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SENATE BILL 164

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

Pat Woods

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; TRANSFERRING FROM THE  
DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF HEALTH  
RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THE AMBULANCE  
STANDARDS ACT, INCLUDING ESTABLISHING STANDARDS, REQUIREMENTS,  
TARIFFS, TERMS OF SERVICE AND SERVICE TERRITORIES, PROMULGATING  
RULES, ACCEPTING APPLICATIONS AND ISSUING CERTIFICATES FOR  
AMBULANCE SERVICES; CREATING THE AMBULANCE CERTIFICATION  
PROGRAM; PROVIDING FOR OBJECTIONS, PROTESTS AND PUBLIC  
HEARINGS; PROVIDING TO THE DEPARTMENT OF HEALTH ACCESS TO  
CERTIFIED AMBULANCE SERVICE RECORDS AND THE POWERS OF  
ENFORCEMENT AND SUBPOENA; TRANSFERRING PERSONNEL, FUNCTIONS,  
MONEY, APPROPRIATIONS, OTHER PROPERTY AND CONTRACTUAL  
OBLIGATIONS; RECOMPILING THE AMBULANCE STANDARDS ACT AND  
CHANGING REFERENCES IN LAW; MAKING AN APPROPRIATION.

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1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

2 SECTION 1. Section 5-1-1 NMSA 1978 (being Laws 1967,  
3 Chapter 167, Section 1, as amended) is amended to read:

4 "5-1-1. POLITICAL SUBDIVISIONS--AMBULANCE SERVICE.--

5 A. A municipality or county may:

6 (1) provide ambulance service to transport  
7 sick or injured persons to a place of treatment in the absence  
8 of an established ambulance service only as authorized by the  
9 department of ~~[transportation]~~ health;

10 (2) contract with other political subdivisions  
11 or with private ambulance services for the operation of its  
12 ambulance service;

13 (3) lease ambulances and other equipment  
14 necessary to the operation of its ambulance service;

15 (4) in the course of its operation of an  
16 ambulance service, proceed to the scene of a disaster beyond  
17 its subdivision boundaries when requested, providing no local  
18 established ambulance service is available or, if one exists,  
19 such local ambulance service deems its capacity inadequate or  
20 insufficient for emergency transportation of the disaster  
21 victims; and

22 (5) transport sick or injured persons from the  
23 subdivision boundaries to any place of treatment.

24 B. No personal action shall be maintained in any  
25 court of this state against any member or officer of a

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1 political subdivision for any tort or act done, or attempted to  
2 be done, when done by the authority of the political  
3 subdivision or in execution of its orders under this section.  
4 In all such cases, political subdivisions shall be responsible.  
5 Any member or officer of the political subdivision may plead  
6 the provisions of this section in bar of such action whether it  
7 is now pending or hereafter commenced."

8 SECTION 2. Section 24-10B-4 NMSA 1978 (being Laws 1983,  
9 Chapter 190, Section 4, as amended) is amended to read:

10 "24-10B-4. BUREAU--DUTIES.--The bureau is designated as  
11 the lead agency for the emergency medical services system,  
12 including injury prevention, and shall establish and maintain a  
13 program for regional planning and development, improvement,  
14 expansion and direction of emergency medical services  
15 throughout the state, including:

16 A. design, development, implementation and  
17 coordination of emergency medical services communications  
18 systems to join the personnel, facilities and equipment of a  
19 given region or system that will allow for medical direction;

20 B. ~~[provision of technical assistance to the~~  
21 ~~department of transportation for further]~~ pursuant to the  
22 Ambulance Standards Act, as directed by the department,  
23 development and implementation of standards and safety  
24 requirements for certification of ambulance services, vehicles,  
25 drivers and equipment and issuance of certificates permitting

1 the operation of ambulance services;

2 C. development of requirements for the collection  
3 of data and statistics to evaluate the availability, operation  
4 and quality of providers in the state;

5 D. adoption of rules for emergency medical services  
6 medical direction upon the recommendation of the medical  
7 direction committee;

8 E. approval of continuing education programs for  
9 emergency medical services personnel;

10 F. adoption of rules pertaining to the training and  
11 licensure of emergency medical dispatchers and their  
12 instructors;

13 G. adoption of rules based upon the recommendations  
14 of a trauma advisory committee, for implementation and  
15 monitoring of a statewide, comprehensive trauma care system,  
16 including:

17 (1) minimum standards for designation or  
18 retention of designation as a trauma center or a participating  
19 trauma facility;

20 (2) pre-hospital care management guidelines  
21 for the triage and transportation of traumatized persons;

22 (3) establishment for interfacility transfer  
23 criteria and transfer agreements;

24 (4) standards for collection of data relating  
25 to trauma system operation, patient outcome and trauma

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1 prevention; and

2 (5) creation of a state trauma care plan;

3 H. adoption of rules, based upon the  
4 recommendations of the air transport advisory committee, for  
5 the certification of air ambulance services;

6 I. adoption of rules pertaining to authorization of  
7 providers to honor advance directives, such as emergency  
8 medical services do not resuscitate forms, to withhold or  
9 terminate care in certain pre-hospital or interfacility  
10 circumstances, as guided by local medical protocols;

11 J. operation of a critical incident stress  
12 management program for emergency providers utilizing  
13 specifically trained volunteers who shall be considered public  
14 employees for the purposes of the Tort Claims Act when called  
15 upon to perform their duties;

16 K. adoption of rules to establish a cardiac arrest  
17 targeted response program pursuant to the Cardiac Arrest  
18 Response Act, including registration of automated external  
19 defibrillator programs, maintenance of equipment, data  
20 collection, approval of automated external defibrillator  
21 training programs and a schedule of automated external  
22 defibrillator program registration fees;

23 L. adoption of rules for the administration of an  
24 emergency medical services certification program for certified  
25 emergency medical services; and

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1 M. promoting, developing, implementing,  
2 coordinating and evaluating risk reduction and injury  
3 prevention systems."

4 SECTION 3. Section 24-10B-5 NMSA 1978 (being Laws 1983,  
5 Chapter 190, Section 5, as amended) is amended to read:

6 "24-10B-5. LICENSURE REQUIRED--PENALTY.--

7 A. The department shall by rule adopt and enforce  
8 licensure requirements, including minimum standards for  
9 training, continuing education and disciplinary actions  
10 consistent with the Uniform Licensing Act, for all persons who  
11 provide emergency medical services within the state,  
12 irrespective of whether the services are remunerated. The  
13 rules shall include authorization for the bureau to issue at  
14 least annually an updated list of skills, techniques and  
15 medications approved for use at each level of licensure. The  
16 secretary may waive licensure requirements as needed during a  
17 declared emergency.

18 B. ~~[Licensed emergency medical technicians may~~  
19 ~~function within health care facilities under their licensure~~  
20 ~~and approved New Mexico emergency medical services scope of~~  
21 ~~practice. Nothing in this subsection shall prohibit a health~~  
22 ~~care facility from assigning additional duties and~~  
23 ~~responsibilities in accordance with law. This subsection shall~~  
24 ~~not expand the New Mexico emergency medical services scope of~~  
25 ~~practice under the emergency medical technician's license.]~~

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1 Licensed emergency medical technicians may, within their scope  
2 of practice, practice in a health care facility under the  
3 supervision and policies of that facility. A licensed  
4 emergency medical technician may not practice in a medical  
5 office that is not a health care facility. A health care  
6 facility may assign additional duties or clinical tasks to a  
7 licensed emergency medical technician while the technician is  
8 acting as an employee or agent of that facility; provided that  
9 such duties are authorized by facility policy and performed  
10 under clinical physician supervision, as allowed by applicable  
11 state or federal laws. Any additional duties or tasks assigned  
12 to an emergency medical technician by a health care facility  
13 shall not be construed to expand or modify the emergency  
14 medical technician's emergency medical services scope of  
15 practice outside the facility or in the performance of  
16 emergency medical services.

17 C. In addition to the requirements specified in  
18 Subsection A of this section, the department may:

19 (1) prohibit the use of "emergency medical  
20 dispatcher", "emergency medical technician", "emergency medical  
21 services first responder", "paramedic" or similar terms  
22 connoting expertise in providing emergency medical services by  
23 any person not licensed or certified under the Emergency  
24 Medical Services Act;

25 (2) deny, suspend or revoke licensure in

1 accordance with the provisions of the Uniform Licensing Act;  
2 and

3 (3) establish a schedule of reasonable fees  
4 for application, examination or licensure and regular renewal  
5 thereof.

6 D. ~~[Any]~~ A person who ~~[represents himself to be]~~  
7 makes any representation as being an "emergency medical  
8 dispatcher", "emergency medical technician-basic", "emergency  
9 medical technician-intermediate", "emergency medical  
10 technician-paramedic", "emergency medical services first  
11 responder" or "paramedic" or who uses similar terms connoting  
12 expertise in providing emergency medical services while not  
13 currently licensed under the Emergency Medical Services Act is  
14 guilty of a misdemeanor."

15 SECTION 4. Section 24-10B-5.1 NMSA 1978 (being Laws 1993,  
16 Chapter 161, Section 5, as amended) is amended to read:

17 "24-10B-5.1. LICENSING COMMISSION ESTABLISHED.--

18 A. The secretary shall appoint an "emergency  
19 medical services licensing commission", which shall be staffed  
20 by the bureau and composed of one lay person, three emergency  
21 medical technicians, one from each level of emergency medical  
22 technician licensure, and three physicians, at least two of  
23 whom shall have expertise in emergency medicine and who are  
24 appointed from a list proposed by the New Mexico chapter of the  
25 American college of emergency physicians or the national

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1 association of emergency medical services physicians.

2 B. The composition of the emergency medical  
3 services licensing commission shall reflect geographic  
4 ~~[diversity]~~ distribution and both public and private interests.  
5 The members shall serve for three-year staggered terms. The  
6 duties of and procedures for the ~~[emergency medical services~~  
7 ~~licensing]~~ commission shall be delineated in rules promulgated  
8 pursuant to Subsection A of Section 24-10B-5 NMSA 1978. Such  
9 duties include:

10 (1) providing a forum for the receipt of  
11 public comment regarding emergency medical services licensing  
12 matters;

13 (2) oversight of the bureau's licensure  
14 functions;

15 (3) receiving complaints, directing  
16 investigations and authorizing the initiation of actions by the  
17 bureau regarding contemplated refusal to grant initial  
18 licensure and for disciplinary actions against licensees; and

19 (4) the granting of waivers, for good cause  
20 shown, of rules pertaining to licensure renewal.

