

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 335

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY; REORGANIZING THE
DEPARTMENT OF PUBLIC SAFETY; PLACING THE SPECIAL INVESTIGATIONS
DIVISION, THE TRAINING AND RECRUITING DIVISION AND THE MOTOR
TRANSPORTATION DIVISION UNDER THE NEW MEXICO STATE POLICE
DIVISION.

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

SECTION 1. Section 9-19-4 NMSA 1978 (being Laws 1987,
Chapter 254, Section 4, as amended) is amended to read:

"9-19-4. DEPARTMENT ESTABLISHED.--There is created in the
executive branch the "department of public safety". The
department shall be a cabinet department and shall consist of,
but not be limited to, ~~[five program divisions, an
administrative division and an information technology division
as follows]~~ the following divisions:

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underscored material = new
[bracketed material] = delete

1 A. the New Mexico state police division;
2 ~~[B. the special investigations division;~~
3 ~~C. the training and recruiting division;~~
4 ~~D.]~~ B. the technical support division;
5 ~~[E.]~~ C. the administrative services division;
6 ~~[F. the motor transportation division]~~ and
7 ~~[G.]~~ D. the information technology division."

8 SECTION 2. Section 9-19-6 NMSA 1978 (being Laws 1987,
9 Chapter 254, Section 6, as amended) is amended to read:

10 "9-19-6. SECRETARY--DUTIES AND GENERAL POWERS.--

11 A. The secretary is responsible to the governor for
12 the operation of the department. It is ~~[his]~~ the secretary's
13 duty to manage all operations of the department and to
14 administer and enforce the laws with which ~~[he]~~ the secretary
15 or the department is charged.

16 B. To perform ~~[his]~~ the secretary's duties, the
17 secretary has every power expressly enumerated in the laws,
18 whether granted to the secretary or the department or any
19 division of the department, except where authority conferred
20 upon any division is explicitly exempted from the secretary's
21 authority by statute. In accordance with these provisions, the
22 secretary shall:

23 (1) except as otherwise provided in the
24 Department of Public Safety Act, exercise general supervisory
25 and appointing authority over all department employees, subject

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1 to any applicable personnel laws and regulations [~~provided that~~
2 ~~the secretary shall not reduce positions for the seventy-sixth~~
3 ~~fiscal year budgeted in the General Appropriation Act of 1987~~
4 ~~except for cause, by attrition or by occurrence of a vacancy~~];

5 (2) delegate authority to subordinates as [~~he~~
6 the secretary deems necessary and appropriate, clearly
7 delineating such delegated authority and the limitations
8 thereto;

9 (3) organize the department into those
10 organizational units [~~he~~ the secretary deems will enable it to
11 function most efficiently, subject to any provisions of law
12 requiring or establishing specific organizational units;

13 (4) within the limitations of available
14 appropriations and applicable laws, employ and fix the
15 compensation of those persons necessary to discharge [~~his~~] the
16 secretary's duties;

17 (5) take administrative action by issuing
18 orders and instructions, not inconsistent with the law, to
19 assure implementation of and compliance with the provisions of
20 law with the administration or execution of which [~~he~~] the
21 secretary is responsible and to enforce those orders and
22 instructions by appropriate administrative action [~~or actions~~]
23 in the court;

24 (6) conduct research and studies that will
25 improve the operation of the department and examine other

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1 entities and functions of state government related to public
2 safety for purposes of possible transfer to the department;

3 (7) provide courses of instruction and
4 practical training for employees of the department and other
5 persons involved in the administration of programs with the
6 objective of improving the operations and efficiency of
7 administration;

8 (8) prepare an annual budget of the
9 department;

10 (9) provide cooperation, at the request of
11 heads of administratively attached agencies, in order to:

12 (a) minimize or eliminate duplication of
13 services and jurisdictional conflicts;

14 (b) coordinate activities and resolve
15 problems of mutual concern; and

16 (c) resolve by agreement the manner and
17 extent to which the department shall provide budgeting,
18 recordkeeping and related clerical assistance to
19 administratively attached agencies, if any;

20 (10) appoint, with the governor's consent, for
21 each division, a director. These appointed positions are
22 exempt from the provisions of the Personnel Act. Persons
23 appointed to these positions shall serve at the pleasure of the
24 secretary;

25 (11) appoint the director of the New Mexico

1 law enforcement academy, subject to the approval of the New
2 Mexico law enforcement academy board;

3 (12) give bond in the penal sum of twenty-five
4 thousand dollars (\$25,000) and require directors to each give
5 bond in the penal sum of ten thousand dollars (\$10,000),
6 conditioned upon the faithful performance of duties as provided
7 in the Surety Bond Act, with the department paying the cost of
8 such bonds; and

9 (13) require performance bonds of such
10 employees and officers as ~~he~~ the secretary deems necessary as
11 provided in the Surety Bond Act, with the department paying the
12 costs of such bonds.

13 C. The secretary may apply for and receive, with
14 the governor's approval, in the name of the department, any
15 public or private funds, including but not limited to United
16 States government funds, available to the department to carry
17 out its programs, duties or services.

18 D. Where functions of departments overlap or a
19 function assigned to one department could better be performed
20 by another department, the secretary may recommend appropriate
21 legislation to the next session of the legislature for its
22 approval.

23 E. The secretary may make and adopt such reasonable
24 and procedural rules and regulations as may be necessary to
25 carry out the duties of the department and its divisions. No

.197089.2

1 rule or regulation promulgated by the director of any division
2 in carrying out the functions and duties of the division shall
3 be effective until approved by the secretary unless otherwise
4 provided by statute. Unless otherwise provided by statute, no
5 regulation affecting any person or agency outside the
6 department shall be adopted, amended or repealed without a
7 public hearing on the proposed action before the secretary or a
8 hearing officer designated by ~~[him]~~ the secretary. The public
9 hearing shall be held in Santa Fe unless otherwise permitted by
10 statute. Notice of the subject matter of the regulation, the
11 action proposed to be taken, the time and place of the hearing,
12 the manner in which interested persons may present their views
13 and the method by which copies of the proposed regulation,
14 proposed amendment or repeal of an existing regulation may be
15 obtained shall be published once at least thirty days prior to
16 the hearing date in a newspaper of general circulation in the
17 state and mailed at least thirty days prior to the hearing date
18 to all persons who have made a written request for advance
19 notice of hearing.

20 F. All rules and regulations shall be filed in
21 accordance with the State Rules Act."

22 SECTION 3. Section 9-19-7 NMSA 1978 (being Laws 1987,
23 Chapter 254, Section 7, as amended) is amended to read:

24 "9-19-7. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND
25 DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

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1 A. The organizational units of the department and
 2 the officers of those units specified by law shall have all the
 3 powers and duties enumerated in the specific laws involved.
 4 However, the carrying out of those powers and duties shall be
 5 subject to the direction and supervision of the secretary, who
 6 shall retain the final decision-making authority and
 7 responsibility for the administration of any such laws as
 8 provided in Subsection B of Section 9-19-6 NMSA 1978. The
 9 department shall have access to all records, data and
 10 information of other state departments, agencies and
 11 institutions, including its own organizational units, not
 12 specifically held confidential by law.

13 B. The New Mexico state police division shall
 14 consist of the commissioned officers and civilian personnel,
 15 including all communications equipment operators, of the New
 16 Mexico state police uniform division and the commissioned
 17 officers and civilian personnel of the New Mexico state police
 18 criminal division and such other personnel as may be assigned
 19 by the secretary or by the governor pursuant to an executive
 20 order as authorized in the Department of Public Safety Act.

21 The New Mexico state police division shall also include:

22 ~~[G.]~~ (1) the special investigations ~~[division]~~
 23 unit, which shall consist of the enforcement personnel of the
 24 ~~[department of alcoholic beverage control]~~ former special
 25 investigations division and ~~[such other]~~ civilian personnel as

.197089.2

1 may be assigned by the secretary or by the governor pursuant to
2 an executive order as authorized in the Department of Public
3 Safety Act. The ~~[division]~~ unit is responsible for the
4 enforcement of the New Mexico Bingo and Raffle Act and the
5 Liquor Control Act;

6 (2) the training and recruiting bureau, which
7 shall consist of the personnel of the New Mexico law
8 enforcement academy and the New Mexico state police training
9 division and all civilian personnel and functions of the
10 department as the secretary may transfer to this bureau;

11 (3) the motor transportation police bureau,
12 which shall consist of the enforcement and civilian personnel
13 of the former motor transportation division. The bureau is
14 responsible for enforcing the Motor Carrier Act, the Motor
15 Transportation Act, the Motor Vehicle Code and the Criminal
16 Code; and

17 (4) civilian employees of the former motor
18 transportation division, the former special investigations
19 division or the former training and recruiting division who
20 shall be subject to the provisions of the Personnel Act.

