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SENATE BILL 51

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO MOTOR VEHICLES; 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  
18 that is being used for legitimate law enforcement purposes  
19 only."

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

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

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

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

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

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

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

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1           D. Except as provided in Subsections [~~E and~~] F, G  
2 and H of this section, all state vehicles shall have specially  
3 designed government registration plates.

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

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

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

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1 by rule jointly promulgated by the division and the motor  
2 vehicle division of the taxation and revenue department.

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

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

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

16 "66-6-15. VEHICLES OF THE STATE, COUNTY OR  
17 MUNICIPALITY.--

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

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

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1 the division.

2 C. Each Indian nation, tribe or pueblo, each county  
3 and each municipality shall apply to the division for a plate  
4 for each vehicle or trailer in its service and shall provide  
5 identifying information concerning each vehicle or trailer for  
6 which a plate is applied.

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

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

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1 transportation services division of the general services  
2 department shall issue plates for state agency vehicles and  
3 trailers and shall keep a record of plates issued and plates  
4 returned. These plates shall be:

5 (1) permanent and shall not be renewed from  
6 year to year;

7 (2) numbered to identify the state agency to  
8 which they are issued; and

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

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

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

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

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1           G. The standards for the issuance of a protective  
2 license plate pursuant to Paragraph (2) of Subsection F of this  
3 section shall be determined by rule jointly promulgated by the  
4 transportation services division of the general services  
5 department and the motor vehicle division of the taxation and  
6 revenue department.

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

8                   (1) "protective license plate" means a regular  
9 passenger license plate issued to an Indian nation, tribe or  
10 pueblo located wholly or partly in this state or a government  
11 entity that can be traced to that Indian nation, tribe or  
12 pueblo or government entity for a vehicle that is being used  
13 for sensitive activities;

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

18                   (3) "undercover license plate" means a regular  
19 passenger license plate issued to an Indian nation, tribe or  
20 pueblo located wholly or partly in this state or a government  
21 entity that is registered in a fictitious name and address that  
22 cannot be traced to that Indian nation, tribe or pueblo or the  
23 county, municipality or entity for a vehicle that is being used  
24 for legitimate law enforcement purposes only."

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

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

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