide a timely statement of compliance, the department shall:

- A.**reject the application on the grounds that the applicant is ineligible under Section 40-5A-4 NMSA 1978; or
- B.**initiate a proceeding to suspend or revoke the holder's operating authority pursuant to this rule and Section 40-5A-6 NMSA 1978.

[18.3.10.10 NMAC - Rp, 18.3.10.10 NMAC, 7/1/2024]

18.3.10.11 EVIDENCE AND PROOF: In a compliance hearing, relevant evidence is limited to the accuracy of the identification of the holder on the HCA-certified list and the failure of the holder to timely provide a statement of compliance. Extenuating circumstances may be presented and considered, subject to objection. [18.3.10.12 NMAC - Rp, 18.3.10.11 NMAC, 7/1/2024]

HISTORY OF 18.3.10 NMAC

Pre-NMAC history. The material in this rule was previously filed with the State Records Center as: SCC Rule 95-04-TR, Parental Responsibility Act Rule, filed on 10/18/1995.

History of repealed material.

SCC Rule 95-04-TR, Parental Responsibility Act Rule, filed on 10/18/1995.

18.3.10 NMAC, Motor Carrier General Provisions / Parental Responsibility (filed 12/10/2002), repealed 7/1/2024.

Other History:

18.3.10 NMAC, Parental Responsibility (filed 12/10/2002) was replaced by 18.3.10 NMAC, Parental Responsibility effective 7/1/2024.