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SENATE BILL 294

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO REGISTRATION PLATES; PROVIDING FOR THE ISSUANCE OF PROTECTIVE AND UNDERCOVER LICENSE PLATES TO STATE AGENCIES AND CERTAIN INDIAN NATIONS, TRIBES, PUEBLOS AND OTHER ENTITIES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009; DECLARING AN EMERGENCY.

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

SECTION 1. Section 15-8-3 NMSA 1978 (being Laws 1994, Chapter 119, Section 3, as amended) is amended to read:

"15-8-3. DEFINITIONS.--As used in the Transportation Services Act:

- A. "director" means the director of the division;
- B. "division" means the transportation services division of the general services department;
- C. "protective license plate" means a regular

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1 passenger license plate issued to a state vehicle that is in
2 the custody of a state agency, can be traced to that state
3 agency and is being used for sensitive activities;

4 ~~[G.]~~ D. "secretary" means the secretary of general
5 services;

6 ~~[D.]~~ E. "state agency" means a state department,
7 agency, board or commission but does not include the
8 legislative and judicial branches, public schools and
9 institutions of higher education; ~~[and~~

10 ~~E.]~~ F. "state vehicle" means an automobile, van,
11 sport-utility truck, pickup truck or other vehicle with a
12 declared gross vehicle weight of less than ten thousand pounds
13 used by a state agency to transport passengers or property; and

14 G. "undercover license plate" means a regular
15 passenger license plate issued to a state vehicle that is
16 registered in a fictitious name and address that cannot be
17 traced to the state agency having custody of the vehicle and is
18 being used for legitimate law enforcement purposes only."

19 SECTION 2. Section 15-8-6 NMSA 1978 (being Laws 1994,
20 Chapter 119, Section 6, as amended by Laws 2009, Chapter 8,
21 Section 1 and by Laws 2009, Chapter 129, Section 1 and also by
22 Laws 2009, Chapter 250, Section 6) is amended to read:

23 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE GOVERNMENT
24 PLATES.--

25 A. The division shall adopt rules governing the use
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1 of vehicles used by state agencies or by other persons pursuant
2 to Subsection [~~G~~] I of this section, including driver
3 requirements and responsibilities, under what circumstances
4 someone can be assigned a state vehicle on a permanent or
5 semipermanent basis and when custody of a state vehicle can be
6 vested in another state agency.

7 B. The division may determine that it is
8 impractical to retain custody of certain state vehicles, and it
9 may provide that custody reside in another state agency in the
10 following cases:

11 (1) the state vehicle is used for emergency or
12 law enforcement purposes; or

13 (2) the state vehicle is a department of
14 transportation, energy, minerals and natural resources
15 department, department of game and fish or homeland security
16 and emergency management department passenger vehicle, truck or
17 tractor or heavy road equipment.

18 C. Except as provided in Subsections [~~E and~~] F, G
19 and H of this section, all state vehicles shall be marked as
20 state vehicles. Each side of the vehicle shall be marked, in
21 letters not less than two inches in height, with the following
22 designation of ownership: "State of New Mexico,
23 Department" or "State of New Mexico Department of"
24 and naming the department using the vehicle.

25 D. Except as provided in Subsections [~~E and~~] F, G

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1 and H of this section, all state vehicles shall have specially
2 designed government registration plates.

3 E. ~~[Only state vehicles used for legitimate~~
4 ~~undercover law enforcement purposes are exempt from the~~
5 ~~requirements of Subsections C and D of this section.]~~ Except as
6 provided in Subsections F, G and H of this section, all ~~[other]~~
7 state vehicles owned or in the custody of state agencies that
8 have law enforcement functions shall be marked and have state
9 government registration plates.

10 F. State vehicles used for legitimate undercover
11 law enforcement purposes are exempt from the requirements of
12 Subsections C, D and E of this section and may be issued an
13 undercover license plate when it is determined by the division
14 that issuance of such a license plate is necessary to protect
15 legitimate undercover law enforcement activities.

16 G. State vehicles used for other sensitive
17 activities are exempt from the requirements of Subsections C, D
18 and E of this section and may be issued a protective license
19 plate when it is determined by the division that issuance of
20 such a license plate is necessary to protect the health, safety
21 or welfare of a state employee using a state-owned vehicle for
22 sensitive activities. The standards for the issuance of a
23 protective license plate pursuant to this subsection shall be
24 determined by rule jointly promulgated by the division and the
25 motor vehicle division of the taxation and revenue department.

