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AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY; REORGANIZING THE DEPARTMENT OF PUBLIC SAFETY; PLACING THE SPECIAL INVESTIGATIONS DIVISION AND THE MOTOR TRANSPORTATION DIVISION UNDER THE NEW MEXICO STATE POLICE DIVISION; CHANGING THE NAME OF THE TRAINING AND RECRUITING DIVISION TO THE NEW MEXICO LAW ENFORCEMENT ACADEMY; AMENDING THE DEFINITION OF "STATE POLICE MEMBER" IN THE PUBLIC EMPLOYEES RETIREMENT ACT; RECONCILING PENALTIES.

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

SECTION 1. Section 9-19-4 NMSA 1978 (being Laws 1987, Chapter 254, Section 4, as amended) is amended to read:

"9-19-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "department of public safety". The department shall be a cabinet department and shall consist of, but not be limited to:

- A. the New Mexico state police division;
- B. the New Mexico law enforcement academy;
- C. the technical support division;
- D. the administrative services division; and
- E. the information technology division."

SECTION 2. Section 9-19-6 NMSA 1978 (being Laws 1987, Chapter 254, Section 6, as amended) is amended to read:

"9-19-6. SECRETARY--DUTIES AND GENERAL POWERS.--

1           A. The secretary is responsible to the governor  
2 for the operation of the department. It is the secretary's  
3 duty to manage all operations of the department and to  
4 administer and enforce the laws with which the secretary or  
5 the department is charged.

6           B. To perform the secretary's duties, the  
7 secretary has every power expressly enumerated in the laws,  
8 whether granted to the secretary or the department or any  
9 division of the department, except where authority conferred  
10 upon any division is explicitly exempted from the secretary's  
11 authority by statute. In accordance with these provisions,  
12 the secretary shall:

13                   (1) except as otherwise provided in the  
14 Department of Public Safety Act, exercise general supervisory  
15 and appointing authority over all department employees,  
16 subject to any applicable personnel laws and regulations;

17                   (2) delegate authority to subordinates as  
18 the secretary deems necessary and appropriate, clearly  
19 delineating such delegated authority and the limitations  
20 thereto;

21                   (3) organize the department into those  
22 organizational units the secretary deems will enable it to  
23 function most efficiently, subject to any provisions of law  
24 requiring or establishing specific organizational units;

25                   (4) within the limitations of available

1 appropriations and applicable laws, employ and fix the  
2 compensation of those persons necessary to discharge the  
3 secretary's duties;

4 (5) take administrative action by issuing  
5 orders and instructions, not inconsistent with the law, to  
6 assure implementation of and compliance with the provisions  
7 of law with the administration or execution of which the  
8 secretary is responsible and to enforce those orders and  
9 instructions by appropriate administrative action in the  
10 court;

11 (6) conduct research and studies that will  
12 improve the operation of the department and examine other  
13 entities and functions of state government related to public  
14 safety for purposes of possible transfer to the department;

15 (7) provide courses of instruction and  
16 practical training for employees of the department and other  
17 persons involved in the administration of programs with the  
18 objective of improving the operations and efficiency of  
19 administration;

20 (8) prepare an annual budget of the  
21 department;

22 (9) provide cooperation, at the request of  
23 heads of administratively attached agencies, in order to:

24 (a) minimize or eliminate duplication  
25 of services and jurisdictional conflicts;

1 (b) coordinate activities and resolve  
2 problems of mutual concern; and

3 (c) resolve by agreement the manner and  
4 extent to which the department shall provide budgeting,  
5 recordkeeping and related clerical assistance to  
6 administratively attached agencies, if any;

7 (10) appoint, with the governor's consent,  
8 for each division, a director. These appointed positions are  
9 exempt from the provisions of the Personnel Act. Persons  
10 appointed to these positions shall serve at the pleasure of  
11 the secretary;

12 (11) appoint the director of the New Mexico  
13 law enforcement academy, subject to the approval of the  
14 New Mexico law enforcement academy board;

15 (12) give bond in the penal sum of  
16 twenty-five thousand dollars (\$25,000) and require directors  
17 to each give bond in the penal sum of ten thousand dollars  
18 (\$10,000), conditioned upon the faithful performance of  
19 duties as provided in the Surety Bond Act, with the  
20 department paying the cost of such bonds; and

21 (13) require performance bonds of such  
22 employees and officers as the secretary deems necessary as  
23 provided in the Surety Bond Act, with the department paying  
24 the costs of such bonds.

