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AN ACT

RELATING TO STATE-OWNED VEHICLES; MODIFYING THE AUTHORITY AND RESPONSIBILITIES OF THE TRANSPORTATION SERVICES DIVISION OF THE GENERAL SERVICES DEPARTMENT.

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

Section 1. Section 15-8-2 NMSA 1978 (being Laws 1994, Chapter 119, Section 2, as amended) is amended to read:

"15-8-2. FINDINGS AND PURPOSE.--The legislature finds that centralized control of state vehicles is in the best interest of the state because it permits the state to use its transportation resources in the most efficient and effective manner. The primary purposes of the Transportation Services Act are to:

- A. provide a centralized agency to purchase state vehicles and to control their use;
- B. implement and administer the State Aircraft Act; and
- C. provide authorization for administration of the state's state and federal surplus property programs."

Section 2. 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;

1 B. "division" means the transportation services
2 division of the general services department;

3 C. "secretary" means the secretary of general
4 services;

5 D. "state agency" means a state department,
6 agency, board or commission, including the legislative and
7 judicial branches, but not including public schools and
8 institutions of higher education; and

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

14 Section 3. Section 15-8-4 NMSA 1978 (being Laws 1994,
15 Chapter 119, Section 4, as amended) is amended to read:

16 "15-8-4. DIVISION CREATED.--The "transportation
17 services division" is created in the general services
18 department. The director shall be appointed by the secretary
19 with the consent of the governor. Staff of the division
20 shall be covered by the provisions of the Personnel Act."

21 Section 4. Section 15-8-5 NMSA 1978 (being Laws 1994,
22 Chapter 119, Section 5) is amended to read:

23 "15-8-5. DIVISION--GENERAL POWERS AND DUTIES.--The
24 division shall:

25 A. have control over state vehicles owned or

1 leased by the division;

2 B. regulate the use of the state vehicles owned or
3 leased by the division;

4 C. register all state vehicles owned or leased by
5 the division;

6 D. control the issuance of state government plates
7 assigned to a state agency and ensure that state government
8 plates are used only on state vehicles;

9 E. maintain a complete and accurate inventory of
10 state vehicles owned or leased by the division and the
11 location of those vehicles;

12 F. establish and enforce maintenance standards for
13 state vehicles owned or leased by the division;

14 G. require periodic use and maintenance reports
15 from state agencies that have custody of state vehicles owned
16 or leased by the division;

17 H. purchase or lease, through the state purchasing
18 agent, state vehicles to be owned or leased by the division
19 and assign their use;

20 I. perform periodic announced and unannounced
21 inspections of state vehicles owned or leased by the division
22 in the custody of state agencies;

23 J. establish a motor pool and provide a fleet of
24 state vehicles for use by state agencies;

25 K. establish and enforce standards for drivers of

1 state vehicles, including revoking driver privileges;

2 L. have access to individual state employee driver
3 records maintained by the taxation and revenue department in
4 order to ensure that drivers of state vehicles hold a current
5 valid driver's license as defined by the rules of the
6 division;

7 M. maintain a record of all accident reports and
8 insurance claims for vehicles owned or leased by the
9 division;

10 N. maintain a history of state vehicles owned or
11 leased by the division, including purchases, maintenance and
12 sales;

13 O. carry out the provisions of the Alternative
14 Fuel Acquisition Act as it applies to vehicles owned or
15 leased by the division;

16 P. have the power to sell or otherwise dispose of
17 vehicles owned or leased by the division pursuant to the
18 provisions of Sections 13-6-1 and 13-6-2 NMSA 1978 after
19 approval of the secretary; and

20 Q. administer the state's state and federal surplus
21 property programs."

22 Section 5. Section 15-8-6 NMSA 1978 (being Laws 1994,
23 Chapter 119, Section 6) is amended to read:

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

1 A. The division shall adopt rules governing the
2 use of vehicles used by state agencies, including driver
3 requirements and responsibilities, under what circumstances
4 someone can be assigned a state vehicle on a permanent or
5 semi-permanent basis and when custody of a state vehicle can
6 be vested in another state agency.

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

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

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

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

24 D. Except as provided in Subsections E and F of
25 this section, all state vehicles shall have specially

1 designed government registration plates.

2 E. Only state vehicles used for legitimate
3 undercover law enforcement purposes are exempt from the
4 requirements of Subsections C and D of this section. All
5 other state vehicles owned or in the custody of state
6 agencies that have law enforcement functions shall be marked
7 and have state government registration plates.