21 ~~[D.]~~ C. The technical support division shall
22 consist of functions such as ~~[communications]~~ crime laboratory
23 and records.

24 ~~[E.]~~ ~~The training and recruiting division shall~~
25 ~~consist of the personnel of the New Mexico law enforcement~~

1 ~~academy, the New Mexico state police training division and all~~
 2 ~~other training personnel and functions of the department as the~~
 3 ~~secretary may transfer to this division.~~

4 F.] D. The administrative services division shall
 5 consist of the administrative services [~~and services divisions~~
 6 ~~of the New Mexico state police and those administrative support~~
 7 ~~personnel of the other existing departments, divisions or~~
 8 ~~offices]~~ as the secretary deems necessary.

9 E. The information technology division shall
 10 consist of such functions as computer and technology support as
 11 the secretary deems necessary."

12 SECTION 4. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
 13 Chapter 254, Section 18, as amended) is amended to read:

14 "29-2-1.1. DEFINITIONS.--As used in Chapter 29 NMSA 1978:

15 A. "chief" or "chief of the state police" means the
 16 director of the New Mexico state police division of the
 17 department;

18 B. "commission" means the public safety advisory
 19 commission;

20 C. "department" means the department of public
 21 safety;

22 D. "member of the New Mexico state police" means a
 23 commissioned officer of the New Mexico state police, including
 24 an officer who is certified and commissioned as of June 30,
 25 2014 in the former motor transportation division, the former

.197089.2

1 special investigations division or the former training and
2 recruiting division;

3 E. "New Mexico law enforcement academy" or
4 "academy" means [~~a bureau~~] the section of the training and
5 recruiting bureau of the New Mexico state police division of
6 the department of public safety established pursuant to the Law
7 Enforcement Training Act;

8 F. "New Mexico state police" means the New Mexico
9 state police division of the department; and

10 [~~G. "New Mexico state police board" or "board"~~
11 ~~means the secretary of public safety; and~~

12 H.] G. "secretary" means the secretary of public
13 safety."

14 SECTION 5. Section 29-2-3 NMSA 1978 (being Laws 1941,
15 Chapter 147, Section 3, as amended) is amended to read:

16 "29-2-3. NEW MEXICO STATE POLICE--ORGANIZATION.--The New
17 Mexico state police shall consist of a chief and such
18 [~~patrolmen~~] patrol officers, sergeants, lieutenants and
19 captains as the [~~New Mexico state police board~~] secretary may
20 deem advisable within the limits of the funds appropriated for
21 the New Mexico state police; provided [~~however~~] that the number
22 of captains, lieutenants and sergeants shall not exceed twenty-
23 five percent of the total number of the police, exclusive of
24 the chief; but this requirement shall not be interpreted so as
25 to require the demotion of any member of the previous state

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1 police division [~~of the criminal justice department~~], the
 2 former motor transportation division, the former special
 3 investigations division or the former training and recruiting
 4 division."

5 SECTION 6. Section 29-2-4 NMSA 1978 (being Laws 1941,
 6 Chapter 147, Section 4, as amended) is amended to read:

7 "29-2-4. APPOINTMENTS--REMOVAL.--The chief of the New
 8 Mexico state police shall be appointed by the [~~New Mexico state~~
 9 ~~police board~~] secretary. All [~~patrolmen~~] patrol officers and
 10 other officers and all civilian employees shall be appointed by
 11 the chief."

12 SECTION 7. Section 29-2-4.1 NMSA 1978 (being Laws 1979,
 13 Chapter 202, Section 16) is amended to read:

14 "29-2-4.1. RULES [~~AND REGULATIONS~~].--The [~~New Mexico~~
 15 ~~state police board~~] secretary shall promulgate rules [~~and~~
 16 ~~regulations~~] governing employment and operating practices and
 17 related matters for employees of the New Mexico state police."

18 SECTION 8. Section 29-2-6 NMSA 1978 (being Laws 1941,
 19 Chapter 147, Section 6, as amended) is amended to read:

20 "29-2-6. QUALIFICATIONS OF MEMBERS.--

21 A. Members of the New Mexico state police, except
 22 the chief, shall:

23 (1) at the time of their appointment, be
 24 citizens of the United States;

25 (2) at the time of their appointment, have

.197089.2

1 reached twenty-one years of age;

2 (3) except as otherwise provided in Subsection
3 B of this section, at the time of their appointment, have
4 completed at least sixty hours of college credit or have had
5 two years of military or law enforcement service. This
6 requirement shall not apply to officers who are certified and
7 commissioned as of June 30, 2014 in the former motor
8 transportation division, the former special investigations
9 division and the former training and recruiting division;

10 (4) be of good moral character and not have
11 been convicted of a felony or infamous crime in the courts of
12 this state or other state or any country or in the federal
13 courts; and

14 (5) pass a physical examination that the New
15 Mexico state police may require.

16 B. Notwithstanding the requirement of Paragraph (3)
17 of Subsection A of this section, the chief may appoint a member
18 of the New Mexico state police who has at least thirty hours of
19 college credit, and the chief shall determine an appropriate
20 time period after appointment for the member to complete the
21 additional thirty hours of college credit required. This
22 provision shall not apply to officers who are certified and
23 commissioned as of June 30, 2014 in the former motor
24 transportation division, the former special investigations
25 division and the former training and recruiting division.

1 C. A person shall not be commissioned a member of
2 the New Mexico state police who is related by blood or marriage
3 within the fourth degree to a member of the public safety
4 advisory commission."

5 SECTION 9. Section 29-2-7 NMSA 1978 (being Laws 1941,
6 Chapter 147, Section 7, as amended) is amended to read:

7 "29-2-7. COMMISSIONED OFFICERS--APPLICATION--PROCEDURE.--

8 The New Mexico state police shall cause all applicants for the
9 position of commissioned officer to submit a written detailed
10 application on [~~such~~] forms as the [~~board~~] secretary shall
11 prescribe, and the [~~board~~] secretary shall cause an
12 investigation to be made of all applicants, subsequent to their
13 taking the examination [~~hereinafter~~] referred to in Section
14 29-2-8 NMSA 1978, for the purpose of determining the moral
15 character, general reputation and fitness of any applicant.

16 [~~and. Any such~~] An applicant who is found unfit as a result of
17 [~~such~~] the investigation shall be disqualified for employment.

18 The [~~board~~] secretary shall by rule prescribe the physical
19 qualifications of applicants and shall require each applicant
20 to submit to a physical examination by [~~such~~] doctors as the
21 [~~board~~] secretary shall designate. [~~and. Any~~] An applicant
22 who does not meet the physical requirements prescribed by the
23 [~~board~~] secretary shall be disqualified for employment.

24 Inasmuch as laws have been enacted providing for retirement,
25 disability and life insurance funds for members of the New

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1 Mexico state police, it is the intention of the legislature
2 that no applicants will be appointed who are in such physical
3 condition that the cost of such protection will thereby be
4 increased."

5 SECTION 10. Section 29-2-8 NMSA 1978 (being Laws 1941,
6 Chapter 147, Section 8, as amended) is amended to read:

7 "29-2-8. NEW MEXICO STATE POLICE--COMMISSIONED OFFICERS--
8 EXAMINATION.--The New Mexico state police shall conduct a
9 written examination of all applicants for the position of
10 commissioned officer for the purpose of determining their
11 mental qualifications and knowledge of the laws of New Mexico
12 and their ability to render assistance in case of accidents
13 upon the public highways [~~and~~]. No applicant shall be
14 appointed a member of the New Mexico state police, other than
15 the chief, until [~~he shall have~~] the applicant has passed
16 [~~such~~] the written examination with a grade of not less than
17 seventy-two percent. This section shall not apply to officers
18 who are certified and commissioned as of June 30, 2014 in the
19 former motor transportation division, the former special
20 investigations division or the former training and recruiting
21 division."

