

SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR  
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

. 147141. 4

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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;

. 147141. 4

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,

. 147141. 4

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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

. 147141. 4

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 Transportation Act, the Motor Vehicle Code and the  
19 Criminal Code pursuant to and as a direct result of enforcing  
20 the Motor Carrier Act, the Motor Transportation Act, or the  
21 Motor Vehicle Code. These peace officers may enforce the  
22 Criminal Code in an emergency declared by the governor or as  
23 directed by the chief of the New Mexico state police; and

24 B. ex-officio deputies and agents of the officers  
25 of the taxation and revenue department and of the officers and

. 147141. 4

1 departments within the state charged with registration of motor  
2 vehicles and the issuance of licenses to operators of motor  
3 vehicles. "

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