25 C. The secretary may apply for and receive, with

1 the governor's approval, in the name of the department, any  
2 public or private funds, including but not limited to United  
3 States government funds, available to the department to carry  
4 out its programs, duties or services.

5 D. Where functions of departments overlap or a  
6 function assigned to one department could better be performed  
7 by another department, the secretary may recommend  
8 appropriate legislation to the next session of the  
9 legislature for its approval.

10 E. The secretary may make and adopt such  
11 reasonable and procedural rules and regulations as may be  
12 necessary to carry out the duties of the department and its  
13 divisions. No rule or regulation promulgated by the director  
14 of any division in carrying out the functions and duties of  
15 the division shall be effective until approved by the  
16 secretary unless otherwise provided by statute. Nothing in  
17 this section erodes or changes the powers and duties of the  
18 law enforcement academy board as set forth in Sections 29-7-3  
19 and 29-7-4 NMSA 1978. Unless otherwise provided by statute,  
20 no regulation affecting any person or agency outside the  
21 department shall be adopted, amended or repealed without a  
22 public hearing on the proposed action before the secretary or  
23 a hearing officer designated by the secretary. The public  
24 hearing shall be held in Santa Fe unless otherwise permitted  
25 by statute. Notice of the subject matter of the regulation,

1 the action proposed to be taken, the time and place of the  
2 hearing, the manner in which interested persons may present  
3 their views and the method by which copies of the proposed  
4 regulation, proposed amendment or repeal of an existing  
5 regulation may be obtained shall be published once at least  
6 thirty days prior to the hearing date in a newspaper of  
7 general circulation in the state and mailed at least thirty  
8 days prior to the hearing date to all persons who have made a  
9 written request for advance notice of hearing.

10 F. All rules and regulations shall be filed in  
11 accordance with the State Rules Act."

12 SECTION 3. Section 9-19-7 NMSA 1978 (being Laws 1987,  
13 Chapter 254, Section 7, as amended) is amended to read:

14 "9-19-7. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND  
15 DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

16 A. The organizational units of the department and  
17 the officers of those units specified by law shall have all  
18 the powers and duties enumerated in the specific laws  
19 involved. However, the carrying out of those powers and  
20 duties shall be subject to the direction and supervision of  
21 the secretary, who shall retain the final decision-making  
22 authority and responsibility for the administration of any  
23 such laws as provided in Subsection B of Section 9-19-6  
24 NMSA 1978. The department shall have access to all records,  
25 data and information of other state departments, agencies and

1 institutions, including its own organizational units, not  
2 specifically held confidential by law.

3 B. The New Mexico state police division shall  
4 consist of the commissioned officers and civilian personnel  
5 of the New Mexico state police and such other personnel as  
6 may be assigned by the secretary or by the governor pursuant  
7 to an executive order as authorized in the Department of  
8 Public Safety Act. The New Mexico state police division  
9 shall also include:

10 (1) the special investigations unit, which  
11 shall consist of the enforcement personnel of the former  
12 special investigations division and civilian personnel as may  
13 be assigned by the secretary or by the governor pursuant to  
14 an executive order as authorized in the Department of Public  
15 Safety Act. The unit is responsible for the enforcement of  
16 the New Mexico Bingo and Raffle Act and the Liquor Control  
17 Act;