21 ~~[C. The emergency medical services licensing~~  
22 ~~commission may compel the production of books, records and~~  
23 ~~papers pertinent to any investigation authorized by the~~  
24 ~~Emergency Medical Services Act and may seek enforcement of any~~  
25 ~~subpoena so issued through the district court in the county in~~

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1 ~~which the custodian of the document is located in camera.~~

2           D.] C. The emergency medical services licensing  
3 commission shall meet as needed, but not less frequently than  
4 semiannually. ~~[The emergency medical services licensing~~  
5 ~~commission shall be subject to the provisions of the Per Diem~~  
6 ~~and Mileage Act]~~ The members of the commission are entitled to  
7 reimbursement pursuant to the Per Diem and Mileage Act and  
8 shall receive no other perquisite or allowance for service on  
9 the commission."

10           SECTION 5. Section 24-10B-7 NMSA 1978 (being Laws 1983,  
11 Chapter 190, Section 7, as amended) is amended to read:

12           "24-10B-7. COMMITTEES ESTABLISHED.--

13           A. The secretary shall appoint a statewide  
14 emergency medical services advisory committee to advise the  
15 bureau in carrying out the provisions of the Emergency Medical  
16 Services Act. The advisory committee shall include, at a  
17 minimum, representatives from the ~~[state medical society]~~ New  
18 Mexico chapter of the American college of emergency physicians  
19 or the national association of emergency medical services  
20 physicians, the state emergency medical technicians'  
21 association, the state firefighters' association, the New  
22 Mexico ambulance association, the state emergency nurses'  
23 association, the association of public safety communications  
24 organization/national emergency numbers association, the lead  
25 state agency for public safety ~~[and emergency preparedness, the~~

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1 ~~state emergency services council~~], the New Mexico health and  
2 hospital systems association, the university of New Mexico  
3 health sciences center, the state fire chiefs' association, a  
4 consumer, emergency medical service regional offices and other  
5 interested provider and consumer groups as determined by the  
6 secretary. The advisory committee shall establish appropriate  
7 subcommittees, including a trauma advisory committee and an air  
8 transport advisory committee.

9 B. The joint organization on education committee  
10 shall be composed, at a minimum, of the director and medical  
11 director of the academy and each approved emergency medical  
12 services training program or their ~~[designee]~~ designees, the  
13 state emergency medical services medical director, the bureau  
14 chief or ~~[his]~~ the bureau chief's designee, who shall serve  
15 without vote, each emergency medical services regional office  
16 training coordinator and one provider from the three highest  
17 levels of licensure, who are appointed by the secretary from a  
18 list proposed by the statewide emergency medical services  
19 advisory committee. The duties of the joint organization on  
20 education committee include:

21 (1) developing minimum curricula content for  
22 approved emergency medical services training programs;

23 (2) establishing minimum standards for  
24 approved emergency medical services training programs;

25 (3) reviewing and approving the applications

1 of organizations seeking to become approved emergency medical  
2 services training programs; and

3 (4) developing minimum qualifications for and  
4 maintaining a list of instructors for each of the approved  
5 emergency medical services training programs.

6 C. The secretary shall appoint a medical direction  
7 committee to advise the bureau on matters relating to medical  
8 direction. The state emergency medical services medical  
9 director shall be a member of the committee and shall act as  
10 its ~~[chairman]~~ chair. The medical direction committee shall  
11 include, at a minimum, a physician representative experienced  
12 in pre-hospital medical care selected from a list proposed by  
13 the New Mexico chapter of the American college of emergency  
14 physicians or the national association of emergency medical  
15 services physicians, a physician representative from the  
16 academy, one physician from each of the emergency medical  
17 services geographic regions, one physician with pediatric  
18 emergency medicine expertise, one physician representing  
19 emergency medical dispatchers and one provider from the three  
20 highest levels of licensure. Members shall be selected to  
21 represent both public and private interests. The duties of the  
22 medical direction committee include:

23 (1) reviewing the medical appropriateness of  
24 all rules proposed by the bureau;

25 (2) reviewing and approving the applications

1 of providers for special skills authorizations;

2 (3) assisting in the development of rules  
3 pertaining to medical direction; and

4 (4) reviewing at least annually a list of  
5 skills, techniques and medications approved for use at each  
6 level of licensure that shall be approved by the secretary and  
7 issued by the bureau.

8 D. ~~[The committees created in this section are~~  
9 ~~subject to the provisions of the Per Diem and Mileage Act, to~~  
10 ~~the extent that funds are available for that purpose]~~ The  
11 members of the committees created pursuant to this section are  
12 entitled to reimbursement pursuant to the Per Diem and Mileage  
13 Act and shall receive no other perquisite or allowance for  
14 service on the committees.

15 E. Any decision that the bureau proposes to make  
16 contrary to the recommendation of any committee created in this  
17 section shall be communicated in writing to that committee.  
18 Upon the request of that committee, the decision shall be  
19 submitted for reconsideration to the director of the public  
20 health division of the department and subsequently to the  
21 secretary. Any decision made pursuant to a request for  
22 reconsideration shall be communicated in writing by the  
23 department to the appropriate committee."

24 SECTION 6. A new section of the Emergency Medical  
25 Services Act, Section 24-10B-14 NMSA 1978, is enacted to read:

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1 "24-10B-14. [NEW MATERIAL] SUBPOENAS--WITNESSES--  
2 SERVICE.--

3 A. For the purposes of the Emergency Medical  
4 Services Act, the department may administer oaths, certify to  
5 official acts, issue subpoenas for witnesses and records,  
6 compel the attendance of witnesses and the production of  
7 evidence in hearings before the department, enforce issued  
8 subpoenas through a court and, through the court, seek a remedy  
9 for contempt. A subpoena issued pursuant to this section shall  
10 command each person to whom it is directed to attend and give  
11 testimony or to produce documents or other designated articles  
12 at a time and place specified in the subpoena.

13 B. The department shall only subpoena witnesses and  
14 records pertinent to a question lawfully before the department  
15 or bureau. A person shall not be required to testify or  
16 produce documentary evidence in response to an inquiry not  
17 pertinent to a question lawfully before the department.

18 C. If the department orders a person to appear  
19 before it, the department shall reimburse the witness as  
20 provided for state employees pursuant to the Per Diem and  
21 Mileage Act.

22 D. Upon request of the department, a district court  
23 may issue a writ of attachment to a person who fails to comply  
24 with a subpoena issued by the department compelling the person  
25 to comply with the subpoena. The court shall have the power to

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1 punish for contempt in the same manner as for disobedience of a  
2 subpoena issued by the court.

3 E. The department may issue and serve process on a  
4 person affected by delivering a copy of the process either  
5 personally or by certified mail, return receipt requested.  
6 Process served by certified mail shall be directed to the  
7 recipient at the last known address as shown by the records of  
8 the department. Persons who are not licensed or certified by  
9 the department and who have no address on record with the  
10 department shall receive notice by personal service. If the  
11 process is served personally, service shall be made in the same  
12 manner as is provided for service by the Rules of Civil  
13 Procedure for the District Courts. Where process is served by  
14 certified mail, it shall be deemed to have been served on the  
15 date borne by the return receipt showing delivery or the last  
16 attempted delivery of the notice or decision to the addressee  
17 or refusal of the addressee to accept delivery of the notice or  
18 decision.

19 F. The bureau chief may authorize in writing an  
20 employee or other person to investigate and take testimony  
21 regarding a matter pending before the department."

22 SECTION 7. Section 65-6-1 NMSA 1978 (being Laws 1974,  
23 Chapter 82, Section 1, as amended) is recompiled as Section  
24 24-10F-1 NMSA 1978 and is amended to read:

25 "24-10F-1. SHORT TITLE.--~~[Chapter 65, Article 6]~~ Chapter  
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1 24, Article 10F NMSA 1978 may be cited as the "Ambulance  
2 Standards Act".

3 SECTION 8. Section 65-6-2 NMSA 1978 (being Laws 1974,  
4 Chapter 82, Section 2, as amended) is recompiled as Section  
5 24-10F-2 NMSA 1978 and is amended to read:

6 "24-10F-2. DEFINITIONS.--As used in the Ambulance  
7 Standards Act:

8 A. "ambulance" means a [~~vehicle, including~~] motor  
9 [~~vehicles~~] vehicle or watercraft designed and used or intended  
10 to be used for the transportation of sick or injured persons  
11 but does not include air ambulances;

12 B. "ambulance service" means a person or entity  
13 engaged in the intrastate transportation of sick or injured  
14 persons in a ground ambulance regulated pursuant to the  
15 Ambulance Standards Act;

16 C. "application" means a verified submission to the  
17 department requesting issuance, amendment, transfer, lease,  
18 voluntary suspension, reinstatement or cancellation of a  
19 certificate;

20 [~~B.~~] D. "attendant" means a person who, on a  
21 regular or irregular basis, either paid or voluntary, serves as  
22 an assistant to the driver in the operation of the ambulance;

23 E. "authorized territory" means the geographic area  
24 in which a certified ambulance service is authorized to operate  
25 under a certificate or temporary authority;

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1           F. "bureau" means the emergency medical systems  
2 bureau of the department;

3           G. "certificate" means the authority issued by the  
4 department to a person that authorizes the person to offer and  
5 provide ambulance services;

6           H. "certified ambulance service" means a person  
7 certified by the department to engage in the intrastate  
8 transportation of sick or injured persons in a ground ambulance  
9 regulated pursuant to the Ambulance Standards Act;

10          I. "change in certificate" means a voluntary  
11 amendment, transfer, lease, cancellation, suspension,  
12 reinstatement or modification of a certificate;

13          ~~[G.]~~ J. "department" means the department of  
14 ~~[transportation]~~ health; [and

