

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 397

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR THE ORGANIZATION,
POWERS AND ADMINISTRATION OF THE MOTOR TRANSPORTATION DIVISION;
CREATING CRIMINAL OFFENSES REGARDING AND PROVIDING PENALTIES
FOR MISUSE OF A MOTOR TRANSPORTATION DIVISION UNIFORM, BADGE OR
VEHICLE.

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

Section 1. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
Chapter 254, Section 18, as amended) is amended to read:

"29-2-1.1. DEFINITIONS. -- As used in Chapter 29, Articles
1 through 18 NMSA 1978:

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

B. "commission" means the public safety advisory

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1 commi ssi on;

2 C. "department" means the department of public
3 safety;

4 D. "member of the New Mexico state police" means a
5 commissioned officer of the New Mexico state police;

6 E. "New Mexico law enforcement academy" or
7 "academy" means a bureau of the training and recruiting
8 division of the department of public safety;

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

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

13 H. "secretary" means the secretary of public
14 safety. "

15 Section 2. A new Section 29-19-1 NMSA 1978 is enacted to
16 read:

17 "29-19-1. [NEW MATERIAL] DIVISION ORGANIZED.--There is
18 organized in the department the "motor transportation
19 division". "

20 Section 3. A new Section 29-19-2 NMSA 1978 is enacted to
21 read:

22 "29-19-2. [NEW MATERIAL] DEFINITIONS.--As used in Chapter
23 29, Article 19 NMSA 1978:

24 A. "chief" or "chief of the motor transportation
25 division" means the director of the division;

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1 B. "department" means the department of public
2 safety;

3 C. "division" means the motor transportation
4 division of the department;

5 D. "officer of the division" means a commissioned
6 officer of the division; and

7 E. "secretary" means the secretary of public
8 safety. "

9 Section 4. A new Section 29-19-3 NMSA 1978 is enacted to
10 read:

11 "29-19-3. [NEW MATERIAL] DIVISION--ORGANIZATION. --The
12 division shall consist of a chief, deputy chief, major,
13 captains, lieutenants, sergeants and patrolmen according to the
14 Personnel Act within the limits of the funds appropriated for
15 the division. The civilian employees may consist of a general
16 manager, staff manager, port supervisors, transportation
17 inspectors and other noncommissioned personnel as per the
18 Personnel Act within the limits of the funds appropriated for
19 the division. "

20 Section 5. A new Section 29-19-4 NMSA 1978 is enacted to
21 read:

22 "29-19-4. [NEW MATERIAL] APPOINTMENTS--REMOVAL. --The
23 secretary shall appoint the chief. The chief shall serve at
24 the pleasure of the secretary. The chief is the executive
25 officer of the division and shall be subject to the control,

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1 supervision and direction of the chief of the New Mexico state
2 police. All patrol officers, other officers and civilian
3 employees shall be appointed by the chief according to
4 personnel board rules. "

5 Section 6. A new Section 29-19-5 NMSA 1978 is enacted to
6 read:

7 "29-19-5. [NEW MATERIAL] QUALIFICATIONS OF AN OFFICER. --

8 An officer of the division, except the chief, shall:

9 A. at the time of the officer's appointment, be a
10 citizen of the United States and at least twenty-one years of
11 age;

12 B. be of good moral character and not have been
13 convicted of a felony or an infamous crime in a court of a
14 county, this state or another state or in a federal court;

15 C. pass a physical examination and any other
16 examination the department may require; and

17 D. hold a high school diploma or the equivalent. "

18 Section 7. A new Section 29-19-6 NMSA 1978 is enacted to
19 read:

20 "29-19-6. [NEW MATERIAL] COMMISSIONS--SALARY. --

21 A. The chief shall commission officers of the
22 division.

23 B. The personnel board shall determine the pay band
24 assignments for officers of the division. "

25 Section 8. A new Section 29-19-7 NMSA 1978 is enacted to

1 read:

2 "29-19-7. [NEW MATERIAL] UNIFORM AND BADGES-- UNIFORM
 3 ALLOWANCE TO BE SET BY SECRETARY.--The secretary shall
 4 prescribe a suitable and distinctive uniform. The secretary
 5 shall provide and issue to each commissioned officer of the
 6 division a uniform and an appropriate badge, which shall
 7 contain in plain legible letters the words "Motor
 8 Transportation Police". The prescribed uniform and badge shall
 9 be worn at all times when on duty, except when by direction of
 10 the chief of the division, the chief of the New Mexico state
 11 police, the secretary or the governor. A uniform allowance
 12 shall be established by the secretary and allowed in addition
 13 to a commissioned officer's and noncommissioned uniformed
 14 employee's salary and paid according to department policy."

15 Section 9. A new Section 29-19-8 NMSA 1978 is enacted to
 16 read:

17 "29-19-8. [NEW MATERIAL] UNAUTHORIZED WEARING OF UNIFORM
 18 OR BADGE-- UNAUTHORIZED MARKING OF MOTOR VEHICLE-- PENALTY.--

19 A. Unauthorized wearing of a uniform or badge
 20 consists of wearing or requiring the wearing, without the
 21 authorization of the chief, of a uniform or badge whose
 22 material, color or design causes the wearer to appear to be an
 23 officer of the division.

24 B. Unauthorized marking of a motor vehicle consists
 25 of marking, using, possessing or owning or requiring the

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1 marking or using, without the authorization of the chief, of a
2 motor vehicle whose insignia, color or equipment causes the
3 motor vehicle to appear to be a motor transportation division
4 police vehicle.

5 C. A person who commits unauthorized wearing of a
6 uniform or badge pursuant to Subsection A of this section or
7 unauthorized marking of a motor vehicle pursuant to Subsection
8 B of this section is guilty of a petty misdemeanor and shall be
9 sentenced pursuant to Section 31-19-1 NMSA 1978. "

10 Section 10. A new Section 29-19-9 NMSA 1978 is enacted to
11 read:

12 "29-19-9. [NEW MATERIAL] CHIEF AND OTHER COMMISSIONED
13 OFFICERS OF THE DIVISION-- POWERS AND DUTIES.--The chief and the
14 other officers of the division, when duly commissioned, shall
15 be:

16 A. peace officers in the performance of their
17 duties with authority to enforce the Motor Carrier Act, the
18 Motor Vehicle Code and the Criminal Code pursuant to and as a
19 direct result of enforcing the Motor Carrier Act or the Motor
20 Vehicle Code. These peace officers may enforce the Criminal
21 Code in an emergency declared by the governor or as directed by
22 the chief of the New Mexico state police; and

23 B. ex-officio deputies and agents of the officers
24 of the taxation and revenue department and of the officers and
25 departments within the state charged with registration of motor

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1 vehicles and the issuance of licenses to operators of motor
2 vehicles. "

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