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HOUSE BILL 740

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO MOTOR CARRIERS; REQUIRING THE PUBLIC REGULATION COMMISSION TO CONSIDER, WHEN ISSUING PERMITS FOR CERTAIN MOTOR CARRIERS, WHETHER THE NEW PERMITS WOULD ENDANGER OR IMPAIR THE INTERESTS OF ALL MOTOR CARRIERS TO AN EXTENT THAT IS CONTRARY TO THE PUBLIC INTEREST.

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

Section 1. Section 65-2A-10 NMSA 1978 (being Laws 2003, Chapter 359, Section 10) is amended to read:

"65-2A-10. PERMITS FOR INTRASTATE CONTRACT MOTOR CARRIERS OF PERSONS OR HOUSEHOLD GOODS. --

A. A contract motor carrier shall not provide compensated intrastate transportation of persons or household goods in the state without first having applied for and obtained a permit from the commission.

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1 B. Except as provided in this section, the
2 commission shall issue a permit allowing a person to provide
3 compensated intrastate transportation as a contract motor
4 carrier of persons or household goods after notice and public
5 hearing requirements are met, if:

6 (1) the person is fit, willing and able to
7 provide the transportation to be authorized by the permit;

8 (2) the person is in compliance with the
9 safety and financial responsibility requirements of the Motor
10 Carrier Act, the rules of the commission and other applicable
11 federal and state laws and rules; and

12 (3) the transportation to be provided under
13 the permit is or will be consistent with the public interest.

14 C. Before granting a permit to an intrastate
15 contract motor carrier of persons, the commission shall
16 consider:

17 (1) the number of customers to be served by
18 the carrier;

19 (2) the nature of the transportation proposed
20 to be provided;

21 (3) whether granting the permit would endanger
22 or impair the operations of motor carriers [~~protecting the~~
23 ~~application for a permit~~] to an extent contrary to the public
24 interest;

25 (4) the effect that denying the permit would

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1 have on the person applying for the permit and its customers;
2 and

3 (5) the changing character of the requirements
4 of the applicant's customers.

5 D. The commission shall not issue a permit to an
6 intrastate contract motor carrier of persons if it finds that
7 the authority sought will impair the provision of
8 transportation services by a certificated intrastate common
9 motor carrier of persons then serving the same territory.

10 E. Before granting a permit to an intrastate
11 contract motor carrier of household goods, the commission shall
12 consider:

13 (1) whether granting the permit would endanger
14 or impair the operations of carriers [~~protesting the~~
15 ~~application for a permit~~] to an extent contrary to the public
16 interest; and

17 (2) the effect that denying the permit would
18 have on the person applying for the permit and its shippers.

19 F. A permit issued by the commission shall specify
20 the business of the intrastate contract motor carrier, the
21 scope of the authority granted to it and the terms, conditions
22 and limitations of the authority.

23 G. An intrastate contract motor carrier of persons
24 or household goods shall file with the commission each contract
25 under which it intends to operate. The commission shall

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1 approve a contract and authorize operations if it finds that
2 the contract is consistent with the public interest and the
3 provisions of this section.

4 H. The commission shall not limit an intrastate
5 contract motor carrier of persons or household goods to a fixed
6 number of contracts.

7 I. A motor carrier owning a certificate and a
8 permit for the same type of service may use the same equipment
9 for both common and contract services provided that shared use
10 does not impair the provision of transportation services under
11 the certificate. "