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HOUSE BILL 77

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO TRANSPORTATION; AMENDING THE TRANSPORTATION NETWORK  
COMPANY SERVICES ACT TO EXCLUDE ENTITIES RECEIVING FEDERAL  
SUBSIDIES TO PROVIDE SERVICE UNDER THE FEDERAL OLDER AMERICANS  
ACT OF 1965.

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

**SECTION 1.** Section 65-7-2 NMSA 1978 (being Laws 2016,  
Chapter 80, Section 2) is amended to read:

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

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

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1           B. "personal vehicle" means a vehicle that is used  
2 by a transportation network company driver and is:

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

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

6           C. "prearranged ride" means transportation provided  
7 by a transportation network company driver, which shall be  
8 deemed to commence when a driver accepts a transportation  
9 request through a digital network and continue until all  
10 passengers have exited from the personal vehicle at the  
11 destination requested by the rider. "Prearranged ride" does  
12 not include shared-expense vanpool or carpool arrangements or  
13 transportation provided using a taxicab, limousine or other  
14 vehicle for hire pursuant to the Motor Carrier Act;

15           D. "transportation network company" means a  
16 corporation, partnership, sole proprietorship or other entity  
17 that is licensed pursuant to the Transportation Network Company  
18 Services Act and lawfully operating in New Mexico that uses a  
19 digital network, but which shall not:

20                   (1) be deemed to control, direct or manage the  
21 personal vehicles or transportation network company drivers  
22 that connect to its digital network except where agreed to by  
23 written contract; or

24                   (2) include any entity receiving funding to  
25 supplement transportation services through Title III B of the

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1 federal Older Americans Act of 1965;

2 E. "transportation network company driver" or  
3 "driver" means an individual who:

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

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

10 F. "transportation network company insurance" means  
11 a liability insurance policy that specifically covers a  
12 transportation network company driver's use of a transportation  
13 network company digital network; and

14 G. "transportation network company rider" or  
15 "rider" means a person who uses a digital network for a  
16 prearranged ride."