

**New Mexico Public Regulation
Transportation Division
Statewide Wrecker Tariff –Effective February 1, 2017**

SCOPE:

This Tariff governs rates for nonconsensual towing between points and places in New Mexico by wrecker, of wrecked, damaged, or abandoned motor vehicles and their cargo, and inoperative and replacement vehicles and parts and equipment for the above-described vehicles, vehicles of which the driver has been declared unable to drive by a duly authorized law enforcement officer, and vehicles repossessed, confiscated or seized by any lawful authority.

ALL RULES AND REGULATIONS THAT GOVERN WRECKER SERVICES IN THE STATE OF NEW MEXICO ARE CONTAINED IN THE PUBLIC REGULATION COMMISSION MOTOR CARRIER RULES AND NMSA ARTICLE 2A, MOTOR CARRIER ACT

DEFINITIONS OF TERMS USED IN THIS TARIFF:

After Hours: the hours between 5:00 pm to 8:00 am, Monday through Friday, all Weekend hours, and Holidays.

After Hours Delivery: placing a vehicle in the actual possession of the owner or the owner's agent after normal business hours.

After Hours Response Charge: hourly charge that the wrecker service may add to the total bill when the wrecker service is performing work after hours.

Administrative Charge: maximum allowable fee for administration, plus any actual costs a wrecker service incurs for discovery and notification of owner.

Day: a calendar day which begins at 12:00 midnight and ends at 11:59pm.

Deadhead: unloaded mileage that may be charged when the towing service is not towing the vehicle back to its base of operation or storage facility (eg. may be towing to law enforcement storage, or owner requests to have vehicle towed to home address, mechanic or bodyshop, etc.)

Excess Deadhead: unloaded mileage from base of operation to scene and from scene back to base of operation, when vehicle needs to be recovered but the vehicle is not towed.

Extra Equipment: equipment which a wrecker does not ordinarily need to provide its authorized service, but is reasonably necessary in unique or exigent situations.

Extra Labor: labor not ordinarily needed for the job, but which is reasonably necessary to provide adequate service in a unique or exigent situation.

Holidays: those days designated as legal holidays or as public holidays by the Legislature of the State of New Mexico in NMSA 1978 Sections 12-5-1 et seq.

Hookup: completed connection of the tow truck to the vehicle to be towed. Hookup may only be charged on a tow truck which actually transports the vehicle.

MVD: the Motor Vehicle Division of the New Mexico Taxation and Revenue Department

Nonconsensual Tow: has the meaning given in Section 65-2A-3(JJ) NMSA 1978, regardless of whether the owner or operator of the towed vehicle has consented to a tow requested or directed by a law enforcement official.

Normal Business Hours: any eight (8) hours between the hours of 8:00am to 5:00pm, excluding one (1) hour lunch on every weekday, excluding holidays.

Recovery: use of equipment used to hoist, upright, remove or otherwise relocate a vehicle that is overturned or off a road or highway when such equipment is required to reposition the vehicle.

Storage: the safekeeping of motor vehicles entrusted to the custody of a towing service.

Unclaimed Motor Vehicle: a vehicle that has been placed in a storage or impound lot to which no owner or lienholder of record has asserted a valid claim after required attempts to contact the owner or lienholder have been made.

GENERAL PROVISIONS

All rates are stated in terms of United States currency. Invoices are payable when the service is rendered by the wrecker service, unless other arrangements have been made in advance.

The rates prescribed herein are maximum rates. Carriers may not exceed the maximum rate or charge applicable for any individual component set forth herein. Carriers may charge lower than maximum rates.

All services shall observe nonpredatory and nondiscriminatory rates (i.e. you may not purposely charge a **different rate** because of age, race, gender, religion, social status, or any protected class).

Distance rates are based on the distance from point of origin to final destination with computation to begin after the first full loaded mile. Any remaining fraction of less than .5 mile will be omitted, and any remaining fraction of .5 or greater will be increased to the next whole mile. Distance rates are in addition to other charges provided for in this tariff.

Rates for extra labor apply from the time the extra labor is assigned to the wrecker service until released from service.