18 (2) the training and recruiting bureau,  
19 which shall consist of the personnel of the New Mexico state  
20 police training division and all civilian personnel and  
21 functions of the department as the secretary may transfer to  
22 the bureau;

23 (3) the motor transportation police bureau,  
24 which shall consist of the enforcement and civilian personnel  
25 of the former motor transportation division. The bureau is

1 responsible for enforcing the Motor Carrier Act, the Motor  
2 Transportation Act, the Motor Vehicle Code and the Criminal  
3 Code; and

4 (4) civilian employees of the former motor  
5 transportation division or the former special investigations  
6 division, who shall be subject to the provisions of the  
7 Personnel Act.

8 C. The New Mexico law enforcement academy shall  
9 consist of personnel of the New Mexico law enforcement  
10 academy and such other functions as the secretary may  
11 transfer to it.

12 D. The technical support division shall consist of  
13 functions such as crime laboratory and records.

14 E. The administrative services division shall  
15 consist of the administrative services as the secretary deems  
16 necessary.

17 F. The information technology division shall  
18 consist of such functions as computer and technology support  
19 as the secretary deems necessary."

20 SECTION 4. Section 29-2-1.1 NMSA 1978 (being Laws 1987,  
21 Chapter 254, Section 18, as amended) is amended to read:

22 "29-2-1.1. DEFINITIONS.--As used in Chapter 29  
23 NMSA 1978:

24 A. "chief" or "chief of the state police" means  
25 the director of the New Mexico state police division of the



1 department;

2 B. "commission" means the public safety advisory  
3 commission;

4 C. "department" means the department of public  
5 safety;

6 D. "member of the New Mexico state police" means a  
7 commissioned officer of the New Mexico state police,  
8 including an officer who is certified and commissioned as of  
9 June 30, 2015 in the former motor transportation division or  
10 the former special investigations division;

11 E. "New Mexico law enforcement academy" or  
12 "academy" means a division of the department established  
13 pursuant to the Law Enforcement Training Act;

14 F. "New Mexico state police" means the New Mexico  
15 state police division of the department; and

16 G. "secretary" means the secretary of public  
17 safety."

18 SECTION 5. Section 29-2-3 NMSA 1978 (being Laws 1941,  
19 Chapter 147, Section 3, as amended) is amended to read:

20 "29-2-3. NEW MEXICO STATE POLICE--ORGANIZATION.--The  
21 New Mexico state police shall consist of a chief and such  
22 patrol officers, sergeants, lieutenants and captains as the  
23 secretary may deem advisable within the limits of the funds  
24 appropriated for the New Mexico state police; provided that  
25 the number of captains, lieutenants and sergeants shall not

1 exceed twenty-five percent of the total number of the police,  
2 exclusive of the chief; but this requirement shall not be  
3 interpreted so as to require the demotion of any member of  
4 the previous state police division, the former motor  
5 transportation division or the former special investigations  
6 division."

7 SECTION 6. Section 29-2-4 NMSA 1978 (being Laws 1941,  
8 Chapter 147, Section 4, as amended) is amended to read:

9 "29-2-4. APPOINTMENTS--REMOVAL.--The chief of the  
10 New Mexico state police shall be appointed by the secretary.  
11 All patrol officers and other officers and all civilian  
12 employees shall be appointed by the chief."

13 SECTION 7. Section 29-2-4.1 NMSA 1978 (being Laws 1979,  
14 Chapter 202, Section 16) is amended to read:

15 "29-2-4.1. RULES.--The secretary shall promulgate rules  
16 governing employment and operating practices and related  
17 matters for employees of the New Mexico state police."

