

1 SENATE BILL 485

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO TRANSPORTATION; AMENDING AND ENACTING SECTIONS OF
12 THE TRANSPORTATION NETWORK COMPANY SERVICES ACT; PROVIDING FOR
13 THE FACILITATION AND PROVISION OF NON-EMERGENCY MEDICAL
14 TRANSPORTATION SERVICES BY TRANSPORTATION NETWORK COMPANY
15 DRIVERS; ESTABLISHING CONDITIONS; PROVIDING DEFINITIONS.

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

18 SECTION 1. A new section of the Transportation Network
19 Company Services Act is enacted to read:

20 "[NEW MATERIAL] PROVISION OF NON-EMERGENCY MEDICAL
21 TRANSPORTATION.--

22 A. A transportation network company may connect a
23 driver to a rider for the purpose of providing non-emergency
24 medical transportation services, including a person receiving
25 benefits from a medical assistance program established pursuant

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1 to Section 27-2-12 NMSA 1978.

2 B. The medical assistance division of the human
3 services department shall promulgate rules necessary for the
4 implementation of this section as soon as practicable. Except
5 as provided in Subsection C of this section and as may
6 otherwise be necessary to conform to applicable federal
7 requirements for transportation of persons receiving benefits
8 from the medicaid program, the requirements imposed by the
9 medical assistance division of the human services department
10 for transportation network companies and drivers to facilitate
11 or provide non-emergency medical transportation for medicaid
12 recipients, including requirements for enrollment and vehicle
13 specifications, shall not exceed those imposed by the
14 Transportation Network Company Services Act.

15 C. A transportation network company driver shall
16 not provide a non-emergency medical transportation service to a
17 medicaid recipient through a transportation network company's
18 digital network prior to completion by the transportation
19 network company of a:

20 (1) criminal background review of the driver
21 pursuant to Section 65-7-12 NMSA 1978;

22 (2) review of whether the driver is listed as
23 excluded from participation in the federal medicare, medicaid
24 and other health care programs by the United States department
25 of health and human services inspector general; and

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1 (3) review of whether the driver is excluded
2 from federal contracts, grants or other agreements by the
3 United States general services administration as either a known
4 fraudulent actor or as a fraud risk.

5 D. The medical assistance division of the human
6 services department may require that, prior to facilitating
7 non-emergency medical transportation services for medicaid
8 recipients, a transportation network company be under contract
9 with a transportation broker that is under contract with
10 either:

11 (1) the medical assistance division of the
12 human services department; or

13 (2) a managed care organization under contract
14 with the medical assistance division of the human services
15 department.

16 E. Prior to the adoption of rules promulgated
17 pursuant to Subsection B of this section, a transportation
18 network company operating under a valid permit issued pursuant
19 to Section 65-7-4 NMSA 1978 that contracts with a
20 transportation broker may facilitate non-emergency medical
21 transportation services for medicaid recipients.

22 F. The provisions of Section 65-7-18 NMSA 1978
23 shall extend to the regulation of companies, drivers and
24 vehicles facilitating or providing non-emergency medical
25 transportation services as authorized in this section.

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1 G. Nothing in this section shall be construed to
2 authorize a company or a driver to provide ambulance services,
3 as defined in Section 65-2A-3 NMSA 1978."

4 SECTION 2. Section 65-7-2 NMSA 1978 (being Laws 2016,
5 Chapter 80, Section 2, as amended) is amended to read:

6 "65-7-2. DEFINITIONS.--As used in the Transportation
7 Network Company Services Act:

8 A. "digital network" means an internet-supported
9 application, software, program, website or system offered or
10 utilized by a transportation network company that enables the
11 prearrangement of transportation by passengers with
12 transportation network company drivers;

13 B. "facilitate" means the connection of a driver to
14 a passenger by a transportation network company for the
15 provision of transportation services;

16 ~~[B.]~~ C. "personal vehicle" means a vehicle that is
17 used by a transportation network company driver and is:

18 (1) owned, leased or otherwise authorized for
19 use by a transportation network company driver; and

20 (2) not a taxicab or other vehicle for hire;

21 ~~[C.]~~ D. "prearranged ride" means transportation
22 provided by a transportation network company driver, which
23 shall be deemed to commence when a driver accepts a
24 transportation request through a digital network and continue
25 until all passengers have exited from the personal vehicle at

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1 the destination requested by the rider. "Prearranged ride"
2 does not include shared-expense vanpool or carpool arrangements
3 or transportation provided using a taxicab, limousine or other
4 vehicle for hire pursuant to the Motor Carrier Act;

5 E. "transportation broker" means an entity managing
6 and arranging for transportation under a non-emergency medical
7 transportation brokerage program authorized by the United
8 States department of health and human services for medicaid
9 recipients;

10 ~~[D.]~~ F. "transportation network company" means a
11 corporation, partnership, sole proprietorship or other entity
12 that is licensed pursuant to the Transportation Network Company
13 Services Act and lawfully operating in New Mexico that uses a
14 digital network, but which shall not:

15 (1) be deemed to control, direct or manage the
16 personal vehicles or transportation network company drivers
17 that connect to its digital network except where agreed to by
18 written contract; or

19 (2) include any entity receiving funding to
20 supplement transportation services through Title III B of the
21 federal Older Americans Act of 1965, including any driver for
22 such an entity, but only when the driver is providing those
23 services;

24 ~~[E.]~~ G. "transportation network company driver" or
25 "driver" means an individual who:

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(1) accepts a prearranged ride requested through a digital network and for a fee paid by a transportation network company rider to the transportation network company; and

(2) uses a personal vehicle to provide a prearranged ride through a digital network;

~~[F.]~~ H. "transportation network company insurance" means a liability insurance policy that specifically covers a transportation network company driver's use of a transportation network company digital network; and

~~[G.]~~ I. "transportation network company rider" or "rider" means a person who uses a digital network for a prearranged ride."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.