Recovery rate is charged per hour by the towing service while the towing service is performing recovery with the first truck. Any additional recovery trucks may be charged under extra equipment. Recovery charge includes all minor recovery equipment (such as winch lines, wire rope, cables, snatch blocks, chains, slings, recovery straps and web shackles, etc), and may not be charged under extra equipment.

A motorcycle shall be stored in a Type 2 or 3 storage facility only. Charges for storing a motorcycle in a Type 3 storage facility shall occur only with the owner's prior consent or if ordered by a law enforcement officer.

Delivery of vehicles or allowing personal property to be viewed or taken by the registered owner or lienholder after hours or on holidays is optional at the discretion of the towing service.

Storage begins when the motor vehicle arrives at the storage facility and ends when the motor vehicle leaves the storage facility. A towing service may charge a full day's storage for any part of any day the motor vehicle is in storage. A new day begins at 12:01 am.

All bills must be itemized to show each charge for any of the items listed in the tariff. In addition, if extra equipment or extra labor is used, towing service must provide written justification for such use. Photographs or video, if allowed or if appropriate at the scene, may also be included to provide additional justification for the use of extra equipment and labor.

NEW MEXICO STATEWIDE WRECKER TARIFF

MAXIMUM RATES	Class A/B	Class C	Class D
First Mile/ hookup¹	\$100.00	\$175.00	\$225.00
Driveshaft/Axle Removal	\$50.00	\$75.00	\$100.00
After Hours Response Charge² (5pm - 8am)	\$15.00	\$25.00	\$25.00
Loaded Mileage:			
2 to 25 per mile	\$5.00	\$8.00	\$15.00
26 and over per mile	\$3.50	\$5.00	\$10.00
Deadhead/Excess Deadhead (per mile)	\$3.50	\$5.00	\$10.00
Standby/Waiting Time Per Hour (on hold at scene)	\$30.00	\$50.00	\$75.00
Recovery³ (per hour, per towing service)	\$100.00	\$200.00	\$300.00
Extra Labor (per hour, 1 hour minimum)	\$30.00	\$35.00	\$35.00
After Hours Delivery Charge	\$50.00	\$50.00	\$50.00
Administrative Charges⁴:	\$35 + Actual Costs		
Storage Charges (per Day):			
Type 1	\$10.00	\$15.00	\$20.00
Type 2	\$15.00	\$20.00	\$25.00
Type 3	\$20.00	\$25.00	\$30.00
\$1 per day per foot exceeding 25'			

	A/B
Rates on the following are Maximum Flat rates per use	
Dollies	\$50.00
Chain Saws/Steel Cutter	\$25.00
Snow chains/4WD	\$25.00
Motorcycle Caddy and Sling⁵	\$25.00
Go Jaks	\$20.00
Air Compressor	\$20.00

¹ May only be charged on a tow truck which actually transports the vehicle.

² Per hour charge, with 1 hour minimum. May also be charged for requests to access vehicle after hours.

³ Charged **per hour** by towing service while towing service is performing the recovery with the first truck. Recovery fee includes use of minor recovery equipment.

⁴ Actual costs may include cost for certified letters, MVD printouts, and any other cost associated with vehicle owner discovery and notification. **RECEIPTS MUST BE ATTACHED TO RECOVER ACTUAL COSTS.**

⁵ Only to be charged with a traditional wrecker and not with a carrier

Extra Equipment	
Rental Equipment	Actual and Reasonable Cost with Receipts
Owned Equipment	Reasonable Cost of Rental⁶ or Owner Approved Rates⁷

Disposal and Clean-up Fees:			
Solid Waste (Per ton)	Actual Cost with Receipts		
Extraordinary Clean-up⁸ (Maximum Flat Fee)	\$50.00	\$100.00	\$100.00

⁶ Reasonable cost of rental is based on local market rental rates.

⁷ Owners may apply for approved rates on owned equipment.

⁸ Extraordinary Cleanup may be charged when cleanup of the scene includes exposure to hazardous waste or human bodily fluids, etc., which would put the worker at a health risk. Must be signed off by law enforcement on scene.