

**NMDOT BILL ANALYSIS
2026 REGULAR SESSION**

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute, or a correction of a previous bill}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date Prepared: 2/3/2026

Bill No. SB 164

Sponsor: Pat Woods

Agency/ Code: NMDOT - 805 - Modal/TRB & OGC

Short Title Transfer Ambulance Standards
to DOH

Person Writing Analysis: Alicia Ortiz and Sam Roybal

Phone: (505) 660-3304 Email: Alicia.Ortiz@dot.nm.gov

SECTION II: FISCAL IMPACT

Not applicable.

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 164 (SB 164) proposes to transfer responsibility for administering and enforcing the Ambulance Standards Act from the New Mexico Department of Transportation (NMDOT) to the Department of Health (DOH) effective January 1, 2027. The bill recompiles the Ambulance Standards Act into the Health Code (Title 24) and establishes an ambulance certification program within DOH to regulate ground ambulance services. The bill also amends the New Mexico Motor Carrier Act to clarify that regulatory authority of all ambulance services, including non-emergency medical transport and inter-facility transportation services would transfer from NMDOT to DOH.

SB 164 includes various proposed revisions to the Ambulance Standards Act, most of which consist of standards that currently apply to NMDOT's ground ambulance certification program and the related administrative process under the New Mexico Motor Carrier Act, Sections 65-2A-1 through -39, NMSA 1978. These include provisions regarding agency duties in certificating ambulance services (Section 9), ambulance service requirements (Section 10), requirements of the ambulance certification program (Section 11), territorial endorsements to a certificate (Section 12), the granting of temporary authority to operate an ambulance service (Section 13), objections and protests (Section 14), and tariffs and rates (Section 15).

The bill also includes various amendments to the Emergency Medical Services Act (EMS Act), Sections 24-10B-1 through -13. These primarily include provisions to identify the role of the New Mexico DOH Emergency Medical Systems Bureau (EMS Bureau) in regulating ambulance services under the Ambulance Standards Act. The EMS Act amendments include (at Section 5) some modifications to the membership of certain EMS committees; clean-up text (also at Section 5) concerning mileage and reimbursement for EMS Licensing Commission members; and a new

subpoena section (at Section 6) to identify the authority of the EMS Bureau to subpoena records and witnesses. The bill at Section 18 would also create a subpoena section within the Ambulance Standards Act, as Section 24-10F-14, NMSA 1978.

These two proposed subpoena sections are closely identical, in anticipation that the EMS Bureau's investigations could be dual investigations of both EMT licensees and the ambulance services for whom those EMTs work.

FISCAL IMPLICATIONS

SB 164 has no fiscal impact on NMDOT. Any resources currently dedicated to the operational support, inspection and investigation of certified ambulance service motor carriers will simply be re-directed to the other types of motor carriers regulated by the agency.

SIGNIFICANT ISSUES

Under the current law some ambulance, EMS, and emergency response services come under the jurisdiction of both the NMDOT and DOH. The transfer of ambulance, including non-emergency medical (NEMT) transport and inter-facility transportation services to DOH proposed by SB 164 would streamline regulation of ambulance, EMS, emergency response and NEMT services through one state agency. The bill's proposed subpoena sections anticipate expanding the existing DOH ambulance inspection and investigation program.

The provision of ambulance services in communities across the state is critical to meet public safety needs. The transfer of ambulance service regulation to DOH would improve service provision in communities across the state by fostering stronger coordination of ambulance, EMS and emergency response services at one state agency that can ensure that gaps in services are bridged. This proposed legislation would also lead to more efficient ambulance service administration at the local level because service providers will not have to navigate regulation from more than one agency.

Staff at DOH are better prepared and more medically knowledgeable to conduct vehicle safety inspections and verify presence of necessary equipment and medical supplies. The staff at DOH are also more medically knowledgeable and prepared to ensure provider and equipment types meet the nuances of service provision for communities' various emergency and non-emergency medical needs. Additionally, DOH has a greater sensitivity to industry needs and trends and is better equipped to address them through statutes and rules that focus strictly on ambulance motor carriers.

Since July 1, 2024, when motor carrier regulation was transferred from the public regulation commission (PRC) to NMDOT, the agency has been working to standardize requirements across motor carrier industries. The ambulance industry's needs vary greatly from other motor carrier types and the challenges being faced by many communities (including the ability to recruit, hire and retain drivers and emergency response staff) are unique and often compel a variance or exception that undermine standard application of motor carrier statutes and regulations. Transferring ambulance service regulation to DOH would provide more flexibility to accommodate the nuances of ambulance service provision and eliminate the need for such variances and exceptions.

If SB 164 is enacted, NMDOT and DOH will have to embark on rulemaking processes to reflect changes to the law and their respective responsibilities.

PERFORMANCE IMPLICATIONS

NMDOT resources currently dedicated to oversight, regulation, technical assistance, support and compliance enforcement of ambulance service motor carriers will simply be shifted to other motor carriers authorized by the agency.

ADMINISTRATIVE IMPLICATIONS

NMDOT will relinquish responsibility for ambulance certification, tariff review, adjudicatory hearings and enforcement. SB 164 includes provisions to transfer records and authorities, minimizing disruption and administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

Page 16, line 14: after “ambulance”, add “, including for the purposes of non-emergency medical transport and inter-facility transportation,”

Page 40, lines 15 through 18, strike paragraph B, then renumber.

Page 46, line 19: after “carrier”, add “as used in this article”

Page 46, line 22: after “commerce”, add “except if such carrier is an ambulance service as regulated by the department of health”

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Regulation of ambulance services will remain at NMDOT and program operations will continue as they currently exist.

AMENDMENTS

See Technical Issues.