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AN ACT

RELATING TO STATE VEHICLES; AMENDING SECTIONS OF THE NMSA
1978 TO PERMIT INDIVIDUALS ENROLLED IN THE STATE'S ADAPTIVE
DRIVING PROGRAM TO USE STATE VEHICLES FOR TRAINING PURPOSES.

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) 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 of this section, including driver
requirements and responsibilities, under what circumstances
someone can be assigned a state vehicle on a permanent or
semi-permanent basis and when custody of a state vehicle can
be vested in another state agency.

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

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

(2) the state vehicle is a department of
transportation, energy, minerals and natural resources

1 department or department of game and fish passenger vehicle,
2 truck or tractor or heavy road equipment.

3 C. Except as provided in Subsections E and F of
4 this section, all state vehicles shall be marked as state
5 vehicles. Each side of the vehicle shall be marked, in
6 letters not less than two inches in height, with the
7 following designation of ownership: "State of New
8 Mexico,..... Department" or "State of New Mexico Department
9 of" and naming the department using the vehicle.

10 D. Except as provided in Subsections E and F of
11 this section, all state vehicles shall have specially
12 designed government registration plates.

13 E. Only state vehicles used for legitimate
14 undercover law enforcement purposes are exempt from the
15 requirements of Subsections C and D of this section. All
16 other state vehicles owned or in the custody of state
17 agencies that have law enforcement functions shall be marked
18 and have state government registration plates.

19 F. A state agency may seek custody of state
20 vehicles as an exception to Subsection B of this section or
21 an exemption to the provisions of Subsection C of this
22 section by making a written request to the director,
23 specifying the reasons for the proposed custody or exemption.
24 The director may approve the custody or exemption, in
25 writing, indicating the duration and any conditions of the

1 custody or exemption.

2 G. The division shall adopt rules permitting
3 individuals enrolled in the state's adaptive driving program
4 to use special-use state vehicles for evaluation and training
5 purposes in that program."

6 Section 2. Section 41-4-3 NMSA 1978 (being Laws 1976,
7 Chapter 58, Section 3, as amended) is amended to read:

8 "41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

9 A. "board" means the risk management advisory
10 board;

11 B. "governmental entity" means the state or any
12 local public body as defined in Subsections C and H of this
13 section;

14 C. "local public body" means all political
15 subdivisions of the state and their agencies,
16 instrumentalities and institutions and all water and natural
17 gas associations organized pursuant to Chapter 3, Article 28
18 NMSA 1978;

19 D. "law enforcement officer" means a full-time
20 salaried public employee of a governmental entity whose
21 principal duties under law are to hold in custody any person
22 accused of a criminal offense, to maintain public order or to
23 make arrests for crimes, or members of the national guard
24 when called to active duty by the governor;

25 E. "maintenance" does not include:

1 (1) conduct involved in the issuance of a
2 permit, driver's license or other official authorization to
3 use the roads or highways of the state in a particular
4 manner; or

5 (2) an activity or event relating to a
6 public building or public housing project that was not
7 foreseeable;

8 F. "public employee" means an officer, employee or
9 servant of a governmental entity, excluding independent
10 contractors except for individuals defined in Paragraphs (7),
11 (8), (10), (14) and (17) of this subsection, or of a
12 corporation organized pursuant to the Educational Assistance
13 Act, the Small Business Investment Act or the Mortgage
14 Finance Authority Act or a licensed health care provider, who
15 has no medical liability insurance, providing voluntary
16 services as defined in Paragraph (16) of this subsection and
17 including:

18 (1) elected or appointed officials;

19 (2) law enforcement officers;

20 (3) persons acting on behalf or in service
21 of a governmental entity in any official capacity, whether
22 with or without compensation;

23 (4) licensed foster parents providing care
24 for children in the custody of the human services department,
25 corrections department or department of health, but not

1 including foster parents certified by a licensed child
2 placement agency;

3 (5) members of state or local selection
4 panels established pursuant to the Adult Community
5 Corrections Act;

6 (6) members of state or local selection
7 panels established pursuant to the Juvenile Community
8 Corrections Act;

9 (7) licensed medical, psychological or
10 dental arts practitioners providing services to the
11 corrections department pursuant to contract;

12 (8) members of the board of directors of the
13 New Mexico medical insurance pool;

14 (9) individuals who are members of medical
15 review boards, committees or panels established by the
16 educational retirement board or the retirement board of the
17 public employees retirement association;

18 (10) licensed medical, psychological or
19 dental arts practitioners providing services to the children,
20 youth and families department pursuant to contract;

21 (11) members of the board of directors of
22 the New Mexico educational assistance foundation;

23 (12) members of the board of directors of
24 the New Mexico student loan guarantee corporation;

25 (13) members of the New Mexico mortgage