15          ~~D.]~~ K. "driver" means a person who, on a regular or  
16 irregular basis, either paid or voluntary, serves as the  
17 operator of an ambulance;

18          L. "interested person" means:

19               (1) a certified ambulance service operating in  
20 an authorized territory affected by an application;

21               (2) a governmental entity or health care  
22 facility impacted by an application; or

23               (3) any other person the department deems to  
24 have a legitimate interest;

25          M. "notice period" means the period of time

1 following publication of notice for an application during which  
2 the department may not approve or deny the application;

3 N. "objection" means a document filed with the  
4 department by an interested person or a member of the public  
5 during the notice period that expresses an objection to, or  
6 provides information concerning, the application before the  
7 department;

8 O. "operating authority" means a certificate or  
9 temporary authority issued by the department to an ambulance  
10 service;

11 P. "protest" means a document filed with the  
12 department by a certified ambulance service that expresses an  
13 objection to an application when the territory involved in the  
14 application includes all or a portion of the full-service  
15 territory of the protesting certified ambulance service located  
16 within the same geographic area as the applicant;

17 Q. "public need" means a demonstrated need on the  
18 part of the public for ambulance service based on population,  
19 call volume, access to care, transport times, hospital capacity  
20 or other factors affecting patient safety and emergency medical  
21 services;

22 R. "tariff" means a schedule filed with the  
23 department providing the rates, charges, terms of service and  
24 authorized territory for a certified ambulance service;

25 S. "temporary authority" means department

1 authorization allowing operation of a certified ambulance  
2 service for a limited period prior to approval of a certificate  
3 based on urgent public need; and

4 T. "terms of service" means the conditions  
5 established by rule or specified in a certificate or temporary  
6 authority regarding service characteristics, response  
7 expectations, hours of operation and operational limitations."

8 SECTION 9. Section 65-6-4 NMSA 1978 (being Laws 1974,  
9 Chapter 82, Section 4, as amended) is recompiled as Section  
10 24-10F-4 NMSA 1978 and is amended to read:

11 "24-10F-4. DEPARTMENT--DUTIES.--

12 A. The department [~~in accordance with its~~  
13 ~~responsibilities to regulate common carriers, shall hold public~~  
14 ~~hearings as prescribed in the Motor Carrier Act and adopt~~  
15 ~~rules]~~ shall:

16 [~~A.~~] (1) promulgate rules for the  
17 establishment of reasonable [~~flexible~~] standards for  
18 ambulances, including [~~but not limited to~~]:

19 [~~(1)~~] (a) vehicle design;  
20 [~~(2)~~] (b) health and safety equipment to  
21 be maintained and used in ambulances;  
22 [~~(3)~~] (c) procedures for the operation  
23 of ambulances; and

24 [~~(4)~~] (d) ambulance maintenance  
25 programs, with at least annual inspection of ambulances; [~~and~~

1                   B.] (2) promulgate rules for the licensure of  
2 all drivers and attendants, to include:

3                   ~~[(1)]~~ (a) minimum training requirements  
4 to include safety requirements, basic and advanced red cross  
5 and such other available training as the department finds  
6 reasonable and in the best interests of the public; and

7                   ~~[(2)]~~ (b) a written and practical  
8 examination of competence limited to that material, information  
9 and training required of drivers and attendants, respectively,  
10 in the rules adopted by the department;

11                   (3) accept applications and issue certificates  
12 in accordance with the provisions of the Ambulance Standards  
13 Act for the provision of ambulance services in an authorized  
14 territory if the applicant:

15                   (a) complies with the requirements of  
16 the Ambulance Standards Act, rules of the department and other  
17 applicable state and federal laws and regulations;

18                   (b) will serve a useful public purpose  
19 that is responsive to a public demand or need; and

20                   (c) is able to provide the ambulance  
21 services; and

22                   (4) promulgate rules to implement the  
23 Ambulance Standards Act, including:

24                   (a) the application process and the  
25 issuance, renewal, suspension, change and revocation of

1 certificates;

2 (b) safety, equipment and vehicle  
3 standards;

4 (c) operational requirements, continuous  
5 and adequate ambulance service obligations and data collection  
6 requirements;

7 (d) minimum requirements for financial  
8 responsibility for certified ambulance services;

9 (e) the approval, amendment and  
10 enforcement of tariffs and rates that can be charged by  
11 certified ambulance services;

12 (f) reasonable requirements with respect  
13 to continuous and adequate service to be provided by a  
14 certified ambulance service;

15 (g) requirements for public notice,  
16 objections, protests, administrative hearings and adjudicatory  
17 processes; and

18 (h) temporary authority, emergency  
19 operations and modifications of authority.

20 B. In establishing standards for ambulances, the  
21 department shall give serious consideration to the vehicle  
22 needs and limitations imposed by the topography and road and  
23 weather conditions of various localities. Further, the  
24 department shall take into consideration the resources of the  
25 various communities, institutions and sponsoring organizations

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1 providing ambulance service to the public.

2 C. Before granting a certificate for the provision  
3 of ambulance services, the department shall consider the effect  
4 that proposed ambulance service would have on existing  
5 ambulance service in the territory and provide a notice period  
6 for a person to submit a protest to an application, consider  
7 any protests and determine whether to hold a hearing on an  
8 application for which a protest is submitted."

9 SECTION 10. A new section of the Ambulance Standards Act,  
10 Section 24-10F-5 NMSA 1978, is enacted to read:

11 "24-10F-5. [NEW MATERIAL] AMBULANCE SERVICE--  
12 REQUIREMENTS.--A person shall not provide ambulance service in  
13 the state without:

14 A. obtaining a certificate or temporary authority  
15 from the department;

16 B. obtaining department approval of the person's  
17 tariffs; and

18 C. carrying proof of financial responsibility in  
19 each motor vehicle that the person operates."

20 SECTION 11. A new section of the Ambulance Standards Act,  
21 Section 24-10F-6 NMSA 1978, is enacted to read:

22 "24-10F-6. [NEW MATERIAL] AMBULANCE CERTIFICATION  
23 PROGRAM--ESTABLISHED--SCOPE--REQUIREMENTS.--

24 A. The "ambulance certification program" is  
25 established within the department. The program shall provide

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1 for certification, regulation and oversight of ambulance  
2 services with the purpose of ensuring that ambulance services  
3 are safe, medically appropriate, financially sound and  
4 responsive to the needs of the public. To ensure comprehensive  
5 oversight of pre-hospital care and ambulance transport, the  
6 program shall be administered in coordination with all other  
7 components of the emergency medical services system, including  
8 licensing, medical direction, trauma system requirements and  
9 data systems.

10 B. A certificate shall:

11 (1) specify the territory served, the nature  
12 of ambulance service provided, dates of validity and any other  
13 terms of service required by the department to ensure adequate  
14 public protection;

15 (2) be effective from the date issued by the  
16 department and shall remain in effect until expired, canceled,  
17 revoked, suspended or amended; and

18 (3) contain endorsements, each of which shall  
19 specify the:

- 20 (a) nature of service to be rendered;  
21 (b) authorized territory; and  
22 (c) reasonable terms of service as the  
23 department may require for the particular certificate.

24 C. Before issuing a certificate, the department  
25 shall:

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- 1 (1) require and review an application;
- 2 (2) electronically publish notice of an
- 3 application, including to interested persons;
- 4 (3) consider any objections or protests and
- 5 hold a public hearing if a protest is filed within the notice
- 6 period;
- 7 (4) consider the effect that issuance of the
- 8 certificate would have on existing ambulance service in the
- 9 territory; and
- 10 (5) require the ambulance service to obtain
- 11 and submit proof to the department of financial responsibility
- 12 in the form and amount as required by the department.
- 13 D. The department may:
- 14 (1) hold a public hearing on an application
- 15 even if there is no protest or objection;
- 16 (2) approve or deny an application in whole or
- 17 in part; and
- 18 (3) require reasonable terms of service that
- 19 the department finds appropriate and as necessary to protect
- 20 public health, safety and welfare.
- 21 E. The department shall not approve an application
- 22 if it determines that:
- 23 (1) existing ambulance service in the
- 24 territory in which the new ambulance service is sought is
- 25 reasonably continuous and adequate; or



1 (2) an existing certified ambulance service is  
2 willing and able to provide, and subsequently does provide,  
3 reasonably continuous and adequate ambulance service as ordered  
4 by the department."

5 SECTION 12. A new section of the Ambulance Standards Act,  
6 Section 24-10F-7 NMSA 1978, is enacted to read:

7 "24-10F-7. [NEW MATERIAL] AMBULANCE CERTIFICATES--  
8 TERRITORIAL ENDORSEMENTS--CHANGES.--

9 A. Territorial endorsements to a certificate shall  
10 be limited to territory sought in the application that will be  
11 served in a reasonably continuous and adequate manner beginning  
12 within thirty days of the issuance of the certificate or on  
13 such other date as the department may provide. Territorial  
14 endorsements shall be authorized on the basis of county or  
15 municipal boundaries, subject to other specification reasonably  
16 allowed or required by the department.

17 B. An amendment, a transfer, a lease, a  
18 cancellation, a suspension, a reinstatement or a modification  
19 of a certificate shall not be valid without prior approval of  
20 the department. A change in a certificate shall be effective  
21 from the date issued by the department and remain in effect  
22 until the certificate expires or the department cancels,  
23 revokes, suspends or amends the certificate. The department  
24 may approve changes to a certificate or temporary authority in  
25 accordance with the provisions of the Ambulance Standards Act

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1 and department rule, including:

2 (1) voluntary cancellation of the certificate;

3 (2) voluntary suspension of the certificate  
4 for a period not to exceed twelve consecutive months;

5 (3) changes to the name of the holder of the  
6 certificate;

7 (4) reinstatement of the certificate following  
8 voluntary suspension;

9 (5) a change in control of a holder of the  
10 certificate through issuance or transfer of stock or other  
11 legal interest in a holder that is a corporation, partnership,  
12 trust or other legal business entity; and

13 (6) matters pertaining to transfers by  
14 operation of law."