18 SECTION 8. Section 29-2-6 NMSA 1978 (being Laws 1941,  
19 Chapter 147, Section 6, as amended) is amended to read:

20 "29-2-6. QUALIFICATIONS OF MEMBERS.--

21 A. Members of the New Mexico state police, except  
22 the chief, shall:

23 (1) at the time of their appointment, be  
24 citizens of the United States;

25 (2) at the time of their appointment, have

1 reached twenty-one years of age;

2 (3) except as otherwise provided in  
3 Subsection B of this section, at the time of their  
4 appointment, have completed at least sixty hours of college  
5 credit or have had two years of military or law enforcement  
6 service. This requirement shall not apply to officers who  
7 are certified and commissioned as of June 30, 2015 in the  
8 former motor transportation division or the former special  
9 investigations division;

10 (4) be of good moral character and not have  
11 been convicted of a felony or infamous crime in the courts of  
12 this state or other state or any country or in the federal  
13 courts; and

14 (5) pass a physical examination that the  
15 New Mexico state police may require.

16 B. Notwithstanding the requirement of Paragraph  
17 (3) of Subsection A of this section, the chief may appoint a  
18 member of the New Mexico state police who has at least thirty  
19 hours of college credit, and the chief shall determine an  
20 appropriate time period after appointment for the member to  
21 complete the additional thirty hours of college credit  
22 required. This provision shall not apply to officers who are  
23 certified and commissioned as of June 30, 2015 in the former  
24 motor transportation division or the former special  
25 investigations division."

1 SECTION 9. Section 29-2-7 NMSA 1978 (being Laws 1941,  
2 Chapter 147, Section 7, as amended) is amended to read:

3 "29-2-7. COMMISSIONED OFFICERS--APPLICATION--  
4 PROCEDURE.--The New Mexico state police shall cause all  
5 applicants for the position of commissioned officer to submit  
6 a written detailed application on forms as the secretary  
7 shall prescribe, and the secretary shall cause an  
8 investigation to be made of all applicants, subsequent to  
9 their taking the examination referred to in Section 29-2-8  
10 NMSA 1978, for the purpose of determining the moral  
11 character, general reputation and fitness of any applicant.  
12 An applicant who is found unfit as a result of the  
13 investigation shall be disqualified for employment. The  
14 secretary shall by rule prescribe the physical qualifications  
15 of applicants and shall require each applicant to submit to a  
16 physical examination by doctors as the secretary shall  
17 designate. An applicant who does not meet the physical  
18 requirements prescribed by the secretary shall be  
19 disqualified for employment. Inasmuch as laws have been  
20 enacted providing for retirement, disability and life  
21 insurance funds for members of the New Mexico state police,  
22 it is the intention of the legislature that no applicants  
23 will be appointed who are in such physical condition that the  
24 cost of such protection will thereby be increased."

25 SECTION 10. Section 29-2-8 NMSA 1978 (being Laws 1941,

1 Chapter 147, Section 8, as amended) is amended to read:

2 "29-2-8. NEW MEXICO STATE POLICE--COMMISSIONED  
3 OFFICERS--EXAMINATION.--The New Mexico state police shall  
4 conduct a written examination of all applicants for the  
5 position of commissioned officer for the purpose of  
6 determining their mental qualifications and knowledge of the  
7 laws of New Mexico and their ability to render assistance in  
8 case of accidents upon the public highways. No applicant  
9 shall be appointed a member of the New Mexico state police,  
10 other than the chief, until the applicant has passed the  
11 written examination with a grade of not less than seventy-two  
12 percent. This section shall not apply to officers who are  
13 certified and commissioned as of June 30, 2015 in the former  
14 motor transportation division or the former special  
15 investigations division."

16 SECTION 11. Section 29-2-9 NMSA 1978 (being Laws 1941,  
17 Chapter 147, Section 9, as amended) is amended to read:

18 "29-2-9. PROBATIONARY PERIOD--LENGTH--PERMANENT  
19 COMMISSION--SALARY.--

20 A. All new appointments as members of the  
21 New Mexico state police shall be for a probationary period of  
22 two years. During the probationary period, the new members  
23 may be removed or suspended at the discretion of the chief.  
24 At the end of two years of satisfactory service and upon  
25 recommendation of the chief and with concurrence of the

1 secretary, the appointee may receive a permanent commission  
2 as a member of the New Mexico state police. However, the  
3 probationary period may be extended beyond a two-year period  
4 upon the recommendation of the chief with the concurrence of  
5 the secretary. This subsection shall not apply to officers  
6 who are certified and commissioned as of June 30, 2015 in the  
7 former motor transportation division or the former special  
8 investigations division. Members who are on probation on  
9 July 1, 2015 shall complete the probationary period under  
10 which they were hired.