22 SECTION 11. Section 29-2-9 NMSA 1978 (being Laws 1941,
23 Chapter 147, Section 9, as amended) is amended to read:

24 "29-2-9. PROBATIONARY PERIOD--LENGTH--PERMANENT
25 COMMISSION--SALARY.--

1 A. All new appointments as members of the New
 2 Mexico state police shall be for a probationary period of two
 3 years. During [~~such~~] the probationary period, [~~such~~] the new
 4 members may be removed or suspended at the discretion of the
 5 chief [~~of the New Mexico state police~~]. At the end of two
 6 years of satisfactory service and upon recommendation of the
 7 chief and with concurrence of the [~~New Mexico state police~~
 8 ~~board~~] secretary, the appointee may receive a permanent
 9 commission as a member of the New Mexico state police.
 10 However, the probationary period may be extended beyond a two-
 11 year period upon the recommendation of the chief with the
 12 concurrence of the [~~board~~] secretary. This subsection shall
 13 not apply to officers who are certified and commissioned as of
 14 June 30, 2014 in the former motor transportation division, the
 15 former special investigations division or the former training
 16 and recruiting division. Members who are on probation on July
 17 1, 2014 shall complete the probationary period under which they
 18 were hired.

19 B. The salaries of all members of the New Mexico
 20 state police, probationary and permanent, and that of the chief
 21 shall be fixed by the [~~board~~] secretary."

22 SECTION 12. Section 29-2-10 NMSA 1978 (being Laws 1941,
 23 Chapter 147, Section 10, as amended) is amended to read:

24 "29-2-10. PROMOTIONS.--All promotions in the New Mexico
 25 state police to the rank of sergeant shall be made after

.197089.2

1 written examinations [~~provided, however, that on such~~
2 ~~examination for the rank of sergeant, the record of the party~~
3 ~~seeking promotion as a member of the New Mexico state police~~
4 ~~and his length of service shall be given a weight of forty~~
5 ~~percent in such examination~~]. All promotions above the rank of
6 sergeant shall be made by the chief after concurrence and
7 approval by the [~~New Mexico state police board~~] secretary. The
8 ranks of sergeant, lieutenant and captain shall be permanent
9 unless established as an exempt rank by the chief with the
10 concurrence of the [~~board~~] secretary. All promotions above the
11 rank of captain are by executive appointment of the chief with
12 concurrence of the [~~board~~] secretary, and [~~such~~] those persons
13 shall serve at the pleasure of the chief with the concurrence
14 of the [~~board~~] secretary."

15 SECTION 13. Section 29-2-12 NMSA 1978 (being Laws 1941,
16 Chapter 147, Section 12, as amended) is amended to read:

17 "29-2-12. OATH.--All members of the New Mexico state
18 police and the [~~New Mexico state police board~~] secretary shall
19 take the oath of office required of all state officials."

20 SECTION 14. Section 29-2-14 NMSA 1978 (being Laws 1971,
21 Chapter 87, Section 1, as amended) is amended to read:

22 "29-2-14. UNAUTHORIZED WEARING OF UNIFORM OR BADGE--
23 UNAUTHORIZED MARKING OF MOTOR VEHICLE--PENALTY.--

24 A. Unauthorized wearing of uniform or badge
25 consists of the wearing or requiring the wearing, without

1 authorization by the [~~New Mexico state police board~~] secretary,
 2 of a uniform or badge or both whose material, color or design,
 3 or any combination of them, is such that the wearer appears to
 4 be a member of the New Mexico state police.

5 B. Unauthorized marking of motor vehicle consists
 6 of the marking, using, possessing or owning or requiring the
 7 marking or using, without authorization by the [~~board~~]
 8 secretary, of a motor vehicle whose insignia, color or
 9 equipment, or any combination of them, is such that the motor
 10 vehicle appears to be a New Mexico state police motor vehicle.

11 C. Whoever commits unauthorized wearing of uniform
 12 or badge or unauthorized marking of motor vehicle is guilty of
 13 a petty misdemeanor."

14 SECTION 15. Section 29-2-16 NMSA 1978 (being Laws 1941,
 15 Chapter 147, Section 15, as amended) is amended to read:

16 "29-2-16. STATE POLICE SCHOOL--COMPENSATION.--

17 A. Before entering upon [~~his~~] the appointee's
 18 duties, every appointee to the New Mexico state police shall be
 19 required to attend [~~for a period of at least ninety days~~] a
 20 school of instruction approved by the [~~New Mexico state police~~
 21 ~~board~~] secretary. A uniform course of instruction shall be
 22 given all trainees governing the operation, maintenance and
 23 temporary roadside repair of motor vehicles, the laws of the
 24 state [~~which~~] that the appointee may be called on to enforce
 25 and other instruction as the [~~New Mexico state police board~~]

.197089.2

1 secretary may require. Attendance at the school or other
2 course of instruction as may be prescribed renders the person
3 attending subject to the control of the New Mexico state police
4 during attendance.

5 B. The [~~board~~] secretary may, within the budgetary
6 means of the New Mexico state police, allow subsistence and
7 compensation for trainees attending the school of instruction
8 at the New Mexico state police headquarters or elsewhere. The
9 compensation allowed for each trainee, excluding room and board
10 for a thirty-day period, shall be in the amount set by the
11 legislature in the general [~~appropriations~~] appropriation act.

12 C. This section shall not apply to members of the
13 former motor transportation division, the former special
14 investigations division or the former training and recruiting
15 division."

16 SECTION 16. Section 29-2-18 NMSA 1978 (being Laws 1941,
17 Chapter 147, Section 17, as amended) is amended to read:

18 "29-2-18. STATE POLICE CHIEF AND OTHER MEMBERS--POWERS
19 AND DUTIES.--

20 A. The chief and other members of the New Mexico
21 state police, [~~who~~] when duly commissioned and sworn under the
22 provisions of Sections 29-2-1 through 29-2-29 NMSA 1978, shall
23 have the following powers and [~~shall perform the following~~
24 ~~duties:~~

25 ~~A. they~~] shall be:

1 (1) conservators of the peace within the state
2 with full power to apprehend, arrest and bring before the
3 proper court all law violators within the state;

4 [~~B. they shall be~~]

5 (2) ex-officio deputies and agents of all the
6 officers and departments of the taxation and revenue department
7 and of the officers and departments within the state charged
8 with the registration of motor vehicles, the issuance of
9 licenses to operators of motor vehicles and of the officers and
10 departments of the state charged with the regulation and
11 control of motor vehicles operated upon the public highways for
12 hire in the transportation of either passengers or property;

13 and

14 [~~C. they shall be~~]

15 (3) charged with the enforcement of all laws
16 of New Mexico regulating the use of highways. [~~and~~

17 ~~D.~~ B. Upon request of any officer or agency of the
18 state charged with the duty of enforcing any law of the state
19 that is made to the [~~New Mexico state police board~~] secretary,
20 one or more members of the New Mexico state police may be
21 temporarily designated specifically to enforce the provisions
22 of such law."

23 SECTION 17. Section 29-2-19 NMSA 1978 (being Laws 1977,
24 Chapter 257, Section 34, as amended) is amended to read:

25 "29-2-19. CHIEF--QUALIFICATIONS--REMOVAL.--

.197089.2

1 A. The chief is the executive officer of the New
2 Mexico state police and ~~[shall be]~~ is subject to the control,
3 supervision and direction of the ~~[New Mexico state police~~
4 ~~board. He shall]~~ secretary. The appointee, at the time of
5 ~~[his]~~ appointment as chief by the ~~[board]~~ secretary, shall have
6 been a member of the New Mexico state police holding a
7 permanent commission for ten continuous years immediately prior
8 to ~~[his]~~ the appointment and shall have served not less than
9 three years in a supervisory capacity ~~[and said]~~. Appointment
10 shall be made with the consent of the senate.

11 B. The chief shall serve at the pleasure of the
12 ~~[New Mexico state police board]~~ secretary.

13 C. The seniority and retirement rating of the chief
14 shall be continuous as for any other member.

15 D. The chief shall maintain ~~[his]~~ an office in
16 Santa Fe in such quarters as are provided by the New Mexico
17 state police for that purpose."