15 SECTION 13. A new section of the Ambulance Standards Act,  
16 Section 24-10F-8 NMSA 1978, is enacted to read:

17 "24-10F-8. [NEW MATERIAL] TEMPORARY AUTHORITY FOR  
18 AMBULANCE SERVICE--HEARING.--

19 A. The department may grant temporary authority to  
20 an applicant without notice when:

21 (1) a pending application for permanent  
22 authority has been filed and the notice period for such  
23 application has not yet expired;

24 (2) urgent and immediate public need for an  
25 ambulance service is demonstrated;

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1 (3) the public may be harmed by waiting for  
2 the notice period to expire; and

3 (4) the applicant meets requirements for  
4 fitness, financial responsibility and safety.

5 B. If a hearing is held on an application or for a  
6 tariff rate increase, during the hearing, the applicant may  
7 move for a grant of temporary authority or rate approval for a  
8 period not to exceed the duration of the application process;  
9 or a protester or the department may move in the proceeding for  
10 reconsideration or modification of a grant of temporary  
11 authority previously granted by the department or the hearing  
12 examiner. In such a case, the hearing examiner shall hold an  
13 expedited preliminary public hearing on the grant of temporary  
14 authority on the issues in the proceeding and the testimony  
15 evidence presented in the hearing on such procedural basis as  
16 the department shall prescribe by rule.

17 C. An ambulance service that is granted temporary  
18 authority shall be held to the same standards and comply with  
19 the same requirements as an ambulance service certified  
20 pursuant to the Ambulance Standards Act.

21 D. A grant of temporary authority shall not create  
22 a presumption that a certificate will be approved."

23 SECTION 14. A new section of the Ambulance Standards Act,  
24 Section 24-10F-9 NMSA 1978, is enacted to read:

25 "24-10F-9. [NEW MATERIAL] OBJECTIONS--PROTESTS--

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1 HEARINGS.--

2 A. An interested person or a member of the public  
3 may file a written objection to an application during the  
4 notice period.

5 B. The department shall consider the objections and  
6 may hold a public hearing on an application.

7 C. The department shall hold a hearing on an  
8 application on any such application whenever a protest is filed  
9 within the notice period. The department shall allow a  
10 protesting certified ambulance service to proceed as an  
11 intervenor in the application proceeding.

12 D. In a public hearing on an application, the  
13 applicant bears the burden of:

14 (1) demonstrating fitness, financial  
15 responsibility, ability to provide adequate service and  
16 responsiveness to the needs of the public;

17 (2) proving the applicant meets the  
18 requirements of the Ambulance Standards Act and the rules of  
19 the department for the application at issue;

20 (3) demonstrating with reasonable specificity  
21 the nature and scope of the applicant's proposed service;

22 (4) proving any particular factual matters  
23 that the department may identify and require;

24 (5) proving any additional allegations and  
25 matters of public interest that the department may raise; and

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1 (6) proving that the certified ambulance  
2 service that currently exists in the territory sought in the  
3 application, if any, is inadequate and that the proposed  
4 service is directly responsive to a public need and demand for  
5 the service proposed.

6 E. In a public hearing on an application, a  
7 protesting certified ambulance service bears the burden of:

8 (1) demonstrating any claimed adverse impact  
9 on an existing certificated ambulance service;

10 (2) proving all matters of fact pertaining to  
11 the protesting certified ambulance service's full-service  
12 operation within its authorized territory; and

13 (3) proving all other allegations and matters  
14 of public interest that the protesting certified ambulance  
15 service may raise.

16 F. The department may permit additional interested  
17 persons to intervene. A permissive intervenor has the burden  
18 of proof for its position on all factual matters and legal  
19 issues that it alleges and on which it is permitted to  
20 intervene."

21 SECTION 15. A new section of the Ambulance Standards Act,  
22 Section 24-10F-10 NMSA 1978, is enacted to read:

23 "24-10F-10. [NEW MATERIAL] TARIFFS AND RATES.--

24 A. A certified ambulance service shall not commence  
25 operations or perform a new service under its certificate or

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1 temporary authority without having a tariff approved by and on  
2 file with the department.

3 B. Tariffs shall include all rates, charges, terms  
4 of service, territories and required disclosures.

5 C. A certified ambulance service shall not charge,  
6 or allow its agents, employees or contract drivers to charge, a  
7 different or additional rate, or use different or additional  
8 practices or terms of service or operate in territories, other  
9 than the rates, practices, terms of service and territories  
10 specified in department-approved tariffs in effect at the time,  
11 except as in accordance with rates and terms of service  
12 established by federal or state law for federal or state  
13 governmental programs or operations.

14 D. A certified ambulance service shall not pay or  
15 refund, directly or indirectly, to any person a portion of the  
16 rate specified in its approved tariff, offer to a person  
17 privileges or facilities, perform a service or remit anything  
18 of value, except in accordance with rates and terms of service  
19 established by federal and state law for federal and state  
20 governmental entities, programs or operations.

21 E. The department shall publish on its website  
22 electronic copies of all currently approved tariffs and all  
23 tariff statements filed by certified ambulance services in a  
24 manner to facilitate public access, review and comparison of  
25 rates and terms of service.

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1 F. The following terms of service contained in a  
2 tariff shall not be considered inconsistent with or predatory  
3 or discriminatory in nature under the Ambulance Standards Act  
4 or department rule:

5 (1) a certified ambulance service may decline  
6 or terminate service under circumstances that reasonably appear  
7 to present a physical danger to the driver, another employee of  
8 the service or a passenger;

9 (2) a certified ambulance service is not  
10 responsible for cancellations or delays due to weather or road  
11 conditions when reasonably required for safety or when due to  
12 road construction, road closures, law enforcement stops or  
13 similar matters beyond the control of the service; and

14 (3) a certified ambulance service may require  
15 that all firearms carried by any passenger other than an  
16 authorized law enforcement officer be unloaded and placed in a  
17 locked area of the vehicle during transport, along with all  
18 ammunition and any other weapons.

19 G. An application for amendments of tariff rates  
20 that increase a tariff rate to a level greater than that  
21 previously approved by the department shall not take effect  
22 until approved by the department. The department shall hold a  
23 hearing for any such application if requested by the applicant.

24 H. The department shall establish standards  
25 ensuring that rates are nonpredatory, nondiscriminatory and

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1 adequate to support safe and efficient provision of ambulance  
2 services.

3 I. A person may make a complaint in writing to the  
4 department that a rate or term of service contained in a  
5 tariff, or a rate otherwise charged or practice otherwise at  
6 issue, is inconsistent with or in violation of the Ambulance  
7 Standards Act or department rule. The department may suspend  
8 the operation of a rate, term of service or practice for a  
9 period not to exceed sixty days to investigate the complaint.  
10 If the department finds that a rate charged or a term of  
11 service or practice effected by a certified ambulance service  
12 is unauthorized, predatory or discriminatory, the department  
13 shall prescribe the rate or the maximum or minimum rate to be  
14 observed or the terms of service to be made effective."

15 SECTION 16. A new section of the Ambulance Standards Act,  
16 Section 24-10F-11 NMSA 1978, is enacted to read:

17 "24-10F-11. [NEW MATERIAL] RECORDS AND ACCESS.--

18 A. The department may establish reasonable  
19 requirements for certified ambulance services with respect to  
20 reports, records and systems for recordkeeping and  
21 preservation.

22 B. The department may require certified ambulance  
23 services to submit annual reports to the department as required  
24 by rule. Any financial data filed by certified ambulance  
25 services in the reports are confidential and shall not be

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1 published or considered a public record for the purposes of the  
2 Inspection of Public Records Act.

3 C. The department or its employees or duly  
4 authorized agents shall at all times have access to:

5 (1) land, buildings, improvements to real  
6 property and equipment of certified ambulance services used in  
7 connection with the certified ambulance service's ambulance  
8 service operations; and

9 (2) records kept by certified ambulance  
10 services.

11 D. The department may, by order, require a  
12 certified ambulance service, or its officers or agents, to  
13 produce within New Mexico at such reasonable time and place as  
14 the department may designate, original or certified copies of  
15 records regardless of where they are kept by the certified  
16 ambulance service when their production is pertinent to a  
17 matter before the department, in order that the department may  
18 examine them. No trade secret or business confidentiality  
19 immunity or privilege may be asserted by the certified  
20 ambulance service in response to such an order or request;  
21 provided that nothing in this provision shall prevent a  
22 certified ambulance service from moving for, or the department  
23 from entering, an appropriate protective order to preserve the  
24 certified ambulance service's trade secrets or business  
25 confidentiality from further disclosure, nor shall this

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1 provision or any production required under this provision waive  
2 or diminish the certified ambulance service's trade secret or  
3 business confidentiality immunity or privilege as to persons  
4 other than the department."

5 SECTION 17. A new section of the Ambulance Standards Act,  
6 Section 24-10F-12 NMSA 1978, is enacted to read:

7 "24-10F-12. [NEW MATERIAL] ENFORCEMENT.--The department  
8 may take actions to enforce the provisions of the Ambulance  
9 Standards Act and department rules with respect to ambulance  
10 services, including:

- 11 A. administrative investigations and inspections;
- 12 B. issuance and enforcement of subpoenas in  
13 accordance with Section 24-10F-13 NMSA 1978;
- 14 C. administrative penalties;
- 15 D. suspension, revocation or amendment of  
16 certificates and tariffs; and
- 17 E. civil actions to enforce orders, recover  
18 penalties or enjoin violations."

19 SECTION 18. A new section of the Ambulance Standards Act,  
20 Section 24-10F-13 NMSA 1978, is enacted to read:

21 "24-10F-13. [NEW MATERIAL] SUBPOENAS--WITNESSES--  
22 SERVICE.--

- 23 A. For the purposes of the Ambulance Standards Act,  
24 the department may administer oaths, certify to official acts,  
25 issue subpoenas for witnesses and records, compel the

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1 attendance of witnesses and the production of evidence in  
2 hearings before the department, enforce issued subpoenas  
3 through a court and, through the court, seek a remedy for  
4 contempt. A subpoena issued pursuant to this section shall  
5 command each person to whom it is directed to attend and give  
6 testimony or to produce documents or other designated articles  
7 at a time and place specified in the subpoena.

