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AN ACT
RELATING TO LAW ENFORCEMENT; PROVIDING FOR THE ORGANIZATION,
POWERS AND ADMINISTRATION OF THE MOTOR TRANSPORTATION
DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.

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

Section 1. A new section of Chapter 65 NMSA 1978 is
enacted to read:

"DIVISION ORGANIZED.--There is organized in the
department the "motor transportation division"."

Section 2. A new section of Chapter 65 NMSA 1978 is
enacted to read:

"DEFINITIONS.--As used in Sections 1 through 8 of this
act:

- A. "director" means the director of the division;
- B. "department" means the department of public
safety;
- C. "division" means the motor transportation
division of the department;
- D. "officer" means a commissioned officer of the
division;
- E. "personnel board" means the personnel board
created in the Personnel Act; and
- F. "secretary" means the secretary of public
safety."

1 Section 3. A new section of Chapter 65 NMSA 1978 is
2 enacted to read:

3 "DIVISION--ORGANIZATION.--The division shall consist of
4 a director, deputy director, majors, captains, lieutenants,
5 sergeants, patrol officers and noncommissioned personnel
6 according to the Personnel Act within the limits of the funds
7 appropriated for the division."

8 Section 4. A new section of Chapter 65 NMSA 1978 is
9 enacted to read:

10 "APPOINTMENTS--REMOVAL.--The secretary shall appoint the
11 director. The director shall serve at the pleasure of the
12 secretary. The director is the executive officer of the
13 division and shall be subject to the control, supervision and
14 direction of the secretary. All officers and civilian
15 employees of the division shall be appointed by the director
16 according to personnel board rules."

17 Section 5. A new section of Chapter 65 NMSA 1978 is
18 enacted to read:

19 "QUALIFICATIONS OF AN OFFICER.--An officer, except the
20 director, shall:

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

24 B. be of good moral character and not have been
25 convicted of a felony or an infamous crime in a court of a

1 county, this state or another state or in a federal court;

2 C. pass a physical examination and any other
3 examination the department may require; and

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

5 Section 6. A new section of Chapter 65 NMSA 1978 is
6 enacted to read:

7 "DIRECTOR AND OTHER OFFICERS--POWERS AND DUTIES.--The
8 director and other officers shall be:

9 A. peace officers in the performance of their
10 duties with full power to apprehend, arrest and bring before
11 the proper court law violators within the state and authority
12 to enforce the Motor Carrier Act, the Motor Transportation
13 Act, the Motor Vehicle Code and the Criminal Code; and

14 B. ex-officio deputies and agents of the officers
15 of the taxation and revenue department and of the officers
16 and departments within the state charged with registration of
17 motor vehicles and the issuance of licenses to operators of
18 motor vehicles."

19 Section 7. A new section of Chapter 65 NMSA 1978 is
20 enacted to read:

21 "COMMISSIONS--SALARY.--

22 A. The director shall commission officers.

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

25 Section 8. A new section of Chapter 65 NMSA 1978 is

1 enacted to read:

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

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