11 B. The salaries of all members of the New Mexico  
12 state police, probationary and permanent, and that of the  
13 chief shall be fixed by the secretary."

14 SECTION 12. Section 29-2-10 NMSA 1978 (being Laws 1941,  
15 Chapter 147, Section 10, as amended) is amended to read:

16 "29-2-10. PROMOTIONS.--All promotions in the New Mexico  
17 state police to the rank of sergeant shall be made after  
18 written examinations. All promotions above the rank of  
19 sergeant shall be made by the chief after concurrence and  
20 approval by the secretary. The ranks of sergeant, lieutenant  
21 and captain shall be permanent unless established as an  
22 exempt rank by the chief with the concurrence of the  
23 secretary. All promotions above the rank of captain are by  
24 executive appointment of the chief with concurrence of the  
25 secretary, and those persons shall serve at the pleasure of

1 the chief with the concurrence of the secretary."

2 SECTION 13. Section 29-2-12 NMSA 1978 (being Laws 1941,  
3 Chapter 147, Section 12, as amended) is amended to read:

4 "29-2-12. OATH.--All members of the New Mexico state  
5 police and the secretary shall take the oath of office  
6 required of all state officials."

7 SECTION 14. Section 29-2-14 NMSA 1978 (being Laws 1971,  
8 Chapter 87, Section 1, as amended) is amended to read:

9 "29-2-14. UNAUTHORIZED WEARING OF UNIFORM OR BADGE--  
10 UNAUTHORIZED MARKING OF MOTOR VEHICLE--PENALTY.--

11 A. Unauthorized wearing of uniform or badge  
12 consists of the wearing or requiring the wearing, without  
13 authorization by the secretary, of a uniform or badge or both  
14 whose material, color or design, or any combination of them,  
15 is such that the wearer appears to be a member of the  
16 New Mexico state police.

17 B. Unauthorized marking of motor vehicle consists  
18 of the marking, using, possessing or owning or requiring the  
19 marking or using, without authorization by the secretary, of  
20 a motor vehicle whose insignia, color or equipment, or any  
21 combination of them, is such that the motor vehicle appears  
22 to be a New Mexico state police motor vehicle.

23 C. Whoever commits unauthorized wearing of uniform  
24 or badge or unauthorized marking of motor vehicle is guilty  
25 of a petty misdemeanor."

1 SECTION 15. Section 29-2-16 NMSA 1978 (being Laws 1941,  
2 Chapter 147, Section 15, as amended) is amended to read:

3 "29-2-16. STATE POLICE SCHOOL--COMPENSATION.--

4 A. Before entering upon the appointee's duties,  
5 every appointee to the New Mexico state police shall be  
6 required to attend a school of instruction approved by the  
7 secretary. A uniform course of instruction shall be given  
8 all trainees governing the operation, maintenance and  
9 temporary roadside repair of motor vehicles, the laws of the  
10 state that the appointee may be called on to enforce and  
11 other instruction as the secretary may require. Attendance  
12 at the school or other course of instruction as may be  
13 prescribed renders the person attending subject to the  
14 control of the New Mexico state police during attendance.

15 B. The secretary may, within the budgetary means  
16 of the New Mexico state police, allow subsistence and  
17 compensation for trainees attending the school of instruction  
18 at the New Mexico state police headquarters or elsewhere.

19 C. This section shall not apply to members of the  
20 former motor transportation division or the former special  
21 investigations division."