18 SECTION 18. Section 29-2-20 NMSA 1978 (being Laws 1941,
19 Chapter 147, Section 19, as amended) is amended to read:

20 "29-2-20. DISTRICTS.--The New Mexico state police chief,
21 subject to the control of the ~~[New Mexico state police board]~~
22 secretary, may divide the state into districts and may
23 designate home stations for the members of the New Mexico state
24 police."

25 SECTION 19. Section 29-2-22 NMSA 1978 (being Laws 1941,

1 Chapter 147, Section 21, as amended) is amended to read:

2 "29-2-22. RULEMAKING POWER--RULES TO ESTABLISH STANDARDS
3 OF CONDUCT.--The [~~New Mexico state police board shall have~~]
4 secretary has authority to make and promulgate rules and
5 regulations for the purpose of carrying out the provisions of
6 Sections 29-2-1 through 29-2-29 NMSA 1978. The [~~New Mexico~~
7 ~~state police board~~] secretary shall establish by rules, from
8 time to time, standards of conduct for members of the New
9 Mexico state police, and a copy [~~thereof~~] of the rules shall be
10 delivered to each [~~such~~] member and displayed at each station
11 of the department. [~~Such~~] The rules shall be filed pursuant to
12 the State Rules Act."

13 SECTION 20. Section 29-2-24 NMSA 1978 (being Laws 1941,
14 Chapter 147, Section 25, as amended) is amended to read:

15 "29-2-24. WAIVER.--The provisions of Sections 29-2-6
16 through 29-2-8 NMSA 1978 may be waived by the [~~unanimous vote~~
17 ~~of all members of the New Mexico state police board~~] secretary
18 with regard to plainclothes [~~men~~] or special investigators and
19 other employees not regularly uniformed."

20 SECTION 21. Section 29-2-25 NMSA 1978 (being Laws 1947,
21 Chapter 38, Section 1, as amended) is amended to read:

22 "29-2-25. ACCIDENT REPORTS.--When any member of the New
23 Mexico state police [~~shall investigate~~] investigates a motor
24 vehicle accident, [~~he~~] the member shall make a written report
25 of [~~his~~] the findings on appropriate forms furnished by the New

.197089.2

1 Mexico state police, the original of which report [~~and of all~~
2 ~~reports of motor vehicle accidents heretofore made~~] shall be
3 filed in the office of the New Mexico state police and shall be
4 furnished to any person upon written application accompanied by
5 a fee as set by the [~~New Mexico state police board~~] secretary
6 for the [~~photostat~~] photocopy of each surface of all documents
7 comprising a report."

8 SECTION 22. Section 29-7-6.1 NMSA 1978 (being Laws 1993,
9 Chapter 255, Section 7) is amended to read:

10 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

11 A. Every county sheriff, except sheriffs who have
12 previously been awarded a certificate attesting to completion
13 of a basic law enforcement training program, shall participate
14 in and complete an administrative law enforcement training
15 program no later than twelve months after the date [~~he~~] the
16 sheriff assumes office as a county sheriff.

17 B. The director of the training and recruiting
18 [~~division~~] bureau of the department of public safety shall
19 establish the administrative law enforcement training program
20 for county sheriffs, subject to review and approval by the
21 executive committee of the sheriff's affiliate of the New
22 Mexico association of counties.

23 C. A county sheriff's per diem, mileage and tuition
24 expenses attributed to attendance at the administrative law
25 enforcement training shall be paid for by the governing body of

.197089.2

1 the county served by that sheriff."

2 SECTION 23. Section 29-7-12 NMSA 1978 (being Laws 1981,
3 Chapter 114, Section 12, as amended) is amended to read:

4 "29-7-12. CHARGES--FUND CREATED--USE.--

5 A. The training and recruiting [~~division~~] bureau of
6 the department of public safety shall not charge local public
7 bodies and New Mexico Indian tribes and pueblos for any
8 expenses associated with providing basic law enforcement
9 training programs to applicants for certification seeking
10 commission pursuant to the provisions of the Law Enforcement
11 Training Act. The [~~division~~] bureau may charge state agencies
12 and institutions and federal agencies and shall charge civilian
13 participants for the cost of providing basic law enforcement
14 training programs, which charges shall be specified in a
15 tuition and fee schedule promulgated by the New Mexico law
16 enforcement academy board and shall not exceed the actual cost
17 of providing the training programs.

18 B. The training and recruiting [~~division~~] bureau of
19 the department of public safety may charge state agencies and
20 institutions, local public bodies, New Mexico Indian tribes and
21 pueblos and federal agencies and shall charge civilian
22 participants for the cost of providing advanced training
23 programs, which charges shall be specified in a tuition and fee
24 schedule promulgated by the New Mexico law enforcement academy
25 board and shall not exceed the actual cost of providing the

.197089.2

1 training programs.

2 C. The training and recruiting ~~[division]~~ bureau of
3 the department of public safety may charge for the rental or
4 other use of the academy's facility, personnel and equipment,
5 which charges shall be specified in a tuition and fee schedule
6 promulgated by the New Mexico law enforcement academy board and
7 shall not exceed the actual cost of the facility, personnel or
8 equipment.

9 D. The "law enforcement training and recruiting
10 fund" is created in the state treasury. Money received by the
11 training and recruiting ~~[division]~~ bureau of the department of
12 public safety for activities specified in this section shall be
13 deposited in the fund. The department of public safety shall
14 administer the fund, and money in the fund is appropriated to
15 the ~~[division]~~ bureau to offset the operational costs of the
16 ~~[division. Unexpended or unencumbered balances in the fund~~
17 ~~shall revert to the general fund at the end of a fiscal year]~~
18 bureau. The money in the fund shall be nonreverting. Money
19 shall be expended on warrants issued by the secretary of
20 finance and administration upon vouchers signed by the
21 secretary of public safety or ~~[his]~~ the secretary of public
22 safety's authorized representative.

23 E. As used in this section, "local public body"
24 means all political subdivisions of the state and their
25 agencies, instrumentalities and institutions."

1 SECTION 24. Section 60-3A-1 NMSA 1978 (being Laws 1981,
2 Chapter 39, Section 1, as amended) is amended to read:

3 "60-3A-1. SHORT TITLE.--Chapter 60, Articles 3A, [~~4B, 4C~~
4 5A, 6A, 6B, 6C, 6E, 7A, 7B and 8A [~~of Chapter 60~~] NMSA 1978 may
5 be cited as the "Liquor Control Act"."

6 SECTION 25. Section 60-3A-3 NMSA 1978 (being Laws 1981,
7 Chapter 39, Section 3, as amended) is amended to read:

8 "60-3A-3. DEFINITIONS.--As used in the Liquor Control
9 Act:

10 A. "alcoholic beverages" means distilled or
11 rectified spirits, potable alcohol, brandy, whiskey, rum, gin
12 and aromatic bitters bearing the federal internal revenue strip
13 stamps or any similar alcoholic beverage, including blended or
14 fermented beverages, dilutions or mixtures of one or more of
15 the foregoing containing more than one-half percent alcohol,
16 but excluding medicinal bitters;

17 B. "beer" means an alcoholic beverage obtained by
18 the fermentation of any infusion or decoction of barley, malt
19 and hops or other cereals in water, and includes porter, beer,
20 ale and stout;

21 C. "brewer" means a person who owns or operates a
22 business for the manufacture of beer;

23 D. "club" means:

24 (1) any nonprofit group, including an
25 auxiliary or subsidiary group, organized and operated under the

.197089.2

underscored material = new
[bracketed material] = delete

1 laws of this state, with a membership of not less than fifty
2 members who pay membership dues at the rate of not less than
3 five dollars (\$5.00) per year and who, under the constitution
4 and bylaws of the club, have all voting rights and full
5 membership privileges, and which group is the owner, lessee or
6 occupant of premises used exclusively for club purposes and
7 which group the director finds:

8 (a) is operated solely for recreation,
9 social, patriotic, political, benevolent or athletic purposes;
10 and

11 (b) has been granted an exemption by the
12 United States from the payment of the federal income tax as a
13 club under the provisions of Section 501(a) of the Internal
14 Revenue Code of 1986, as amended, or, if the applicant has not
15 operated as a club for a sufficient time to be eligible for the
16 income tax exemption, it must execute and file with the
17 director a sworn letter of intent declaring that it will, in
18 good faith, apply for an income tax exemption as soon as it is
19 eligible; or