8 F. A state agency may seek custody of state
9 vehicles as an exception to Subsection B of this section or
10 an exemption to the provisions of Subsection C of this
11 section by making a written request to the director,
12 specifying the reasons for the proposed custody or exemption.
13 The director may approve the custody or exemption, in
14 writing, indicating the duration and any conditions of the
15 custody or exemption."

16 Section 6. Section 15-8-9 NMSA 1978 (being Laws 1994,
17 Chapter 119, Section 9) is amended to read:

18 "15-8-9. VEHICLE TITLE.--Title to all state vehicles
19 shall be in the name of the division."

20 Section 7. Section 15-8-10 NMSA 1978 (being Laws 1994,
21 Chapter 119, Section 10, as amended) is amended to read:

22 "15-8-10. RULES.--The division shall adopt and file in
23 accordance with the State Rules Act rules to carry out the
24 provisions of the Transportation Services Act."

25 Section 8. Section 15-8-11 NMSA 1978 (being Laws 1994,

1 Chapter 119, Section 11) is amended to read:

2 "15-8-11. REPORT TO LEGISLATURE.--The division shall
3 provide an annual report to the legislature that includes
4 information on the operations of the division, including
5 reports on Motor Vehicle Code violations, accidents and
6 insurance claims involving state vehicles owned or leased by
7 the division; major maintenance costs; and purchases and
8 sales of motor vehicles. The report shall be deemed to have
9 been provided to the legislature when filed with the
10 legislative council service and the legislative finance
11 committee. The division shall make copies available to
12 individual legislators upon request."

13 Section 9. Section 66-3-28 NMSA 1978 (being Laws 1994,
14 Chapter 119, Section 14, as amended) is amended to read:

15 "66-3-28. STATE GOVERNMENT REGISTRATION PLATES--
16 ISSUANCE APPROVED.--State government registration plates
17 shall be provided to a state agency by the transportation
18 services division of the general services department. As
19 used in this section, "state agency" means a state
20 department, agency, board or commission, including the
21 legislative and judicial branches, but not including public
22 schools and institutions of higher education."

23 Section 10. Section 66-6-15 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 350, as amended) is amended to read:

25 "66-6-15. VEHICLES OF THE STATE, COUNTY OR

1 MUNICIPALITY.--

2 A. Vehicles or trailers owned by and used in the
3 service of an Indian nation, tribe or pueblo located wholly
4 or partly in this state or of any county or municipality of
5 this state need not be registered but must continually
6 display plates furnished by the division.

7 B. Vehicles on loan from dealers and used in an
8 approved driver-training program by the public schools need
9 not be registered but must continually display plates
10 furnished by the division.

11 C. Each Indian nation, tribe or pueblo, each
12 county and each municipality shall apply to the division for
13 a plate for each vehicle or trailer in its service and shall
14 provide identifying information concerning each vehicle or
15 trailer for which a plate is applied.

16 D. The division shall issue plates for vehicles
17 and trailers in the service of an Indian nation, tribe or
18 pueblo located wholly or partly in this state or of any
19 county or municipality of this state and keep a record of
20 plates issued and plates returned. The plates shall be
21 permanent and need not be renewed from year to year. The
22 plates shall be numbered to identify the Indian nation, tribe
23 or pueblo, the county or the municipality to which the plates
24 are issued. The plates shall be the same size as
25 registration plates issued to private vehicles but shall be

1 different in color from the registration plates issued to
2 private vehicles.

3 E. A vehicle or trailer owned by and used in the
4 service of the state need not be registered with the division
5 but must continually display a plate furnished by the
6 transportation services division of the general services
7 department. A state agency shall apply to the transportation
8 services division of the general services department for a
9 plate for each vehicle or trailer in its service, including
10 identifying information for each vehicle or trailer. The
11 transportation services division of the general services
12 department shall issue plates for state agency vehicles and
13 trailers and shall keep a record of plates issued and plates
14 returned. These plates shall be:

15 (1) permanent and shall not be renewed from
16 year to year;

17 (2) numbered to identify the state agency to
18 which they are issued; and

19 (3) the same size as but a different color
20 from registration plates issued to private vehicles or
21 trailers or from plates issued pursuant to Subsection D of
22 this section.

23 F. As used in Subsection E of this section, "state
24 agency" means a state department, agency, board or commission
25 including the legislative and judicial branches of