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1 ~~[F-]~~ H. A state agency may seek custody of state
2 vehicles as an exception to Subsection B of this section or an
3 exemption to the provisions of Subsection C of this section by
4 making a written request to the director, specifying the
5 reasons for the proposed custody or exemption. The director
6 may approve the custody or exemption, in writing, indicating
7 the duration and any conditions of the custody or exemption.

8 ~~[G-]~~ I. The division shall adopt rules permitting
9 individuals enrolled in the state's adaptive driving program to
10 use special-use state vehicles for evaluation and training
11 purposes in that program."

12 **SECTION 3.** Section 66-6-15 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 350, as amended) is amended to read:

14 "66-6-15. VEHICLES OF THE STATE, COUNTY OR
15 MUNICIPALITY.--

16 A. Vehicles or trailers owned by and used in the
17 service of an Indian nation, tribe or pueblo located wholly or
18 partly in this state or of any county or municipality of this
19 state need not be registered but must continually display
20 plates furnished by the division.

21 B. Vehicles on loan from dealers and used in an
22 approved driver-training program by the public schools need not
23 be registered but must continually display plates furnished by
24 the division.

25 C. Each Indian nation, tribe or pueblo, each county

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1 and each municipality shall apply to the division for a plate
2 for each vehicle or trailer in its service and shall provide
3 identifying information concerning each vehicle or trailer for
4 which a plate is applied.

5 D. The division shall issue plates for vehicles and
6 trailers in the service of an Indian nation, tribe or pueblo
7 located wholly or partly in this state or of any county or
8 municipality of this state and keep a record of plates issued
9 and plates returned. The plates shall be permanent and need
10 not be renewed from year to year. The plates shall be numbered
11 to identify the Indian nation, tribe or pueblo, the county or
12 the municipality to which the plates are issued. The plates
13 shall be the same size as registration plates issued to private
14 vehicles but shall be different in color from the registration
15 plates issued to private vehicles.

16 E. A vehicle or trailer owned by and used in the
17 service of the state need not be registered with the division
18 but must continually display a plate furnished by the
19 transportation services division of the general services
20 department. A state agency shall apply to the transportation
21 services division of the general services department for a
22 plate for each vehicle or trailer in its service, including
23 identifying information for each vehicle or trailer. The
24 transportation services division of the general services
25 department shall issue plates for state agency vehicles and

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1 trailers and shall keep a record of plates issued and plates
2 returned. These plates shall be:

3 (1) permanent and shall not be renewed from
4 year to year;

5 (2) numbered to identify the state agency to
6 which they are issued; and

7 (3) the same size as but a different color
8 from registration plates issued to private vehicles or trailers
9 or from plates issued pursuant to Subsection D of this section.

10 F. The division may issue to an Indian nation,
11 tribe or pueblo located wholly or partly in this state or any
12 county or municipality of this state or an entity not subject
13 to registration pursuant to Section 66-6-14 NMSA 1978:

14 (1) an undercover license plate when it is
15 determined by the division that the issuance of such a license
16 plate is necessary to protect legitimate undercover law
17 enforcement activities; or

18 (2) a protective license plate when it is
19 determined by the division that the issuance of such a license
20 plate is necessary to protect the health, safety or welfare of
21 an employee using a vehicle owned by the Indian nation, tribe,
22 pueblo or entity for sensitive activities.

23 G. The standards for the issuance of a protective
24 license plate pursuant to Paragraph (2) of Subsection F of this
25 section shall be determined by rule jointly promulgated by the

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1 transportation services division of the general services
2 department and the motor vehicle division of the taxation and
3 revenue department.

4 [F.] H. As used in [~~Subsection E of~~] this section:

5 (1) "protective license plate" means a regular
6 passenger license plate issued to an Indian nation, tribe or
7 pueblo located wholly or partly in this state or any county or
8 municipality of this state or an entity not subject to
9 registration pursuant to Section 66-6-14 NMSA 1978 that can be
10 traced to that Indian nation, tribe, pueblo or entity for a
11 vehicle that is being used for sensitive activities;

12 (2) "state agency" means a state department,
13 agency, board or commission, including the legislative and
14 judicial branches of government, but not including public
15 schools and institutions of higher education; and

16 (3) "undercover license plate" means a regular
17 passenger license plate issued to an Indian nation, tribe or
18 pueblo located wholly or partially in this state or any county
19 or municipality of this state or an entity not subject to
20 registration pursuant to Section 66-6-14 NMSA 1978 that is
21 registered in a fictitious name and address that cannot be
22 traced to that Indian nation, tribe, pueblo or entity for a
23 vehicle that is being used for legitimate law enforcement
24 purposes only."

25 SECTION 4. EMERGENCY.--It is necessary for the public

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peace, health and safety that this act take effect immediately.