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

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

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

"PROVISION OF NON-EMERGENCY MEDICAL TRANSPORTATION.--

A. A transportation network company may connect a
driver to a rider for the purpose of providing non-emergency
medical transportation services, including providing
non-emergency medical transportation services under the
state's medicaid program.

B. The medical assistance division of the human
services department shall promulgate rules necessary for the
implementation of this section as soon as practicable.
Except as provided in Subsection C of this section and as may
otherwise be necessary to conform to applicable federal
requirements for the provision of transportation benefits to
persons receiving benefits from the state's medicaid program,
the requirements imposed by the medical assistance division
of the human services department for transportation network

1 companies and drivers to facilitate or provide non-emergency
2 medical transportation for medicaid recipients, including
3 requirements for enrollment and vehicle specifications, shall
4 not exceed those imposed by the Transportation Network
5 Company Services Act.

6 C. A transportation network company driver shall
7 not provide a non-emergency medical transportation service to
8 a medicaid recipient through a transportation network
9 company's digital network prior to completion by the
10 transportation network company of a:

11 (1) criminal background check of the driver
12 pursuant to Section 65-7-12 NMSA 1978;

13 (2) review of whether the driver is listed
14 as excluded from participation in the federal medicare,
15 medicaid and other health care programs by the United States
16 department of health and human services inspector general;
17 and

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

22 D. The medical assistance division of the human
23 services department may require that, prior to facilitating
24 non-emergency medical transportation services for a medicaid
25 recipient of the state's medicaid program, a transportation

1 network company be under contract with a transportation
2 broker.

3 E. Prior to the adoption of rules promulgated
4 pursuant to Subsection B of this section, a transportation
5 network company operating under a valid permit issued
6 pursuant to Section 65-7-4 NMSA 1978 that contracts with a
7 transportation broker may facilitate non-emergency medical
8 transportation services for medicaid recipients of the
9 state's medicaid program.

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

14 G. Nothing in this section shall be construed to:

15 (1) authorize a company or a driver to
16 provide ambulance services, as defined in Section 65-2A-3
17 NMSA 1978; or

18 (2) abridge the application of the
19 provisions of the Transportation Network Company Services Act
20 to, or the services provided by, a transportation network
21 company or a driver."

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

24 "65-7-2. DEFINITIONS.--As used in the Transportation
25 Network Company Services Act:

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

6 B. "facilitate" means the connection of a driver
7 to a passenger by a transportation network company for the
8 provision of a prearranged ride;

9 C. "personal vehicle" means a vehicle that is used
10 by a transportation network company driver and is:

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

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

14 D. "prearranged ride" means transportation
15 provided by a transportation network company driver, which
16 shall be deemed to commence when a driver accepts a
17 transportation request through a digital network and continue
18 until all passengers have exited from the personal vehicle at
19 the destination requested by the rider. "Prearranged ride"
20 does not include shared-expense vanpool or carpool
21 arrangements or transportation provided using a taxicab,
22 limousine or other vehicle for hire pursuant to the Motor
23 Carrier Act;

24 E. "state's medicaid program" means a state
25 program acting to leverage federal benefits for state

1 residents pursuant to Title 19 or Title 20 of the federal
2 Social Security Act;

3 F. "transportation broker" means an entity under
4 contract with the medical assistance division of the human
5 services department or a managed care organization that
6 manages transportation benefits under the state's medicaid
7 program;

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

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

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

22 H. "transportation network company driver" or
23 "driver" means an individual who:

24 (1) accepts a prearranged ride requested
25 through a digital network and for a fee paid by a

1 transportation network company rider to the transportation
2 network company; and

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

5 I. "transportation network company insurance"
6 means a liability insurance policy that specifically covers a
7 transportation network company driver's use of a
8 transportation network company digital network; and

9 J. "transportation network company rider" or
10 "rider" means a person who uses a digital network for a
11 prearranged ride."

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

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