8 B. The department shall only subpoena witnesses and  
9 records pertinent to a question lawfully before the department.  
10 A person shall not be required to testify or produce  
11 documentary evidence in response to an inquiry not pertinent to  
12 a question lawfully before the department.

13 C. If the department orders a person to appear  
14 before it, the department shall reimburse the witness pursuant  
15 to the Per Diem and Mileage Act.

16 D. Upon request of the department, a district court  
17 may issue a writ of attachment to a person who fails to comply  
18 with a subpoena issued by the department compelling the person  
19 to comply with the subpoena. The court shall have the power to  
20 punish for contempt in the same manner as for disobedience of a  
21 subpoena issued by the court.

22 E. The department may issue and serve process on a  
23 person affected by delivering a copy of the process either  
24 personally or by certified mail, return receipt requested.  
25 Process served by certified mail shall be directed to the

1 recipient at the last known address as shown by the records of  
2 the department. Persons who are not licensed or certified by  
3 the department and who have no address on record with the  
4 department shall receive notice by personal service. If the  
5 process is served personally, service shall be made in the same  
6 manner as is provided for service by the Rules of Civil  
7 Procedure for the District Courts. Where process is served by  
8 certified mail, it shall be deemed to have been served on the  
9 date borne by the return receipt showing delivery or the last  
10 attempted delivery of the notice or decision to the addressee  
11 or refusal of the addressee to accept delivery of the notice or  
12 decision.

13 F. The bureau chief may authorize in writing an  
14 employee or other person to investigate and take testimony  
15 regarding a matter pending before the department."

16 SECTION 19. Section 65-6-6 NMSA 1978 (being Laws 1974,  
17 Chapter 82, Section 6) is recompiled as Section 24-10F-14 NMSA  
18 1978 and is amended to read:

19 "24-10F-14. EXCEPTIONS.--The Ambulance Standards Act does  
20 not apply to:

21 A. gratuitous assistance by ~~[any individual]~~ a  
22 person in the case of an emergency;

23 B. law enforcement officials in the pursuit of  
24 their duties; ~~[and]~~ or

25 C. ambulances owned by a private company,

1 corporation or business used primarily for the transportation  
2 of sick or injured employees from the place of business to a  
3 hospital or other facility for treatment; however, no such  
4 ambulance may be used to transport any person from one hospital  
5 to another hospital or similar facility or from a hospital to  
6 the sick or injured person's home."

7 SECTION 20. Section 27-5-4 NMSA 1978 (being Laws 1965,  
8 Chapter 234, Section 4, as amended) is amended to read:

9 "27-5-4. DEFINITIONS.--As used in the Indigent Hospital  
10 and County Health Care Act:

11 A. "ambulance provider" or "ambulance service"  
12 means a specialized carrier based within the state authorized  
13 under provisions and subject to limitations as provided in  
14 individual carrier certificates issued by the department of  
15 [~~transportation~~] health to transport persons alive, dead or  
16 dying en route by means of ambulance service. The rates and  
17 charges established by department of [~~transportation~~] health  
18 tariff shall govern as to allowable cost. Also included are  
19 air ambulance services approved by the county. The air  
20 ambulance service charges shall be filed and approved pursuant  
21 to Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11  
22 NMSA 1978;

23 B. "cost" means all allowable costs of providing  
24 health care services, to the extent determined by resolution of  
25 a county, for an indigent patient. Allowable costs shall be

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1 based on medicaid fee-for-service reimbursement rates for  
2 hospitals, licensed medical doctors and osteopathic physicians;

3 C. "county" means a county except a class A county  
4 with a county hospital operated and maintained pursuant to a  
5 lease or operating agreement with a state educational  
6 institution named in Article 12, Section 11 of the constitution  
7 of New Mexico;

8 D. "department" or "authority" means the health  
9 care authority;

10 E. "fund" means a county health care assistance  
11 fund;

12 F. "health care services" means treatment and  
13 services designed to promote improved health in the county  
14 indigent population, including primary care, prenatal care,  
15 dental care, behavioral health care, alcohol or drug  
16 detoxification and rehabilitation, hospital care, provision of  
17 prescription drugs, preventive care or health outreach  
18 services, to the extent determined by resolution of the county;

19 G. "indigent patient" means a person to whom an  
20 ambulance service, a hospital or a health care provider has  
21 provided medical care, ambulance transportation or health care  
22 services and who can normally support the person's self and the  
23 person's dependents on present income and liquid assets  
24 available to the person but, taking into consideration the  
25 person's income, assets and requirements for other necessities

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1 of life for the person and the person's dependents, is unable  
2 to pay the cost of the ambulance transportation or medical care  
3 administered or both; provided that if a definition of  
4 "indigent patient" is adopted by a county in a resolution, the  
5 definition shall not include any person whose annual income  
6 together with that person's spouse's annual income totals an  
7 amount that is fifty percent greater than the per capita  
8 personal income for New Mexico as shown for the most recent  
9 year available in the survey of current business published by  
10 the United States department of commerce. "Indigent patient"  
11 includes a minor who has received ambulance transportation or  
12 medical care or both and whose parent or the person having  
13 custody of that minor would qualify as an indigent patient if  
14 transported by ambulance, admitted to a hospital for care or  
15 treated by a health care provider;

16 H. "medicaid eligible" means a person who is  
17 eligible for medical assistance from the department;

18 I. "planning" means the development of a countywide  
19 or multicounty health plan to improve and fund health services  
20 in the county based on the county's needs assessment and  
21 inventory of existing services and resources and that  
22 demonstrates coordination between the county and state and  
23 local health planning efforts;

24 J. "public entity" means a state, local or tribal  
25 government or other political subdivision or agency of that

1 government; and

2 K. "qualifying hospital" means an acute care  
3 general hospital licensed by the authority that is qualified to  
4 receive payments from the safety net care pool pursuant to an  
5 agreement with the federal centers for medicare and medicaid  
6 services."

7 SECTION 21. Section 65-2A-3 NMSA 1978 (being Laws 2003,  
8 Chapter 359, Section 3, as amended) is amended to read:

9 "65-2A-3. DEFINITIONS.--As used in the Motor Carrier Act:

10 A. "ability to provide certificated service" means  
11 that an applicant or carrier can provide reasonably continuous  
12 and adequate transportation service of the type required by its  
13 application or its operating authority in the territory  
14 authorized or sought to be authorized;

15 B. "ambulance service" means the intrastate  
16 transportation of sick or injured persons in an ambulance  
17 meeting the standards established by the department of health  
18 under the Ambulance Standards Act;

19 C. "amendment of a certificate" means a permanent  
20 change in the type or nature of service, territory or terms of  
21 service authorized by an existing certificate;

22 D. "antitrust laws" means the laws of this state  
23 relating to combinations in restraint of trade;

24 E. "base state" means the registration state for an  
25 interstate motor carrier that either is subject to regulation

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1 or is transporting commodities exempt from regulation by the  
2 federal motor carrier safety administration pursuant to the  
3 unified carrier registration system;

4 F. "cancellation of an operating authority" means  
5 the voluntary, permanent termination of all or part of an  
6 operating authority;

7 G. "certificate" means the authority issued by the  
8 department to a person that authorizes the person to offer and  
9 provide a certificated service as a motor carrier;

10 H. "certificated service" means one of the  
11 following transportation services:

12 [~~(1)~~] ~~an ambulance service;~~

13 ~~(2)~~] (1) a household goods service;

14 [~~(3)~~] (2) a shuttle service;

15 [~~(4)~~] (3) a specialized passenger service; or

16 [~~(5)~~] (4) a taxicab service;

17 I. "change in a certificate" means the voluntary  
18 amendment, cancellation, change in form of legal entity of the  
19 holder, lease, reinstatement, transfer or voluntary suspension  
20 of a certificate;

21 J. "charter service" means the compensated  
22 transportation of a group of persons in a motor vehicle who,  
23 pursuant to a common purpose, under a single contract, at a  
24 fixed charge for the motor vehicle and driver, have acquired  
25 the exclusive use of the motor vehicle to travel together under

1 an itinerary either specified in advance or modified after  
2 having left the place of origin;

3 K. "commuter service" means the intrastate  
4 transportation of passengers in motor vehicles having a  
5 capacity of seven to fifteen persons, including the driver,  
6 provided to a volunteer-driver commuter group that shares rides  
7 to and from the workplace or training site, where participation  
8 is incidental to the primary work or training-related purposes  
9 of the commuter group, and where the fees paid by the  
10 participants do not exceed the costs for transportation,  
11 including gas and other trip-related expenses;

12 L. "continuous and adequate service" means:

13 (1) for full-service carriers, reasonably  
14 continuous availability, offering and provision of  
15 transportation services through motor vehicles, equipment and  
16 resources satisfying safety and financial responsibility  
17 requirements under the Motor Carrier Act and department rule,  
18 that are reasonably adequate to serve the entire full-service  
19 territory authorized in the certificate, with reasonable  
20 response to all requests for service for the nature of  
21 passenger service authorized, based on the nature of public  
22 need, expense and volume of demand for the type of service  
23 authorized during seasonal periods; and

24 (2) for general-service carriers, reasonably  
25 continuous availability and offering of transportation services

1 through motor vehicles, equipment and resources satisfying  
2 safety and financial responsibility requirements under the  
3 Motor Carrier Act and department rule for the nature of the  
4 transportation service authorized in the certificate;

5 M. "contract driver" means a person who contracts  
6 with a motor carrier as an independent contractor to drive a  
7 vehicle pursuant to an operating authority issued to the motor  
8 carrier;

9 N. "department" means the department of  
10 transportation;

11 O. "endorsement" means the specification in a  
12 certificate of the territory in which the carrier is authorized  
13 to operate, the nature of service to be provided by a  
14 certificated passenger service and any additional terms of  
15 service that may be reasonably granted or required by the  
16 department for the particular authority granted;

17 P. "fare" means the full compensation charged for  
18 transportation by a tariffed passenger service;

19 Q. "financial responsibility" means the ability to  
20 respond in damages for liability arising out of the ownership,  
21 maintenance or use of a motor vehicle in the provision of  
22 transportation services;