22 SECTION 16. Section 29-2-18 NMSA 1978 (being Laws 1941,  
23 Chapter 147, Section 17, as amended) is amended to read:

24 "29-2-18. STATE POLICE CHIEF AND OTHER MEMBERS--POWERS  
25 AND DUTIES.--



1           A. The chief and other members of the New Mexico  
2 state police, when duly commissioned and sworn under the  
3 provisions of Sections 29-2-1 through 29-2-29 NMSA 1978,  
4 shall have the following powers and shall be:

5                   (1) conservators of the peace within the  
6 state with full power to apprehend, arrest and bring before  
7 the proper court all law violators within the state;

8                   (2) ex-officio deputies and agents of all  
9 the officers and departments of the taxation and revenue  
10 department and of the officers and departments within the  
11 state charged with the registration of motor vehicles, the  
12 issuance of licenses to operators of motor vehicles and of  
13 the officers and departments of the state charged with the  
14 regulation and control of motor vehicles operated upon the  
15 public highways for hire in the transportation of either  
16 passengers or property; and

17                   (3) charged with the enforcement of all laws  
18 of New Mexico regulating the use of highways.

19           B. Upon request of any officer or agency of the  
20 state charged with the duty of enforcing any law of the state  
21 that is made to the secretary, one or more members of the  
22 New Mexico state police may be temporarily designated  
23 specifically to enforce the provisions of such law."

24           SECTION 17. Section 29-2-19 NMSA 1978 (being Laws 1977,  
25 Chapter 257, Section 34, as amended) is amended to read:

1 "29-2-19. CHIEF--QUALIFICATIONS--REMOVAL.--

2 A. The chief is the executive officer of the  
3 New Mexico state police and is subject to the control,  
4 supervision and direction of the secretary. The appointee,  
5 at the time of appointment as chief by the secretary, shall  
6 have been a member of the New Mexico state police holding a  
7 permanent commission for ten continuous years immediately  
8 prior to the appointment and shall have served not less than  
9 three years in a supervisory capacity. Appointment shall be  
10 made with the consent of the senate.

11 B. The chief shall serve at the pleasure of the  
12 secretary.

13 C. The seniority and retirement rating of the  
14 chief shall be continuous as for any other member.

15 D. The chief shall maintain an office in Santa Fe  
16 in such quarters as are provided by the New Mexico state  
17 police for that purpose."

18 SECTION 18. Section 29-2-20 NMSA 1978 (being Laws 1941,  
19 Chapter 147, Section 19, as amended) is amended to read:

20 "29-2-20. DISTRICTS.--The New Mexico state police  
21 chief, subject to the control of the secretary, may divide  
22 the state into districts and may designate home stations for  
23 the members of the New Mexico state police."

24 SECTION 19. Section 29-2-22 NMSA 1978 (being Laws 1941,  
25 Chapter 147, Section 21, as amended) is amended to read:

1           "29-2-22. RULEMAKING POWER--RULES TO ESTABLISH  
2 STANDARDS OF CONDUCT.--The secretary has authority to make  
3 and promulgate rules and regulations for the purpose of  
4 carrying out the provisions of Sections 29-2-1 through  
5 29-2-29 NMSA 1978. The secretary shall establish by rules,  
6 from time to time, standards of conduct for members of the  
7 New Mexico state police, and a copy of the rules shall be  
8 delivered to each member and displayed at each station of the  
9 department. The rules shall be filed pursuant to the State  
10 Rules Act."

11           SECTION 20. Section 29-2-24 NMSA 1978 (being Laws 1941,  
12 Chapter 147, Section 25, as amended) is amended to read:

13           "29-2-24. WAIVER.--The provisions of Sections 29-2-6  
14 through 29-2-8 NMSA 1978 may be waived by the secretary with  
15 regard to plainclothes or special investigators and other  
16 employees not regularly uniformed."