20 (2) an airline passenger membership club
21 operated by an air common carrier that maintains or operates a
22 clubroom at an international airport terminal. As used in this
23 paragraph, "air common carrier" means a person engaged in
24 regularly scheduled air transportation between fixed termini
25 under a certificate of public convenience and necessity issued

.197089.2

1 by the federal aviation administration;

2 E. "commission" means the secretary of public
3 safety when the term is used in reference to the enforcement
4 and investigatory provisions of the Liquor Control Act and
5 means the superintendent of regulation and licensing when the
6 term is used in reference to the licensing provisions of the
7 Liquor Control Act;

8 F. "department" means the [~~special investigations~~]
9 New Mexico state police division of the department of public
10 safety when the term is used in reference to the enforcement
11 and investigatory provisions of the Liquor Control Act and
12 means the director of the alcohol and gaming division of the
13 regulation and licensing department when the term is used in
14 reference to the licensing provisions of the Liquor Control
15 Act;

16 G. "director" means the [~~director~~] chief of the
17 [~~special investigations~~] New Mexico state police division of
18 the department of public safety when the term is used in
19 reference to the enforcement and investigatory provisions of
20 the Liquor Control Act and means the director of the alcohol
21 and gaming division of the regulation and licensing department
22 when the term is used in reference to the licensing provisions
23 of the Liquor Control Act;

24 H. "dispenser" means a person licensed under the
25 provisions of the Liquor Control Act selling, offering for sale

.197089.2

1 or having in the person's possession with the intent to sell
2 alcoholic beverages both by the drink for consumption on the
3 licensed premises and in unbroken packages for consumption and
4 not for resale off the licensed premises;

5 I. "distiller" means a person engaged in
6 manufacturing spirituous liquors;

7 J. "golf course" means a tract of land and
8 facilities used for playing golf and other recreational
9 activities that includes tees, fairways, greens, hazards,
10 putting greens, driving ranges, recreational facilities,
11 patios, pro shops, cart paths and public and private roads that
12 are located within the tract of land;

13 K. "governing body" means the board of county
14 commissioners of a county or the city council or city
15 commissioners of a municipality;

16 L. "hotel" means an establishment or complex having
17 a resident of New Mexico as a proprietor or manager and where,
18 in consideration of payment, meals and lodging are regularly
19 furnished to the general public. The establishment or complex
20 must maintain for the use of its guests a minimum of twenty-
21 five sleeping rooms;

22 M. "licensed premises" means the contiguous areas
23 or areas connected by indoor passageways of a structure and the
24 outside dining, recreation and lounge areas of the structure
25 and the grounds and vineyards of a structure that is a winery

1 that are under the direct control of the licensee and from
2 which the licensee is authorized to sell, serve or allow the
3 consumption of alcoholic beverages under the provisions of its
4 license; provided that in the case of a restaurant, "licensed
5 premises" includes a restaurant that has operated continuously
6 in two separate structures since July 1, 1987 and that is
7 located in a local option district that has voted to disapprove
8 the transfer of liquor licenses into that local option
9 district, hotel, golf course or racetrack and all public and
10 private rooms, facilities and areas in which alcoholic
11 beverages are sold or served in the customary operating
12 procedures of the restaurant, hotel, golf course or racetrack.
13 "Licensed premises" also includes rural dispenser licenses
14 located in the unincorporated areas of a county with a
15 population of less than thirty thousand, located in buildings
16 in existence as of January 1, 2012, that are within one hundred
17 fifty feet of one another and that are under the direct control
18 of the license holder;

19 N. "local option district" means a county that has
20 voted to approve the sale, serving or public consumption of
21 alcoholic beverages, or an incorporated municipality that falls
22 within a county that has voted to approve the sale, serving or
23 public consumption of alcoholic beverages, or an incorporated
24 municipality of over five thousand population that has
25 independently voted to approve the sale, serving or public

.197089.2

1 consumption of alcoholic beverages under the terms of the
2 Liquor Control Act or any former act;

3 O. "manufacturer" means a distiller, rectifier,
4 brewer or winer;

5 P. "minor" means a person under twenty-one years of
6 age;

7 Q. "package" means an immediate container of
8 alcoholic beverages that is filled or packed by a manufacturer
9 or wine bottler for sale by the manufacturer or wine bottler to
10 wholesalers;

11 R. "person" means an individual, corporation, firm,
12 partnership, copartnership, association or other legal entity;

13 S. "rectifier" means a person who blends, mixes or
14 distills alcohol with other liquids or substances for the
15 purpose of making an alcoholic beverage for the purpose of sale
16 other than to the consumer by the drink, and includes all
17 bottlers of spirituous liquors;

18 T. "restaurant" means an establishment having a New
19 Mexico resident as a proprietor or manager that is held out to
20 the public as a place where meals are prepared and served
21 primarily for on-premises consumption to the general public in
22 consideration of payment and that has a dining room, a kitchen
23 and the employees necessary for preparing, cooking and serving
24 meals; provided that "restaurant" does not include
25 establishments as defined in rules promulgated by the director

.197089.2

1 serving only hamburgers, sandwiches, salads and other fast
2 foods;

3 U. "retailer" means a person licensed under the
4 provisions of the Liquor Control Act selling, offering for sale
5 or having in the person's possession with the intent to sell
6 alcoholic beverages in unbroken packages for consumption and
7 not for resale off the licensed premises;

8 V. "spirituous liquors" means alcoholic beverages
9 as defined in Subsection A of this section except fermented
10 beverages such as wine, beer and ale;

11 W. "wholesaler" means a person whose place of
12 business is located in New Mexico and who sells, offers for
13 sale or possesses for the purpose of sale any alcoholic
14 beverages for resale by the purchaser;

15 X. "wine" includes the words "fruit juices" and
16 means alcoholic beverages obtained by the fermentation of the
17 natural sugar contained in fruit or other agricultural
18 products, with or without the addition of sugar or other
19 products, that do not contain less than one-half percent nor
20 more than twenty-one percent alcohol by volume;

21 Y. "wine bottler" means a New Mexico wholesaler who
22 is licensed to sell wine at wholesale for resale only and who
23 buys wine in bulk and bottles it for wholesale resale;

24 Z. "winegrower" means a person who owns or operates
25 a business for the manufacture of wine;

.197089.2

1 AA. "winer" means a winegrower; and

2 BB. "winery" means a facility in which a winegrower
3 manufactures and stores wine."

4 SECTION 26. Section 60-4B-4.1 NMSA 1978 (being Laws 1993,
5 Chapter 329, Section 1) is recompiled as Section 60-3A-6.1 NMSA
6 1978 and is amended to read:

7 "60-3A-6.1. LOCAL LAW ENFORCEMENT--DEPARTMENT OF PUBLIC
8 SAFETY--REPORTING REQUIREMENTS--AUTHORITY TO REQUEST
9 INVESTIGATIONS.--

10 A. Within thirty days following the date of
11 issuance of a citation pursuant to the provisions of the Liquor
12 Control Act, the department of public safety or the law
13 enforcement agency of a municipality or county shall report
14 alleged violations of that act to the alcohol and gaming
15 division of the regulation and licensing department.

16 B. The director of the alcohol and gaming division
17 of the regulation and licensing department may request the
18 investigators [~~of the special investigations division~~] of the
19 department of public safety to investigate licensees or
20 activities that the director has reasonable cause to believe
21 are in violation of the Liquor Control Act."

22 SECTION 27. Section 60-4B-7 NMSA 1978 (being Laws 1981,
23 Chapter 39, Section 10) is recompiled as Section 60-3A-6.2 NMSA
24 1978 and is amended to read:

25 "60-3A-6.2. REPORT TO THE GOVERNOR.--The [~~director~~] chief

1 of the New Mexico state police shall make a biennial report to
2 the governor concerning the status of the department."

3 SECTION 28. Section 60-4B-4 NMSA 1978 (being Laws 1981,
4 Chapter 39, Section 7) is recompiled as Section 60-3A-8.1 NMSA
5 1978 and is amended to read:

6 "60-3A-8.1. INVESTIGATIVE AUTHORITY AND POWERS.--

7 A. For the purpose of enforcing the provisions of
8 the Liquor Control Act, the director is authorized to examine
9 and to require the production of [~~any~~] pertinent records,
10 books, information or evidence, to require the presence of any
11 person and to require [~~him~~] the person to testify under oath
12 concerning the subject matter of the inquiry and to make a
13 permanent record of the proceedings.