23 R. "fitness to provide a transportation service"  
24 means that an applicant or carrier complies with state law as  
25 provided in the Motor Carrier Act or by rule of the department;

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1           S. "for hire" means that transportation is offered  
2 or provided to the public for remuneration, compensation or  
3 reward of any kind, paid or promised, either directly or  
4 indirectly;

5           T. "full service" means one of the following  
6 certificated passenger services that are endorsed and required  
7 to meet specific standards for the provision of service to or  
8 throughout a community:

9                   ~~[(1) an ambulance service;~~

10                   ~~(2)]~~ (1) a scheduled shuttle service; or

11                   ~~[(3)]~~ (2) a municipal taxicab service;

12           U. "general service" means one of the following  
13 certificated services that provides transportation services of  
14 the type authorized, but is not required to provide  
15 unprofitable or marginally profitable carriage:

16                   (1) a general shuttle service;

17                   (2) a general taxicab service;

18                   (3) a specialized passenger service; or

19                   (4) a household goods service;

20           V. "highway" means a way or place generally open to  
21 the use of the public as a matter of right for the purpose of  
22 vehicular travel, even though it may be temporarily closed or  
23 restricted for the purpose of construction, maintenance, repair  
24 or reconstruction;

25           W. "holder of an operating authority" means the

1 grantee of the operating authority or a person that currently  
2 holds all or part of the right to exercise the authority  
3 through a transfer by operation of law;

4 X. "household goods" means personal effects and  
5 property used or to be used in a dwelling when a part of the  
6 equipment or supply of the dwelling and other similar property  
7 as the federal motor carrier safety administration may provide  
8 by regulation, but shall not include property moving to or from  
9 a factory or store, other than property the householder has  
10 purchased to use in the householder's dwelling that is  
11 transported at the request of, and the transportation charges  
12 are paid to the carrier by, the householder;

13 Y. "household goods service" means the intrastate  
14 transportation, packing and storage of household goods for  
15 hire;

16 Z. "interested person" means a motor carrier  
17 operating in the territory involved in an application or grant  
18 of temporary authority, a person affected by an order of the  
19 department or a rule proposed for adoption by the department or  
20 a person the department may deem interested in a particular  
21 matter;

22 AA. "interstate motor carrier" means a person  
23 providing compensated transportation in interstate commerce,  
24 whether or not the person is subject to regulation by the  
25 federal motor carrier safety administration;

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1 BB. "intrastate motor carrier" means a motor  
2 carrier offering or providing transportation for hire by motor  
3 vehicle between points and places in the state;

4 CC. "involuntary suspension" means the temporary  
5 cessation of use of all or part of an operating authority  
6 ordered by the department for cause for a stated period of time  
7 or pending compliance with certain conditions;

8 DD. "lease of a certificate" means an agreement by  
9 which the holder of a certificate grants to another person the  
10 exclusive right to use all or part of the certificate for a  
11 specified period of time in exchange for consideration, but  
12 does not include an agreement between a motor carrier and its  
13 contract driver;

14 EE. "lease of equipment" means an agreement whereby  
15 a motor carrier obtains equipment owned by another person for  
16 use by the motor carrier in the exercise of its operating  
17 authority, but does not include an agreement between a motor  
18 carrier and its contract driver;

19 FF. "motor carrier" or "carrier" means a person  
20 offering or providing transportation of persons, property or  
21 household goods for hire by motor vehicle, whether in  
22 intrastate or interstate commerce;

23 GG. "motor carrier organization" means an  
24 organization approved by the department to represent motor  
25 carriers and to discuss and propose industry interests and

1 matters other than rates, as well as discussing and proposing  
2 rates and other matters pertaining to statewide tariffs;

3 HH. "motor vehicle" or "vehicle" means a vehicle,  
4 machine, tractor, trailer or semitrailer propelled or drawn by  
5 mechanical power and used on a highway in the transportation of  
6 property, household goods or persons, but does not include a  
7 vehicle, locomotive or car operated exclusively on rails;

8 II. "nature of service" means the type of  
9 transportation service to be provided by a certificated  
10 passenger service as set forth in Subsection A of Section  
11 65-2A-8 NMSA 1978;

12 JJ. "nonconsensual tow" means the compensated  
13 transportation of a motor vehicle by a towing service, if such  
14 transportation is performed at the request of a law enforcement  
15 officer or without the prior consent or authorization of the  
16 owner or operator of the motor vehicle;

17 KK. "notice period" means the period of time  
18 specified in Section 65-2A-6 NMSA 1978 following publication of  
19 notice during which the department may not act;

20 LL. "objection" means a document filed with the  
21 department by an interested person or a member of the public  
22 during the notice period for an application [~~for a~~  
23 ~~certificate~~], or for amendment, lease or transfer of a  
24 certificate, that expresses an objection to, or provides  
25 information concerning, the matter before the department;

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1 MM. "operating authority" means a certificate,  
2 warrant, unified carrier registration or temporary authority  
3 issued by the department to a motor carrier;

4 NN. "passenger" means a person other than the  
5 driver of a motor vehicle transported in a motor vehicle;

6 OO. "passenger service" means a transportation  
7 service offered or provided for the transportation of  
8 passengers by motor vehicle;

9 PP. "predatory rate or practice" means the knowing  
10 and willful requirement by a carrier that a passenger or  
11 shipper pay a rate, fare or other charge in excess of the rates  
12 and charges or in a manner other than in accordance with terms  
13 of service as provided by law, as provided in a tariff  
14 governing the carrier or as provided in a preexisting written  
15 contract regarding the carriage, when such charge is made:

16 (1) by a passenger carrier as a prior  
17 condition for the provision of transportation or continued  
18 transportation of a passenger; or

19 (2) as a prior condition by a towing service  
20 carrier performing nonconsensual tows or a household goods  
21 service carrier for delivery of, release of or access to  
22 vehicles or household goods by the shipper or registered owner;

23 QQ. "process" means, in the context of legal  
24 process, an order, subpoena or notice issued by the department  
25 or an order, subpoena, notice, writ or summons issued by a



1 court;

2 RR. "property" means movable articles of value,  
3 including cadavers, hazardous matter, farm products, livestock  
4 feed, stock salt, manure, wire, posts, dairy products,  
5 livestock hauled in lots of twenty-five thousand pounds or  
6 more, farm or ranch machinery and the items transported by a  
7 towing service, but does not include household goods or  
8 unprocessed farm products transported by a farmer from the  
9 place of harvesting to market, storage or a processing plant;

10 SS. "protest" means a document in the form of a  
11 pleading filed with the department by a full-service carrier  
12 that expresses an objection to an application before the  
13 department for a certificate for passenger service [~~for~~  
14 ~~ambulance service~~] or for passenger service pursuant to a  
15 public-charge contract or for amendment, lease or transfer of  
16 such a certificate:

17 (1) when the territory involved in the  
18 application includes all or a portion of the full-service  
19 territory of the protesting carrier; and

20 (2) [~~for a carrier other than an ambulance~~  
21 ~~service carrier~~] when the grant of the application will, or  
22 presents a reasonable potential to, impair, diminish or  
23 otherwise adversely affect its existing provision of full-  
24 service passenger service to the public within its full-service  
25 territory;

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1           TT. "public-charge contract" means a contract or  
2 contractual arrangement between a motor carrier and a third  
3 party for passenger service that requires or allows the motor  
4 carrier to charge passengers a fare for the transportation  
5 service to be provided pursuant to the contract;

6           UU. "rate" means a form of compensation charged,  
7 whether directly or indirectly, by a person for a  
8 transportation service subject to the jurisdiction of the  
9 department;

10          VV. "record of a motor carrier" means an account,  
11 correspondence, memorandum, tape, disc, paper, book or  
12 transcribed information, or electronic data information,  
13 including the electronic hardware or software necessary to  
14 access the electronic data information in its document form,  
15 regarding the operation of a motor carrier;

16          WW. "registration year" means a calendar year;

17          XX. "revocation" means the involuntary, permanent  
18 termination of all or part of an operating authority ordered by  
19 the department for cause;

20          YY. "shipper" means a person who consigns or  
21 receives property or household goods for transportation;

22          ZZ. "shuttle service" means the intrastate  
23 transportation of passengers for hire pursuant to a set fare  
24 for each passenger between two or more specified terminal  
25 points or areas and includes both scheduled shuttle service and

1 general shuttle service as follows:

2 (1) "scheduled shuttle service" means a  
3 shuttle service that transports passengers to and from an  
4 airport both through prior arrangement and through presentment  
5 at terminal locations, on the basis of a daily time schedule  
6 filed with the department, that must be met in a timely fashion  
7 with a vehicle present at the terminal location regardless of  
8 the number of passengers carried on any run, if any, and that  
9 includes general shuttle service; and

10 (2) "general shuttle service" means a shuttle  
11 service that is not required to operate on a set schedule, that  
12 may optionally use a grid map to specify distant or adjacent  
13 terminal areas and that is not required to accept passengers  
14 other than pre-arranged passengers;

15 AAA. "specialized passenger service" means the  
16 intrastate transportation for hire of passengers with special  
17 physical needs by specialized types of vehicles, or for  
18 specialized types of service to the public or community, as the  
19 department may by rule provide;

20 BBB. "tariff" means a document filed by a tariffed  
21 service carrier that has been approved by the department and  
22 sets forth the transportation services offered by the motor  
23 carrier to the general public, including the rates, terms of  
24 service and applicable time schedules relating to those  
25 services;

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CCC. "tariffed service" means one of the following transportation services authorized by the department for the provision of service on the basis of rates and terms of service contained in a tariff approved by the department:

[~~(1)~~] ~~an ambulance service;~~  
[~~(2)~~] (1) a household goods service;  
[~~(3)~~] (2) a shuttle service;  
[~~(4)~~] (3) a specialized passenger service;  
[~~(5)~~] (4) a taxicab service; or  
[~~(6)~~] (5) a towing service performing nonconsensual tows;

