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HOUSE BILL 50

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LUCIANO "LUCKY" VARELA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO TRANSPORTATION SERVICES; REDUCING STATE MOTOR POOL;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 15-8-5 NMSA 1978 (being Laws 1994,
Chapter 119, Section 5) is amended to read:

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

~~A. have control over all state vehicles;~~

~~B. regulate the use of the state vehicles;~~

~~C. hold the titles of all state vehicles and provide
for the security of the titles;~~

~~D. register all state vehicles in the custody of the
division and ensure that state vehicles assigned to other state
agencies have current and correct registrations;~~

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1 ~~E. control the issuance of state government plates~~
2 ~~assigned to a state agency and ensure that government plates are~~
3 ~~used only on state vehicles;~~

4 ~~F. maintain a complete and accurate inventory of all~~
5 ~~state vehicles, including those in the custody of another state~~
6 ~~agency, and the location of all state vehicles;~~

7 ~~G. establish and enforce maintenance standards for~~
8 ~~state vehicles in the custody of other state agencies;~~

9 ~~H. require periodic use and maintenance reports from~~
10 ~~other state agencies that have custody of state vehicles;~~

11 ~~I. purchase, through the state purchasing agent, all~~
12 ~~state vehicles and assign their use;~~

13 ~~J. perform periodic announced and unannounced~~
14 ~~inspections of state vehicles in the custody of other state~~
15 ~~agencies;~~

16 ~~K.]~~ A. establish a motor pool and provide an
17 adequate fleet of state vehicles to be available for use by
18 state agencies in accordance with procedures established by the
19 department;

20 ~~[L.]~~ B. provide for the maintenance of state
21 vehicles in the motor pool; and

22 ~~[M. establish and enforce standards for drivers of~~
23 ~~state vehicles, including revoking driver privileges;~~

24 ~~N. maintain individual state driver records,~~
25 ~~including all tickets received by drivers of state vehicles for~~

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1 ~~violations of the Motor Vehicle Code;~~

2 ~~O. maintain a record of all accident reports and~~
3 ~~insurance claims;~~

4 ~~P. maintain a history of state vehicles, including~~
5 ~~purchases, maintenance and sales;~~

6 ~~Q. carry out the provisions of the Alternative Fuel~~
7 ~~Conversion Act; and~~

8 ~~R.] C. have the power to sell or otherwise dispose~~
9 ~~of property pursuant to the provisions of Sections 13-6-1 and~~
10 ~~13-6-2 NMSA 1978 after approval of the secretary. "~~

11 Section 2. Section 15-8-6 NMSA 1978 (being Laws 1994,
12 Chapter 119, Section 6) is amended to read:

13 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE GOVERNMENT
14 PLATES.--

15 A. The division shall adopt regulations governing
16 the use of state vehicles controlled by the division, including
17 driver requirements and responsibilities and under what
18 circumstances someone can be assigned a state vehicle on a
19 permanent or semi-permanent basis. ~~[and when custody of a state~~
20 ~~vehicle can be vested in another state agency pursuant to the~~
21 ~~provisions of this section.~~

22 ~~B. The division may determine that it is impractical~~
23 ~~to retain custody of certain state vehicles, and it may provide~~
24 ~~that custody reside in another state agency in the following~~
25 ~~eases:-~~

.113782.1

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

3 ~~(2) the state vehicle is of a special design or~~
4 ~~construction that effectively limits its use to a particular~~
5 ~~purpose;~~

6 ~~(3) the money used in the acquisition of the~~
7 ~~state vehicle is subject to constitutional or trust limitations~~
8 ~~that prevent its use as a part of the motor pool;~~

9 ~~(4) the state vehicle is not based in Santa Fe;~~

10 ~~(5) the state vehicle is a state highway and~~
11 ~~transportation department truck or tractor or heavy road~~
12 ~~equipment; or~~

13 ~~(6) the state agency requires the use of a~~
14 ~~vehicle on a regular basis, as defined by regulation of the~~
15 ~~division.]~~

16 B. State agencies other than the department may own
17 and control state vehicles subject to the provisions of the
18 Transportation Services Act.