17           SECTION 21. Section 29-2-25 NMSA 1978 (being Laws 1947,  
18 Chapter 38, Section 1, as amended) is amended to read:

19           "29-2-25. ACCIDENT REPORTS.--When any member of the  
20 New Mexico state police investigates a motor vehicle  
21 accident, the member shall make a written report of the  
22 findings on appropriate forms furnished by the New Mexico  
23 state police, the original of which report shall be filed in  
24 the office of the New Mexico state police and shall be  
25 furnished to any person upon written application accompanied

1 by a fee as set by the secretary for the photocopy of each  
2 surface of all documents comprising a report."

3 SECTION 22. Section 29-7-3 NMSA 1978 (being Laws 1979,  
4 Chapter 202, Section 42, as amended) is amended to read:

5 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

6 A. There is created the "New Mexico law  
7 enforcement academy board".

8 B. The academy shall be controlled and supervised  
9 by policy set by the board. The board shall be composed of  
10 the attorney general, who shall serve automatically by reason  
11 of office and serve as chair of the board, and eight members  
12 who are qualified electors to be appointed by the governor  
13 and confirmed by the senate. An appointed board member shall  
14 serve and have all of the duties, responsibilities and  
15 authority of that office during the period prior to the final  
16 action by the senate in confirming or rejecting the  
17 appointment.

18 C. Appointments to the board shall be for terms of  
19 four years or less made in such manner that the terms of not  
20 more than two members expire on July 1 of each year. At all  
21 times, the board shall have represented on it, as members,  
22 one municipal police chief, one sheriff, one state police  
23 officer, one attorney who is currently employed in a district  
24 attorney's office, one certified police chief of a New Mexico  
25 Indian tribe or pueblo, one certified New Mexico police

1 officer holding the rank of sergeant or below and two  
2 citizen-at-large members, neither of whom shall be a police  
3 officer or retired police officer or have familial or  
4 financial connections to a police officer or any agency or  
5 department for which a police officer works. Vacancies shall  
6 be filled by the governor for the unexpired term.

7 D. Members of the board shall receive, for their  
8 service as members of the board, per diem and mileage as  
9 provided in the Per Diem and Mileage Act."

10 SECTION 23. Section 29-7-5.1 NMSA 1978 (being Laws  
11 1979, Chapter 202, Section 45, as amended) is amended to  
12 read:

13 "29-7-5.1. REMOVAL OF DIRECTOR.--The director may be  
14 removed by the board in accordance with the procedures  
15 provided in Section 29-2-11 NMSA 1978 for removal of members  
16 of the New Mexico state police holding permanent commissions.  
17 In the case of removal proceedings for the director under  
18 that section, "commission", as used in Subsections C and D of  
19 Section 29-2-11 NMSA 1978, shall be construed to mean the  
20 New Mexico law enforcement academy board."

21 SECTION 24. Section 29-7-6.1 NMSA 1978 (being Laws  
22 1993, Chapter 255, Section 7) is amended to read:

23 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

24 A. Every county sheriff, except sheriffs who have  
25 previously been awarded a certificate attesting to completion

1 of a basic law enforcement training program, shall  
2 participate in and complete an administrative law enforcement  
3 training program no later than twelve months after the date  
4 the sheriff assumes office as a county sheriff.

5 B. The director shall establish the administrative  
6 law enforcement training program for county sheriffs, subject  
7 to review and approval by the executive committee of the  
8 sheriff's affiliate of the New Mexico association of  
9 counties.

10 C. A county sheriff's per diem, mileage and  
11 tuition expenses attributed to attendance at the  
12 administrative law enforcement training shall be paid for by  
13 the governing body of the county served by that sheriff."