DDD. "taxicab association" means an association, cooperative or other legal entity whose members are taxicab drivers, which shall be treated in the same manner as any other applicant with regard to applications for a certificate for general taxicab service or for full-service municipal taxicab service and which shall be subject in the same manner to all other provisions, requirements and limitations of the Motor Carrier Act;

EEE. "taxicab service" means intrastate transportation of passengers for hire in a motor vehicle having a capacity of not more than eight persons, including the driver, for which the passenger or other person engaging the vehicle is allowed to specify not only the origin and destination points of the trip but also, within reason, the

1 route taken by the vehicle, any intermediate stop, any optional  
2 waiting at a stop and any other passengers transported during  
3 the trip and that charges a fare for use of the vehicle  
4 primarily on the basis of a drop-flag fee, cumulative mileage  
5 and cumulative wait time through a taxicab meter used to  
6 cumulate and display the fare to the passenger and includes  
7 both municipal taxicab service and general taxicab service, as  
8 follows:

9 (1) "municipal taxicab service" means a  
10 taxicab service that deploys vehicles at all times of the day  
11 and year, is centrally dispatched and reasonably responds to  
12 all calls for service within its endorsed full-service  
13 territory regardless of profitability of the individual trip,  
14 in addition to the transportation service provided by a general  
15 taxicab service; and

16 (2) "general taxicab service" means a taxicab  
17 service that need not be dispatched, that may pick up on-demand  
18 passengers through flagging or at a taxicab stand or queue,  
19 that need not deploy vehicles in any particular manner and that  
20 may charge for trips to destination points or places outside of  
21 the taxicab service's certificated territories on the basis of  
22 a set fare;

23 FFF. "terms of service" means all terms, aspects,  
24 practices, limitations, conditions and schedules of service  
25 other than specific rate amounts pertaining to a tariffed

1 service;

2 GGG. "towing service" means the use of specialized  
3 equipment, including repossession services using towing  
4 equipment, to transport or store:

5 (1) a damaged, disabled or abandoned motor  
6 vehicle and its cargo;

7 (2) a motor vehicle to replace a damaged,  
8 disabled or abandoned motor vehicle;

9 (3) parts and equipment to repair a damaged,  
10 disabled or abandoned motor vehicle;

11 (4) a motor vehicle whose driver has been  
12 declared unable to drive by a law enforcement officer;

13 (5) a motor vehicle whose driver has been  
14 removed from the scene or is unable to drive; or

15 (6) a motor vehicle repossessed or seized  
16 pursuant to lawful authority;

17 HHH. "transfer of a certificate" means a permanent  
18 conveyance of all or part of a certificate;

19 III. "transfer by operation of law" means that all  
20 or a part of a grantee's interest in an operating authority  
21 passes to a fiduciary or other person by application of  
22 established rules of law;

23 JJJ. "transportation service" means transportation  
24 subject to the jurisdiction of the department, offered or  
25 provided by a motor carrier, that requires the carrier to

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1 obtain an operating authority from the department under the  
2 Motor Carrier Act, regardless of whether the motor carrier has  
3 obtained appropriate operating authority from the department;

4 KKK. "verification" means a notarized signature  
5 verifying the contents of the document or other filing or a  
6 signature verifying the contents of the document or other  
7 filing under penalty of perjury, expressly providing that the  
8 signatory swears or affirms the contents under penalty of  
9 perjury as provided in Subsection A of Section 65-2A-33 NMSA  
10 1978;

11 LLL. "voluntary suspension" means the department-  
12 authorized cessation of use of all or part of a certificate at  
13 the request of the holder for a specified period of time, not  
14 to exceed twelve consecutive months;

15 MMM. "warrant" means the authority issued by the  
16 department to a person that authorizes the person to offer and  
17 provide a warranted service as a motor carrier;

18 NNN. "warranted service" means one of the following  
19 intrastate transportation services offered or provided for  
20 hire:

- 21 (1) a charter service;  
22 (2) a property transportation service; or  
23 (3) a towing service; and

24 000. "weight-bumping" means the knowing and willful  
25 statement of a fraudulent weight on a shipment of household

1 goods."

2 SECTION 22. Section 65-2A-8 NMSA 1978 (being Laws 2003,  
3 Chapter 359, Section 8, as amended) is amended to read:

4 "65-2A-8. CERTIFICATES FOR PASSENGER SERVICE.--

5 A. The department may issue a certificate for a  
6 passenger service as follows:

7 [~~(1)~~] ~~a certificate for an ambulance service;~~

8 ~~(2)]~~ (1) a certificate for a shuttle service  
9 shall be endorsed for nature of service as a scheduled shuttle  
10 service or as a general shuttle service;

11 [~~(3)~~] (2) a certificate for a specialized  
12 passenger service shall be endorsed for nature of service as  
13 provided by department rule; and

14 [~~(4)~~] (3) a certificate for a taxicab service  
15 shall be endorsed for nature of service as a municipal taxicab  
16 service or as a general taxicab service.

17 B. Except as provided in this section and in  
18 Section 65-2A-13 NMSA 1978, the department shall issue a  
19 certificate allowing a person to provide passenger service  
20 after notice and public hearing requirements are met, if:

21 (1) the applicant is fit and able to provide  
22 the transportation service to be authorized by the certificate;

23 (2) the applicant is in compliance with the  
24 safety and financial responsibility requirements of the Motor  
25 Carrier Act, the rules of the department and other applicable

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1 federal and state laws and rules; and

2 [~~(3)~~] ~~for an application for ambulance service,~~  
3 ~~the transportation service to be provided under the certificate~~  
4 ~~is or will serve a useful public purpose that is responsive to~~  
5 ~~a public demand or need; and~~

6 ~~(4)]~~ (3) the applicant has filed a tariff as  
7 provided in Section 65-2A-20 NMSA 1978.

8 C. Before granting a certificate for passenger  
9 service, the department shall consider any objections or  
10 protests that were filed within the notice period.

11 [~~D.~~] ~~Before granting a certificate for ambulance~~  
12 ~~service, the department shall also consider the effect that~~  
13 ~~issuance of the certificate would have on existing ambulance~~  
14 ~~service in the territory.~~

15 ~~E.]~~ D. A certificate issued by the department for  
16 provision of passenger service shall contain one or more  
17 endorsements, each of which shall specify the:

18 (1) nature of service to be rendered;  
19 (2) territory authorized to be served; and  
20 (3) reasonable terms of service as the  
21 department may allow or require for the particular certificate.

22 [~~F.]~~ E. Territorial endorsements to a certificate  
23 for passenger service shall:

24 (1) be limited to territory sought in the  
25 application that will be served in a reasonably continuous and

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1 adequate manner beginning within thirty days of the issuance of  
2 the certificate or such other definite period or date as the  
3 department may provide for a particular application and shall  
4 generally be authorized on the basis of county or incorporated  
5 municipal boundaries, subject to other specification reasonably  
6 allowed or required by the department;

7 (2) except for shuttle services, authorize  
8 transportation between points and places within the specified  
9 territory, and from points and places within the specified  
10 territory to all points and places in the state and return,  
11 unless otherwise expressly allowed or specified in the terms of  
12 service in the endorsement to the certificate; and

13 (3) for shuttle services, provide for  
14 transportation between two or more specified end or  
15 intermediate terminal points or areas, and authorize pick-up or  
16 drop-off of passengers throughout a terminal area, but shall  
17 not authorize transportation between points and places within a  
18 single terminal area or the provision of transportation  
19 services in any other areas of the state."

20 SECTION 23. Section 65-2A-13 NMSA 1978 (being Laws 2003,  
21 Chapter 359, Section 13, as amended) is amended to read:

22 "65-2A-13. PROTESTS, OBJECTIONS AND HEARINGS.--

23 A. Any interested person or any member of the  
24 public may provide information to the department or express an  
25 objection to any application for a certificate, or for

1 amendment, lease or transfer of a certificate, during the  
2 notice period for the application by filing a written objection  
3 in regard to the application. The department shall consider  
4 any objections filed in regard to determining whether to hold a  
5 hearing on the application. The department is not required to  
6 hold a hearing pursuant to any objection but may, in its  
7 discretion or on its own motion for any reason, hold a hearing  
8 on any application for a certificate or for an amendment, lease  
9 or transfer of a certificate.

10 B. The department shall hold a hearing on an  
11 application whenever a protest is filed within the notice  
12 period or the traffic safety bureau of the department files a  
13 request for a hearing relative to an application within the  
14 notice period. The department shall allow a protesting carrier  
15 to proceed as an intervenor in the application proceeding.

16 C. In any hearing held on an application:

17 (1) the applicant has the burden of proving  
18 that the applicant meets the requirements of the Motor Carrier  
19 Act and the rules of the department for the application at  
20 issue, the burden of demonstrating with reasonable specificity  
21 the nature and scope of its proposed transportation service,  
22 the burden of proving any particular factual matters that the  
23 department or the traffic safety bureau of the department may  
24 identify and require and the burden of proving any additional  
25 allegations and matters of public interest that it may raise

1 ~~[and, if the application pertains to ambulance service, the~~  
2 ~~burden of proving that the ambulance service that currently~~  
3 ~~exists in the territory sought in the application is inadequate~~  
4 ~~and that the proposed service is directly responsive to a~~  
5 ~~public need and demand for the service proposed];~~

6 (2) a protesting carrier has the burden of  
7 proving all matters of fact pertaining to its full-service  
8 operation within its certificated full-service territory, the  
9 burden of proving the potential impairment or adverse impact on  
10 its existing full-service operation by the transportation  
11 service proposed by the applicant and the burden of proving all  
12 other allegations and matters of public interest that it may  
13 raise. The protesting carrier's proof should include, without  
14 limitation, a demonstration with reasonable specificity of the  
15 nature of the existing full service being provided, the volume  
16 of passengers transported, economic analysis related to  
17 expenses and revenues of the full-service operation and the  
18 anticipated economic, business or functional effect of the  
19 proposed service on the existing provision of, or rates for,  
20 full-service transportation within the full-service territory;

21 (3) the department may allow other interested  
22 persons to intervene, either generally or on the basis of  
23 specific facts or issues. A permissive intervenor has the  
24 burden of proof for its position on all factual matters and  
25 legal issues that it alleges and on which it is permitted to

1 intervene; and

2 (4) all parties to a hearing may base their  
3 demonstration and proof on business data, experienced persons  
4 and mathematical calculations. Expert testimony shall not be  
5 required of any party but may be provided at the option of a  
6 party.