19 C. Except as provided in Subsection E of this
20 section, all state vehicles shall be marked as state vehicles.
21 Each side of the state vehicle shall have painted, in letters
22 not less than two inches in height, the following designation of
23 ownership: "State of New Mexico, Department" and naming the
24 department. If the department has more than one state vehicle
25 assigned for its use, each state vehicle shall be conspicuously

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1 numbered in consecutive order. The division shall include the
2 words "State Motor Pool" and consecutive number of the vehicle
3 on the designation for its state vehicles.

4 D. Except as provided in Subsection E of this
5 section, all state vehicles shall have specially designed
6 government registration plates.

7 E. Only state vehicles used for legitimate
8 undercover law enforcement purposes are exempt from the
9 requirements of Subsections C and D of this section. All other
10 state vehicles owned or in the custody of state agencies that
11 have law enforcement functions shall be marked and have state
12 government registration plates."

13 Section 3. Section 15-8-7 NMSA 1978 (being Laws 1994,
14 Chapter 119, Section 7) is amended to read:

15 "15-8-7. PURCHASE OF STATE VEHICLES--PROCUREMENT CODE--
16 EQUIPMENT. -- [A-] All state vehicle purchases shall be pursuant
17 to the provisions of the Procurement Code. All purchases of
18 state vehicles [~~even those not assigned to the motor pool~~] shall
19 be approved by the [~~director~~] state purchasing agent.

20 [~~B. Subject to legislative appropriations and~~
21 ~~directives and the approval of the secretary, the director shall~~
22 ~~determine the type and number of state vehicles to be purchased~~
23 ~~each year and how they shall be equipped.~~"]

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

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1 "15-8-8. LEASE WITH STATE FUNDS. -- No motor vehicle shall
2 be leased with state money unless such lease is first
3 specifically approved by the ~~[division]~~ state purchasing agent. "

4 Section 5. Section 15-8-11 NMSA 1978 (being Laws 1994,
5 Chapter 119, Section 11) is amended to read:

6 "15-8-11. REPORT TO LEGISLATURE. -- ~~[The division]~~ All state
7 agencies holding title to state vehicles shall provide an annual
8 report to the legislature that includes information on the
9 operations of the ~~[division]~~ state vehicles, including reports
10 on Motor Vehicle Code violations, accidents and insurance claims
11 involving state vehicles; major maintenance costs; purchases and
12 sales of ~~[motor]~~ state vehicles; and progress of the ~~[division]~~
13 state agency in carrying out the provisions of the Alternative
14 Fuel Conversion Act. The report shall be deemed to have been
15 provided to the legislature when filed with the legislative
16 council service and the legislative finance committee. ~~[The~~
17 ~~division]~~ State agencies shall make copies available to
18 individual legislators upon request. "

19 Section 6. A new section of the Transportation Services
20 Act is enacted to read:

21 "[NEW MATERIAL] RETENTION OF TITLE AND POSSESSION OF
22 CERTAIN STATE VEHICLES-- DISPOSITION OF REMAINDER. -- The division
23 shall retain title to and possession of one hundred of the state
24 vehicles that are under its control on the effective date of
25 this section. The state vehicles shall be kept, managed and

1 maintained by the division in accordance with the provisions of
2 Section 15-8-5 NMSA 1978. All remaining state vehicles shall be
3 sold or the title and possession shall be transferred to the
4 children, youth and families department, the human services
5 department or the department of health."

6 Section 7. REPEAL. -- Section 15-8-2 NMSA 1978 (being Laws
7 1994, Chapter 119, Section 2, as amended) is repealed.

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 6, 1997

Mr. Speaker:

Your TRANSPORTATION COMMITTEE, to whom has been referred

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has had it under consideration and reports same WITHOUT RECOMMENDATION, and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Daniel P. Silva, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Olguin

Absent: None

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