

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 495

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO GOVERNMENT VEHICLES; REQUIRING CERTIFICATION FROM
LAW ENFORCEMENT AGENCIES FOR THE USE OF UNMARKED VEHICLES;
CREATING A PENALTY; RECONCILING MULTIPLE AMENDMENTS TO THE SAME
SECTION OF LAW IN LAWS 2009.

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

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

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

A. The division shall adopt rules governing the use
of vehicles used by state agencies or by other persons pursuant
to Subsection [G] H of this section, including driver

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1 requirements and responsibilities, under what circumstances
2 someone can be assigned a state vehicle on a permanent or
3 semipermanent basis and when custody of a state vehicle can be
4 vested in another state agency.

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

9 (1) the state vehicle is used for emergency or
10 law enforcement purposes; or

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

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

23 D. Except as provided in Subsections E and [F] G of
24 this section, all state vehicles shall have specially designed
25 government registration plates.

1 E. ~~[Only state vehicles used for legitimate~~
2 ~~undercover law enforcement purposes are exempt from the~~
3 ~~requirements of Subsections C and D of this section. All other~~
4 ~~state vehicles owned or in custody of state agencies that have~~
5 ~~law enforcement functions shall be marked and have state~~
6 ~~government registration plates.]~~ A state vehicle that is owned
7 or in the custody of a state agency and that has a law
8 enforcement function shall be marked and have state government
9 registration plates; provided that a state vehicle that a law
10 enforcement agency desires to use in unmarked status may be
11 exempted from the requirements of Subsections C and D of this
12 section by the director if the head of the law enforcement
13 agency annually certifies that:

14 (1) the vehicle is legitimately necessary for
15 undercover law enforcement purposes;

16 (2) the vehicle shall not be used except for
17 undercover law enforcement purposes; and

18 (3) a law enforcement officer that uses the
19 unmarked vehicle to stop a motor vehicle while enforcing a
20 provision of the Motor Vehicle Code shall provide to the driver
21 of the stopped vehicle evidence of the unmarked vehicle's
22 status as a law enforcement agency vehicle and the officer's
23 badge identification number.

24 F. A violation of Subsection E of this section is
25 punishable as a misdemeanor.

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

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

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