14 B. The director is vested with the power to issue
15 subpoenas. In no case shall a subpoena be made returnable less
16 than five days from the date of service.

17 C. Any subpoena issued by the director shall state
18 with reasonable certainty the nature of the evidence required
19 to be produced, the time and place of the hearing, the nature
20 of the inquiry or investigation and the consequences of failure
21 to obey the subpoena, and shall bear the seal of the department
22 and be attested to by the director.

23 D. After service of a subpoena upon [~~him~~] a person,
24 if [~~any~~] a person neglects or refuses to appear or produce
25 records or other evidence in response to the subpoena or

.197089.2

1 neglects or refuses to give testimony, as required, the
2 director may invoke the aid of the New Mexico district courts
3 in the enforcement of the subpoena. In appropriate cases, the
4 court shall issue its order requiring the person to appear and
5 testify or produce ~~[his]~~ the person's books or records and may,
6 upon failure of the person to comply with the order, punish the
7 person for contempt.

8 E. The director may exchange identification records
9 and information with law enforcement agencies for official use.
10 ~~[Any]~~ Identification records received from the United States
11 department of justice, including identification records based
12 on fingerprints, shall be used only to effectuate the licensing
13 purposes and provisions of the Liquor Control Act. The
14 department shall not disseminate such information except to
15 other law enforcement agencies for official use only.

16 F. For the purposes of this section, "director"
17 means the director of the alcohol and gaming division of the
18 regulation and licensing department."

19 SECTION 29. Section 65-1-2 NMSA 1978 (being Laws 1978,
20 Chapter 19, Section 1, as amended) is amended to read:

21 "65-1-2. DEFINITIONS.--As used in the Motor
22 Transportation Act:

23 A. "combination" means any connected assemblage of
24 a motor vehicle and one or more semitrailers, trailers or
25 semitrailers converted to trailers by means of a converter

.197089.2

1 gear;

2 B. "combination gross vehicle weight" means the sum
3 total of the gross vehicle weights of all units of a
4 combination;

5 C. "commercial motor carrier vehicle" means a self-
6 propelled or towed vehicle, other than special mobile
7 equipment, used on public highways in commerce to transport
8 passengers or property when the vehicle:

9 (1) is operated interstate and has a gross
10 vehicle weight rating or gross combination weight rating, or
11 gross vehicle weight or gross combination weight, of four
12 thousand five hundred thirty-six kilograms, or ten thousand one
13 pounds or more; or is operated only in intrastate commerce and
14 has a gross vehicle weight rating or gross combination weight
15 rating, or gross vehicle weight or gross combination weight, of
16 twenty-six thousand one or more pounds;

17 (2) is designed or used to transport more than
18 eight passengers, including the driver, and is used to
19 transport passengers for compensation;

20 (3) is designed or used to transport more than
21 fifteen passengers, including the driver, and is not used to
22 transport passengers for compensation; or

23 (4) is used to transport hazardous materials
24 of the type or quantity requiring placarding under rules
25 prescribed by applicable federal or state law;

.197089.2

1 D. "converter gear" means any assemblage of one or
2 more axles with a fifth wheel mounted thereon, designed for use
3 in a combination to support the front end of a semitrailer but
4 not permanently attached thereto. A "converter gear" shall not
5 be considered a vehicle as that term is used in Chapter 66 NMSA
6 1978, but its weight [~~attributable thereto~~] shall be included
7 in declared gross weight;

8 E. "declared gross weight" means maximum gross
9 vehicle weight or combination gross vehicle weight at which a
10 vehicle or combination will be operated during the registration
11 period as declared by the registrant for registration and fee
12 purposes. The vehicle or combination shall have only one
13 "declared gross weight" for all operating considerations;

14 F. "department", without modification, means the
15 department of public safety, the secretary of public safety or
16 any employee of the department exercising authority lawfully
17 delegated to that employee by the secretary;

18 G. "director" means the secretary;

19 H. "division" means the [~~motor transportation~~] New
20 Mexico state police division of the department;

21 I. "evidence of registration" means documentation
22 issued by the taxation and revenue department identifying a
23 motor carrier vehicle as being registered with New Mexico or
24 documentation issued by another state pursuant to the terms of
25 a multistate agreement on registration of vehicles to which

1 this state is a party identifying a motor carrier vehicle as
2 being registered with that state; provided that evidence of
3 payment of the weight distance tax and permits obtained under
4 either the Special Fuels Supplier Tax Act or Trip Tax Act are
5 not "evidence of registration";

6 J. "field enforcement" or "in the field" means
7 patrolling of the highway, stopping of commercial motor carrier
8 vehicles or establishing ports of entry and roadblocks for the
9 purpose of checking motor carriers and includes similar
10 activities;

11 K. "freight trailer" means any trailer, semitrailer
12 or pole trailer drawn by a truck tractor or road tractor and
13 any trailer, semitrailer or pole trailer drawn by a truck that
14 has a gross vehicle weight of more than twenty-six thousand
15 pounds, but the term does not include house trailers, trailers
16 of less than one-ton carrying capacity used to transport
17 animals or fertilizer trailers of less than three thousand five
18 hundred pounds empty weight;

19 L. "gross vehicle weight" means the weight of a
20 vehicle without load plus the weight of any load thereon;

21 M. "motor carrier" means any person that owns,
22 controls, operates or manages any motor vehicle with gross
23 vehicle weight of twelve thousand pounds or more that is used
24 to transport persons or property on the public highways of this
25 state;

.197089.2

1 N. "motor vehicle" means any vehicle or device that
2 is propelled by an internal combustion engine or electric motor
3 power that is used or may be used on the public highways for
4 the purpose of transporting persons or property and includes
5 any connected trailer or semitrailer;

6 O. "one-way rental fleet" means two or more
7 vehicles each having a gross vehicle weight of under twenty-six
8 thousand one pounds and rented to the public without a driver;

9 P. "person" means any individual, estate, trust,
10 receiver, cooperative association, club, corporation, company,
11 firm, partnership, joint venture, syndicate or other
12 association; "person" also means, to the extent permitted by
13 law, any federal, state or other governmental unit or
14 subdivision or an agency, department or instrumentality
15 [~~thereof~~]; "person" also includes an officer or employee of a
16 corporation, a member or employee of a partnership or any
17 individual who, as such, is under a duty to perform any act in
18 respect of which a violation occurs;

19 Q. "properly registered" means bearing the lawfully
20 issued and currently valid evidence of registration of this or
21 another jurisdiction, regardless of the owner's residence,
22 except in those cases where the evidence has been procured by
23 misrepresentation or fraud;

24 R. "public highway" means every way or place
25 generally open to the use of the public as a matter of right

1 for the purpose of vehicular travel, even though it may be
 2 temporarily closed or restricted for the purpose of
 3 construction, maintenance, repair or reconstruction;

4 S. "secretary" means the secretary of public safety
 5 and, except for the purposes of Section 65-1-33 NMSA 1978, also
 6 includes ~~[the]~~ a deputy secretary and any division director
 7 delegated by the secretary;

8 T. "state" or "jurisdiction" means a state,
 9 territory or possession of the United States, the District of
 10 Columbia, the commonwealth of Puerto Rico, a foreign country or
 11 a state or province of a foreign country; and

12 U. "utility trailer" means any trailer, semitrailer
 13 or pole trailer and includes house trailers that exceed neither
 14 eight feet in width nor forty feet in length, but does not
 15 include freight trailers, trailers of less than one-ton
 16 carrying capacity used to transport animals or fertilizer
 17 trailers of less than three thousand five hundred pounds empty
 18 weight."

19 **SECTION 30.** Section 65-1-35 NMSA 1978 (being Laws 1967,
 20 Chapter 97, Section 44, as amended) is amended to read:

21 "65-1-35. DUPLICATE RECORDS.--If the ~~[motor~~
 22 ~~transportation]~~ New Mexico state police division in carrying
 23 out any of the powers and duties granted or imposed on it by
 24 the Motor Transportation Act needs duplicates of any records
 25 not transferred to it by ~~[this]~~ that act, all departments,

.197089.2

1 agencies and commissions of this state shall, upon request,
2 make the records available to the division for copying."