7 D. The department shall not grant an application:

8 [~~(1)~~] ~~for a certificate for ambulance service,~~  
9 ~~or for amendment, lease or transfer of such a certificate, if~~  
10 ~~it finds after hearing that the existing ambulance service is~~  
11 ~~provided on a reasonably continuous and adequate basis in the~~  
12 ~~territory in which the new service is sought or that the holder~~  
13 ~~of the certificate or lessee providing the existing ambulance~~  
14 ~~service in such territory is willing and able to provide, and~~  
15 ~~does subsequently provide, reasonably continuous and adequate~~  
16 ~~service within such territory, as specified by department~~  
17 ~~order;~~

18 ~~(2)]~~ (1) for a new certificate for general  
19 taxicab service within the full-service territory of a  
20 protesting municipal taxicab service carrier; or

21 ~~(3)]~~ (2) for a certificate for any passenger  
22 service other than those identified in [~~Paragraphs (1) and (2)]~~  
23 Paragraph (1) of this subsection, or for amendment, lease or  
24 transfer of such a certificate, within a protesting full-  
25 service carrier's full-service territory, if it finds after

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1 hearing that the grant of the application presents a reasonable  
2 potential to impair, diminish or otherwise adversely affect the  
3 existing provision of full-service passenger service to the  
4 public in the full-service territory or if the application is  
5 otherwise contrary to the public interest in the full-service  
6 territory. In considering the potential effect on provision of  
7 transportation services to the public in regard to such an  
8 application, the department shall consider all evidence  
9 presented pertaining to such potential effect, including  
10 evidence of the effect that diversion of revenue or traffic may  
11 have on the provision of full-service passenger service to the  
12 community. Diversion of revenue or traffic from an existing  
13 motor carrier shall not, however, be sufficient grounds for  
14 denying the application without a showing that the diversion  
15 presents a reasonable potential to affect the provision of  
16 full-service passenger service to the community."

17 SECTION 24. Section 65-2A-20 NMSA 1978 (being Laws 2003,  
18 Chapter 359, Section 20, as amended) is amended to read:

19 "65-2A-20. TARIFFS.--

20 A. A tariffed service carrier shall not commence  
21 operations or perform a new service under its operating  
22 authority without having an approved tariff on file with the  
23 department.

24 B. A tariffed service carrier shall file with the  
25 department proposed tariffs showing the rates for

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1 transportation and all related activities and containing a  
2 description of the type and nature of the service, territory  
3 and all terms of service for transportation and related  
4 services. The rates shall be stated in terms of United States  
5 currency. Tariffs for individual carriers shall also include  
6 the carrier's legal name, all business trade names used by the  
7 carrier, contact information, information for service of  
8 process, the territory authorized for each transportation  
9 service listed in the tariff and any terms of service contained  
10 in the operating authorities for that particular carrier. Each  
11 tariffed service carrier operating pursuant to a statewide  
12 tariff shall file with the department a tariff statement  
13 referencing the statewide tariff being used and include the  
14 carrier's legal name, all business trade names used by the  
15 carrier, contact information, information for service of  
16 process, the territory authorized for that carrier and any  
17 terms of service contained in the operating authority for that  
18 particular carrier.

19 C. A tariffed service carrier shall not charge, or  
20 permit its agents, employees or contract drivers to charge, a  
21 different or additional rate, or to use different or additional  
22 practices or terms of service, for transportation or for a  
23 service rendered to or for the user of the service other than  
24 the rates and terms of service specified in approved tariffs in  
25 effect at the time, except:

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1 (1) for ~~[ambulance and]~~ household goods  
2 service carriers, in accordance with rates and terms of service  
3 established by federal or state law for federal or state  
4 governmental programs or operations; and

5 (2) for tariffed passenger service carriers,  
6 ~~[other than ambulance service carriers]~~ in accordance with the  
7 rates and terms of service established by governmental programs  
8 or operations in which they voluntarily participate.

9 D. A tariffed service carrier shall not pay or  
10 refund, directly or indirectly to any person, a portion of the  
11 rate specified in its approved tariff, offer to a person  
12 privileges or facilities, perform a service or remit anything  
13 of value, except:

14 (1) in accordance with tariffs approved by the  
15 department;

16 (2) for ~~[ambulance and]~~ household goods  
17 service carriers, in accordance with rates and terms of service  
18 established by federal and state law for federal and state  
19 governmental entities, programs or operations;

20 (3) for tariffed passenger service carriers,  
21 ~~[other than ambulance service carriers]~~ in accordance with the  
22 rates and terms of service established by governmental programs  
23 or operations in which they voluntarily participate; or

24 (4) in settling or resolving a claim by a  
25 customer.

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1           E. The department shall post on its internet  
2 website electronic copies of all currently approved individual  
3 and statewide tariffs, and all tariff statements filed by  
4 carriers using statewide tariffs, in a manner to facilitate  
5 public access, review and comparison of rates and terms of  
6 service. A certificated passenger service carrier [~~other than~~  
7 ~~an ambulance service carrier~~] shall post its tariff rates in  
8 each vehicle used in the provision of its transportation  
9 service.

10           F. A tariffed service carrier shall file an  
11 application with the department for any change in the tariff,  
12 accompanied by the proposed tariff, at least twenty days prior  
13 to implementation of the amended rates and terms of service  
14 contained in the tariff. Except as provided in this section,  
15 an amended tariff shall be approved and become effective twenty  
16 days after filing of the application for a change in the  
17 tariff. The department shall post notice of each application  
18 for a change in a tariff along with a copy of the proposed  
19 tariff on the department website.

20           G. No changes in terms of service disapproved by  
21 the traffic safety bureau of the department as inconsistent  
22 with the Motor Carrier Act, rule of the department, the  
23 individual operating authority of the carrier or otherwise in  
24 violation of law shall become effective or be part of the  
25 approved tariff. The following terms of service contained in a

1 tariff shall not be considered inconsistent with, or predatory  
2 or discriminatory in nature under the Motor Carrier Act or  
3 department rule:

4 (1) a carrier may decline or terminate service  
5 under circumstances that reasonably appear to present a  
6 physical danger to the driver, to another employee of the  
7 carrier or to passengers or [~~for carriers other than ambulance~~  
8 ~~service carriers~~] a danger to the condition of the motor  
9 vehicle or cargo;

10 (2) a carrier is not responsible for  
11 cancellations or delays due to weather or road conditions when  
12 reasonably required for safety or when due to road  
13 construction, road closures, law enforcement stops or similar  
14 matters beyond the control of the carrier;

15 (3) a passenger service carrier may require  
16 that all firearms carried by any passenger other than an  
17 authorized law enforcement officer be unloaded and placed in a  
18 locked area of the vehicle during transport, along with all  
19 ammunition and any other weapons; or

20 (4) a passenger service carrier [~~other than an~~  
21 ~~ambulance service carrier~~] may decline or terminate service  
22 when the passenger cannot give an adequate description of, or  
23 direction to, the destination or cannot transfer into or out of  
24 the motor vehicle without requiring physical assistance from  
25 the driver.

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1           H. An application for amendment of tariff rates  
2 that increases any tariff rate to a level greater than that  
3 previously approved by the department for a full-service  
4 carrier or a towing service providing nonconsensual tows shall  
5 not become effective until approved by the department as  
6 reasonable under Section 65-2A-21 NMSA 1978. The department  
7 shall hold a hearing appropriate to the type of transportation  
8 service provided by the carrier for any such application, if  
9 requested by the applicant or by the traffic safety bureau of  
10 the department, or if ordered in the discretion of the  
11 department. The department may provide for reasonable periodic  
12 rate increases for full-service carriers or towing services  
13 providing nonconsensual tows pursuant to a rate escalator or  
14 adjustment clause for any or all rates of a carrier on such  
15 basis as the department finds reasonable.

16           I. A person may make a complaint in writing to the  
17 department that a rate or term of service contained in a  
18 tariff, or a rate otherwise charged or practice otherwise  
19 effected, is inconsistent with or in violation of the Motor  
20 Carrier Act, department rule or the operating authority or  
21 current tariff of the motor carrier. The department may  
22 suspend the operation of a rate, term of service or practice  
23 for a period not to exceed sixty days to investigate its  
24 reasonableness. If the department finds that a rate charged by  
25 a tariffed carrier, or a term of service or practice effected

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1 by a tariffed carrier, is unauthorized, predatory or  
2 discriminatory, the department shall prescribe the rate or the  
3 maximum or minimum rate to be observed or the terms of service  
4 to be made effective."

5 SECTION 25. TEMPORARY PROVISIONS.--

6 A. On January 1, 2027, all functions,  
7 appropriations, money, records, equipment, supplies and other  
8 property of the department of transportation related to  
9 ambulance standards are transferred to the department of  
10 health.

11 B. On January 1, 2027, all contractual obligations  
12 of the department of transportation related to ambulance  
13 standards are transferred to and binding on the department of  
14 health.

15 C. Beginning January 1, 2027, all references in law  
16 and rules to the department of transportation related to  
17 ambulance standards shall be deemed references to the  
18 department of health.

19 D. The rules and decisions of the department of  
20 transportation related to motor carrier ambulance standards  
21 shall remain in effect until repealed or amended.

22 E. Ambulance service certifications, tariffs or  
23 approvals issued prior to January 1, 2027 shall remain valid  
24 until modified, suspended, revoked or as otherwise agreed upon  
25 by the department of health.

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1           SECTION 26. APPROPRIATION.--One hundred thousand dollars  
2 (\$100,000) is appropriated from the general fund to the  
3 department of health for expenditure in fiscal years 2027 and  
4 2028 to carry out the provisions of the Ambulance Standards  
5 Act. Any unexpended balance remaining at the end of fiscal  
6 year 2028 shall revert to the general fund.

7           SECTION 27. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is January 1, 2027.

9                               - 69 -