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HOUSE BILL 71

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Dayan Hochman-Vigil

AN ACT

RELATING TO TRANSPORTATION; AMENDING THE MUNICIPAL AIRPORT LAW;
PROVIDING DEFINITIONS; PROVIDING FOR AGREEMENTS FOR A RENTAL
CAR COMPANY OR A PEER-TO-PEER VEHICLE SHARING PROVIDER TO
OPERATE AT A MUNICIPAL AIRPORT FACILITY.

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

SECTION 1. Section 3-39-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-40-3, as amended) is repealed and a new
Section 3-39-3 NMSA 1978 is enacted to read:

"3-39-3. [NEW MATERIAL] DEFINITIONS.--As used in the
Municipal Airport Law:

A. "airport facility" includes a runway, taxiway,
terminal, real estate, parking facility, hangar facility,
maintenance facility for repair, construction and modification
and any other facility related to aircraft or airports;

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1 B. "bond" means any bond, note, temporary bond,
2 interim certificate, negotiable instrument or any other
3 evidence of indebtedness issued under the Municipal Airport
4 Law;

5 C. "federal government" means the United States or
6 any of its agencies;

7 D. "obligee" means any bondholder, trustee for any
8 bondholders or lessor, or the bondholder's, trustee's or
9 lessor's assignee, of property leased to the municipality for
10 use in connection with an airport facility and the state or
11 federal government when a party to a contract with the
12 municipality by which aid is given to the municipality;

13 E. "peer-to-peer vehicle" means a motor vehicle
14 that is available for use through a peer-to-peer vehicle
15 sharing provider for a sharing period of thirty days or less
16 that is registered as a private passenger vehicle pursuant to
17 the laws of this or another state;

18 F. "peer-to-peer vehicle owner" means the
19 registered owner of a peer-to-peer vehicle made available for
20 peer-to-peer vehicle sharing facilitated by a peer-to-peer
21 vehicle sharing provider;

22 G. "peer-to-peer vehicle sharing" means the
23 authorized use of a peer-to-peer vehicle by an individual other
24 than a peer-to-peer vehicle owner through a peer-to-peer
25 vehicle sharing provider;

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1 H. "peer-to-peer vehicle sharing provider" means a
2 person or entity that, for consideration, is in the business of
3 connecting, through internet platforms or otherwise,
4 peer-to-peer vehicle owners with drivers to facilitate
5 peer-to-peer vehicles for sharing. A "peer-to-peer vehicle
6 sharing provider" is not a "transportation network company" as
7 defined in the Transportation Network Company Services Act;

8 I. "rental car" means a motor vehicle that is
9 intended to be rented or leased for a period of ninety
10 consecutive days or less by a driver who is not required to
11 possess a commercial driver's license to operate the motor
12 vehicle and the motor vehicle is one of the following:

13 (1) a private passenger motor vehicle,
14 including a passenger van, minivan or sports utility vehicle;
15 or

16 (2) a cargo vehicle, including a cargo van,
17 pickup truck or truck with a gross vehicle weight of less than
18 twenty-six thousand pounds; and

19 J. "rental car company" means a person or entity in
20 the business of renting rental cars to the public, including a
21 franchise."

22 SECTION 2. A new section of the Municipal Airport Law is
23 enacted to read:

24 "[NEW MATERIAL] AGREEMENTS FOR A RENTAL CAR COMPANY OR A
25 PEER-TO-PEER VEHICLE SHARING PROVIDER TO OPERATE AT A MUNICIPAL

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1 AIRPORT FACILITY.--

2 A. A peer-to-peer vehicle sharing provider or a
3 peer-to-peer vehicle owner shall not enable peer-to-peer vehicle
4 sharing at an airport facility without having entered into an
5 enabling agreement, which may be a concession agreement, with
6 the governing body of the municipality or agency operating the
7 airport or receiving written notice from the governing body that
8 it waives the right to an agreement.

9 B. An enabling agreement pursuant to Subsection A of
10 this section shall include or specifically waive provisions
11 regarding:

12 (1) listing, publishing information about or
13 advertising a peer-to-peer vehicle or a rental car parked at or
14 on that airport facility;

15 (2) facilitating the transportation of airport
16 customers to or from airport facilities, regardless of whether a
17 peer-to-peer vehicle sharing agreement is to be initiated on or
18 off the airport facility or property; and

19 (3) promoting or marketing a peer-to-peer
20 vehicle sharing or a rental car to transport airport customers
21 to or from the airport facility, regardless of whether that
22 transportation is to be initiated or has a peer-to-peer vehicle
23 sharing start time that occurs on or off the airport facility.

24 C. An agreement pursuant to Subsection A of this
25 section shall set forth the same or reasonably similar

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1 standards, rules, procedures, fees and access requirements as
2 other agreements at the same airport facility for rental car
3 companies.

4 D. If a peer-to-peer vehicle sharing provider or
5 peer-to-peer vehicle owner fails or refuses to enter into an
6 agreement described in Subsection A of this section before that
7 vehicle sharing provider or owner performs, participates in or
8 undertakes any of the actions set forth in Subsection B of this
9 section, the affected governing body of the airport may seek an
10 injunction prohibiting operations of the peer-to-peer vehicle
11 sharing provider or peer-to-peer vehicle owner and may seek
12 damages and attorney fees from the peer-to-peer vehicle sharing
13 provider or peer-to-peer vehicle owner.

14 E. The requirements of this section shall not be
15 interpreted to limit the authority of a municipality to adopt
16 ordinances or rules or enter into contracts regulating the use,
17 operations or commercial activities with respect to an airport
18 facility or property, provided that an agreement pursuant to
19 Subsection A of this section must include a provision that the
20 peer-to-peer vehicle sharing provider or the peer-to-peer
21 vehicle owner agrees to pay all applicable taxes pursuant to the
22 leased vehicle surcharge and the internet provisions of the
23 Gross Receipts and Compensating Tax Act."

24 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2021.

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