3 SECTION 31. Section 66-1-4.2 NMSA 1978 (being Laws 1990,
4 Chapter 120, Section 3, as amended) is amended to read:

5 "66-1-4.2. DEFINITIONS.--As used in the Motor Vehicle
6 Code:

7 A. "bicycle" means every device propelled by human
8 power upon which any person may ride, having two tandem wheels,
9 except scooters and similar devices;

10 B. "bureau" means the traffic safety bureau of the
11 [~~state highway and~~] department of transportation [~~department~~];

12 C. "bus" means every motor vehicle designed and
13 used for the transportation of persons and every motor vehicle,
14 other than a taxicab, designed and used for the transportation
15 of persons for compensation; and

16 D. "business district" means the territory
17 contiguous to and including a highway when within any three
18 hundred feet along the highway there are buildings in use for
19 business or industrial purposes, including but not limited to
20 hotels, banks or office buildings, railroad stations and public
21 buildings that occupy at least fifty percent of the frontage on
22 one side or fifty percent of the frontage collectively on both
23 sides of the highway."

24 SECTION 32. Section 66-3-302 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 78, as amended) is amended to read:

.197089.2

1 "66-3-302. CARAVAN FEE.--

2 A. A person or an employee, agent or representative
3 of that person shall not use the highways of New Mexico for the
4 transportation of any vehicle, regardless of whether the
5 vehicle is registered in another state or whether the vehicle
6 is transported on its own wheels or on another vehicle or by
7 being drawn or towed behind another, if the vehicle is
8 transported by any person or the agents or employees of that
9 person engaged in the business of transporting vehicles or if
10 the vehicle is being transported for the purpose of delivery to
11 any purchaser of the vehicle on a sale or contract of sale
12 previously made, unless the vehicle carries:

13 (1) a valid New Mexico registration plate;

14 (2) a valid dealer's plate issued by the
15 department;

16 (3) a special permit for the use of the
17 highways of this state for the transportation of the vehicle in
18 the manner in which the vehicle is being transported, which has
19 first been obtained and the fee paid as specified in this
20 section; or

21 (4) a valid temporary transportation permit
22 issued under Subsection B of Section 66-3-6 NMSA 1978.

23 B. Special permits for the use of the highways of
24 this state for the transportation of such vehicles shall be
25 issued by the department of public safety upon application on

.197089.2

1 the form prescribed by the department of public safety and upon
2 payment of a fee of ten dollars (\$10.00) for each vehicle
3 transported by use of its own power and a fee of seven dollars
4 (\$7.00) for each vehicle carried in or on another vehicle or
5 towed or drawn by another vehicle and not transported in whole
6 or in part by the use of its own power. A fee imposed pursuant
7 to this section may be referred to as a "caravan fee". Every
8 permit shall show upon its face the registration number
9 assigned to each vehicle, the name and address of the owner,
10 the manner of transportation authorized and a description of
11 the vehicle registered, including the engine number. The
12 permit shall be carried at all times by the person in charge of
13 the vehicle. A suitable tag or placard for each vehicle may be
14 issued by the department of public safety and, if issued, shall
15 be at all times displayed on each vehicle being transported.
16 The permit, tag or placard shall not be used upon or in
17 connection with the transportation of any vehicle other than
18 the one for which the permit, tag or placard is issued.

19 C. A caravan fee shall not apply to the
20 transportation of vehicles carried on another vehicle for the
21 operation of which a weight distance tax is paid, nor shall the
22 vehicle transported be required to carry a registration plate
23 or temporary transportation permits. The [~~motor transportation~~
24 ~~and the~~] New Mexico state police [~~divisions~~] division of the
25 department of public safety [~~are~~] is authorized to impound any

.197089.2

1 vehicle transported in violation of the Motor Transportation
 2 Act until a proper permit has been secured and any fine levied
 3 has been paid."

4 SECTION 33. Section 66-7-314 NMSA 1978 (being Laws 1978,
 5 Chapter 35, Section 418, as amended) is amended to read:

6 "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT MAY BE
 7 REQUIRED.--When, in the judgment of the [~~motor transportation~~]
 8 New Mexico state police division of the department of public
 9 safety or local authorities with respect to highways under
 10 their jurisdiction, the movement of any vehicle is deemed a
 11 hazard to traffic upon a highway over which the vehicle is to
 12 travel, the granting of permission for the movement of the
 13 vehicle may be conditioned upon a special escort accompanying
 14 the hazardous vehicle."

15 SECTION 34. Section 66-7-505 NMSA 1978 (being Laws 1978,
 16 Chapter 35, Section 492, as amended) is amended to read:

17 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
 18 TERMS.--

19 A. There is created a five-member advisory
 20 committee to the bureau. The chief is, ex officio, the chair
 21 and a voting member of the committee. The governor shall
 22 appoint three members, to terms coterminous with the governor's
 23 tenure, who shall have the following qualifications:

24 (1) one member who is representative of the
 25 law enforcement agencies of this state;

.197089.2

1 (2) one member who is representative of the
2 school bus transportation function of the public education
3 department; and

4 (3) one member who is representative of the
5 ~~[motor transportation]~~ New Mexico state police division of the
6 department of public safety.

7 B. Appointees who are public officers or public
8 employees shall be compensated for attendance at meetings
9 according to the Per Diem and Mileage Act. Appointees who are
10 not public officers or employees shall be compensated for
11 attendance at meetings in commensurate amount."

12 SECTION 35. Section 66-7-411 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 482, as amended) is amended to read:

14 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
15 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

16 A. A police officer with the ~~[motor transportation~~
17 ~~division or the]~~ New Mexico state police division of the
18 department of public safety, having reason to believe that the
19 weight of a vehicle and load is unlawful, may require the
20 driver to stop and submit to weighing of the vehicle and load
21 by means of either portable or stationary scales and may
22 require the vehicle to be driven to the nearest scales approved
23 by the department of public safety if the scales are within
24 five miles.

25 B. When a police officer with the ~~[motor~~

1 ~~transportation division or the~~ New Mexico state police
2 division of the department of public safety or a transportation
3 inspector, upon weighing a vehicle or combination, determines
4 that the gross vehicle weight or combination gross vehicle
5 weight exceeds the maximum authorized by Sections 66-7-409 and
6 66-7-410 NMSA 1978, the officer or inspector shall require the
7 driver or owner of the vehicle or combination to unload that
8 portion of the load necessary to decrease the gross vehicle
9 weight or combination gross vehicle weight to the authorized
10 maximum.

11 C. A driver of a vehicle who fails or refuses to
12 stop and submit the vehicle and load to weighing or who fails
13 or refuses, when directed by a duly authorized police officer
14 with the [~~motor transportation division or the~~] New Mexico
15 state police division of the department of public safety or a
16 transportation inspector, upon a weighing of the vehicle, to
17 unload the vehicle and otherwise comply with the provisions of
18 this section is guilty of a misdemeanor.

19 D. A shipper or a person loading the vehicle who
20 intentionally overloads a vehicle that the shipper or person
21 has reason to believe will travel in that condition upon a
22 public highway is guilty of a misdemeanor and shall be fined in
23 accordance with Subsection E of this section.

24 E. In all cases of violations of weight
25 limitations, the penalties shall be assessed and imposed in

.197089.2

1 accordance with the following schedule:

2 WEIGHT OF EXCESS

3 LOAD IN POUNDS

AMOUNT OF FINE

4 1 to 3,000	fifty dollars (\$50.00)
5 3,001 to 4,000	eighty dollars (\$80.00)
6 4,001 to 5,000	one hundred dollars (\$100)
7 5,001 to 6,000	one hundred fifty dollars (\$150)
8 6,001 to 7,000	two hundred fifty dollars (\$250)
9 7,001 to 8,000	three hundred fifty dollars (\$350)
10 8,001 to 9,000	four hundred dollars (\$400)
11 9,001 to 10,000	five hundred dollars (\$500)
12 over 10,000	seven hundred dollars (\$700)."

13 SECTION 36. Section 66-7-412 NMSA 1978 (being Laws 1959,
14 Chapter 247, Section 1, as amended) is amended to read:

15 "66-7-412. SPECIAL FARM PERMITS.--The [~~motor~~
16 ~~transportation~~] New Mexico state police division of the
17 department of public safety shall have the authority to issue
18 special permits at all ports of entry where registration
19 stations or places where inspection and registration services
20 are maintained by the [~~motor transportation~~] New Mexico state
21 police division to all implements of husbandry using the
22 highways, including farm tractors, and to the instrumentalities
23 or vehicles that may be carrying the implements of husbandry,
24 including farm tractors, when the securing of these permits is
25 required by law."

.197089.2

1 SECTION 37. Section 66-7-413.2 NMSA 1978 (being Laws
2 1989, Chapter 291, Section 1, as amended) is amended to read:

3 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
4 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

5 A. All vehicles with a gross vehicle weight in
6 excess of one hundred seventy thousand pounds shall require a
7 special permit as provided for in Section 66-7-413 NMSA 1978,
8 and no such permit shall be issued unless:

9 (1) an engineering investigation and review
10 have been conducted to:

11 (a) establish whether the move could be
12 made without visible or documented damages to the portion of
13 road or bridges upon which the move is to be made;

14 (b) establish whether the move could be
15 made without visible or documented damages to any private
16 facilities along the road upon which the move is to be made;
17 and

18 (c) estimate the cost for any necessary
19 modifications the move may cause; and

20 (2) when required, the applicant has submitted
21 to the [~~motor transportation~~] New Mexico state police division
22 of the department of public safety and the local highway
23 authorities all pertinent information requested of the
24 applicant by the [~~motor transportation~~] New Mexico state police
25 division [~~of the department of public safety~~]. If the

.197089.2

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1 submitted data [~~is~~] are not acceptable to the [~~state highway~~
2 ~~and~~] department of transportation [~~department~~], the applicant
3 will be advised by the [~~motor transportation~~] New Mexico state
4 police division [~~of the department of public safety~~] that
5 engineering investigations will be conducted by the [~~state~~
6 ~~highway and~~] department of transportation [~~department~~], and the
7 cost incurred by the [~~state highway and~~] department of
8 transportation [~~department~~] will be paid by the applicant as an
9 added cost to [~~his~~] the permit fee.

10 B. The [~~motor transportation~~] New Mexico state
11 police division [~~of the department of public safety~~] shall
12 adopt the necessary rules and regulations for the development
13 of data for an investigation to determine whether to issue any
14 special permit pursuant to Section 66-7-413 NMSA 1978.

15 C. The applicant or the applicant's employer shall
16 pay the costs for any modifications to the road, bridges or
17 private facilities along the road that the [~~motor~~
18 ~~transportation~~] New Mexico state police division [~~of the~~
19 ~~department of public safety~~] has determined are necessary for
20 the issuance of the special permit and the costs for any
21 damages to the road or bridges that are the result of the move
22 and the fault of the mover and not the [~~motor transportation~~]
23 New Mexico state police division [~~of the department of public~~
24 ~~safety~~].

25 D. Any person who violates the provisions of

.197089.2

1 Subsection A of this section [~~shall be~~] is guilty of a
 2 misdemeanor and punished by a fine of not more than one
 3 thousand dollars (\$1,000) or imprisonment for a definite term
 4 not to exceed six months, or both.

5 E. Nothing contained in this section shall limit in
 6 any manner the authority of the state, a county, a municipality
 7 or a political subdivision [~~thereof~~] to collect damages for any
 8 unlawful use of highways as provided by law."

9 SECTION 38. Section 66-7-413.4 NMSA 1978 (being Laws
 10 2001, Chapter 20, Section 2, as amended) is amended to read:

11 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

12 A. In addition to the authority granted in Section
 13 66-7-413 NMSA 1978, the [~~motor transportation~~] New Mexico state
 14 police division of the department of public safety may issue
 15 special permits authorizing an increase of up to twenty-five
 16 percent in axle weight for liquid hauling tank vehicles
 17 whenever the liquid hauling tank vehicles would have to haul
 18 less than a full tank under the maximum weights authorized in
 19 [~~Section~~] Sections 66-7-409 and 66-7-410 NMSA 1978. A special
 20 permit under this section may be issued for a single trip or
 21 for a year. The fee for the permits shall be thirty-five
 22 dollars (\$35.00) for a single-trip permit and one hundred
 23 twenty dollars (\$120) for an annual permit. Revenue from the
 24 permit fee shall be used to build, maintain, repair or
 25 reconstruct the highways and bridges of this state. Revenue

.197089.2

1 from the permit shall be collected for the department of
2 transportation and transferred to the state road fund.

3 B. The special permits authorized by this section
4 shall not be valid for transportation of excessive weights on
5 the interstate system as currently defined in federal law or as
6 that system may be defined in the future. A special permit
7 issued pursuant to this section shall not be valid for gross
8 vehicle weights in excess of eighty-six thousand four hundred
9 pounds or for a combination vehicle.

10 C. If the federal highway administration of the
11 United States department of transportation gives official
12 notice that money will be withheld or that this section
13 violates the grandfather provision of 23 USCA 127, the
14 secretary may withdraw all special permits and discontinue
15 issuance of all special permits authorized in this section
16 until such time that final determination is made. If the final
17 determination allows the state to issue the special permits
18 without sanction of funds or weight tables, the secretary shall
19 reissue the special permits previously withdrawn and make the
20 special permits available pursuant to this section."

21 SECTION 39. Section 66-7-415 NMSA 1978 (being Laws 1955,
22 Chapter 37, Section 12, as amended) is amended to read:

23 "66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR
24 LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

25 A. Local authorities, with respect to streets under

.197089.2

1 their jurisdiction, may also, by ordinance or resolution,
 2 prohibit the operation of trucks or other commercial vehicles
 3 or may impose limitations as to [~~the~~] size or weight [~~thereof~~]
 4 on designated streets in areas that are primarily residential,
 5 which prohibitions and limitations shall be designated by
 6 appropriate signs placed on [~~such~~] the street.

7 B. The local authority enacting an ordinance or
 8 resolution shall erect or cause to be erected and maintained
 9 signs designating the provisions of the ordinance or resolution
 10 at each end of that portion of [~~any~~] the street affected, and
 11 the ordinance or resolution shall not be effective [~~unless and~~]
 12 until [~~such~~] signs are erected and maintained and notice
 13 [~~thereof~~] given in writing to the nearest officer or employee
 14 of the [~~motor transportation~~] New Mexico state police division
 15 of the department of public safety authorized to issue special
 16 permits.

17 C. The state transportation commission shall
 18 likewise have authority, as granted to local authorities in
 19 Subsections A and B of this section, to determine by resolution
 20 and to impose restrictions as to the size and weight of
 21 vehicles operated upon any highways under the jurisdiction of
 22 the commission, and such restrictions shall be effective [~~on~~
 23 ~~and after~~] upon the passage of a resolution and when signs
 24 giving notice thereof are erected upon the highway or portion
 25 of any highway affected by [~~such~~] the resolution. The

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1 commission shall deliver a copy of all restrictions adopted by
2 it to the [~~motor transportation~~] New Mexico state police
3 division of the department of public safety."

4 SECTION 40. TEMPORARY PROVISIONS--TRANSFER OF PERSONNEL,
5 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2014:

6 A. all personnel, appropriations, money, records,
7 equipment, supplies and other property of the special
8 investigations, training and recruiting and motor
9 transportation divisions of the department of public safety
10 shall be transferred to the New Mexico state police division of
11 the department of public safety;

12 B. all contracts pertaining to the special
13 investigations, training and recruiting and motor
14 transportation divisions of the department of public safety
15 shall be binding and effective on the department of public
16 safety; and

17 C. all references in law to the special
18 investigations, training and recruiting or motor transportation
19 division of the department of public safety shall be deemed to
20 refer to the New Mexico state police division of the department
21 of public safety.

22 SECTION 41. REPEAL.--Sections 60-4B-1, 60-4B-2, 65-1-7
23 and 65-1-38 through 65-1-45 NMSA 1978 (being Laws 1981, Chapter
24 39, Sections 4 and 5, Laws 1998 (1st S.S.), Chapter 10, Section
25 6 and Laws 2007, Chapter 54, Sections 1 through 8, as amended)

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1 are repealed.

2 SECTION 42. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2014.

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