14 SECTION 25. Section 29-7-7 NMSA 1978 (being Laws 1981,  
15 Chapter 114, Section 6, as amended) is amended to read:

16 "29-7-7. DEFINITIONS.--For the purpose of the Law  
17 Enforcement Training Act:

18 A. "academy" means the New Mexico law enforcement  
19 academy;

20 B. "basic law enforcement training" means a course  
21 consisting of not less than four hundred hours of instruction  
22 in basic law enforcement training as required by the Law  
23 Enforcement Training Act;

24 C. "board" means the New Mexico law enforcement  
25 academy board;

1           D. "conviction" means an adjudication of guilt or  
2 a plea of no contest and includes convictions that are  
3 suspended or deferred;

4           E. "director" means the director of the division;

5           F. "division" means the New Mexico law enforcement  
6 academy of the department of public safety;

7           G. "in-service law enforcement training" means a  
8 course of instruction required of all certified peace  
9 officers and designed to train and equip all police officers  
10 in the state with specific law enforcement skills and to  
11 ensure the continuing development of all police officers in  
12 the state. The training and instruction shall be kept  
13 current and may be conducted on a regional basis at the  
14 discretion of the director;

15           H. "police officer" means any commissioned  
16 employee of a law enforcement agency that is part of or  
17 administered by the state or any political subdivision of the  
18 state, and includes any employee of a missile range civilian  
19 police department who is a graduate of a recognized certified  
20 regional law enforcement training facility and who is  
21 currently certifiable by the academy, which employee is  
22 responsible for the prevention and detection of crime or the  
23 enforcement of the penal, or traffic or highway laws of this  
24 state. The term specifically includes deputy sheriffs.  
25 Sheriffs are eligible to attend the academy and are eligible

1 to receive certification as provided in the Law Enforcement  
2 Training Act. As used in this subsection, "commissioned"  
3 means an employee of a law enforcement agency who is  
4 authorized by a sheriff or chief of police to apprehend,  
5 arrest and bring before the court all violators within the  
6 state; and

7 I. "certified regional law enforcement training  
8 facility" means a law enforcement training facility within the  
9 state certified by the director, with the approval of the  
10 academy's board of directors, that offers basic law  
11 enforcement training and in-service law enforcement training  
12 that is comparable to or exceeds the standards of the programs  
13 of the academy."

14 SECTION 26. Section 29-7-12 NMSA 1978 (being Laws 1981,  
15 Chapter 114, Section 12, as amended) is amended to read:

16 "29-7-12. CHARGES--FUND CREATED--USE.--

17 A. The division shall not charge local public  
18 bodies or New Mexico Indian tribes or pueblos for any expenses  
19 associated with providing basic law enforcement training  
20 programs to applicants for certification seeking commission  
21 pursuant to the provisions of the Law Enforcement Training  
22 Act. The division may charge state agencies and institutions  
23 and federal agencies and shall charge civilian participants  
24 for the cost of providing basic law enforcement training  
25 programs, which charges shall be specified in a tuition and



1 fee schedule promulgated by the board and shall not exceed the  
2 actual cost of providing the training programs.

3 B. The division may charge state agencies and  
4 institutions, local public bodies, New Mexico Indian tribes  
5 and pueblos and federal agencies and shall charge civilian  
6 participants for the cost of providing advanced training  
7 programs, which charges shall be specified in a tuition and  
8 fee schedule promulgated by the board and shall not exceed the  
9 actual cost of providing the training programs.

10 C. The division may charge for the rental or other  
11 use of the academy's facility, personnel and equipment, which  
12 charges shall be specified in a tuition and fee schedule  
13 promulgated by the board and shall not exceed the actual cost  
14 of the facility, personnel or equipment.

15 D. The "law enforcement training and recruiting  
16 fund" is created in the state treasury. Money received by the  
17 division for activities specified in this section shall be  
18 deposited in the fund. The department of public safety shall  
19 administer the fund, and money in the fund is appropriated to  
20 the division to offset the operational costs of the division.  
21 Money in the fund shall be nonreverting. Money shall be  
22 expended on warrants issued by the secretary of finance and  
23 administration upon vouchers signed by the secretary of public  
24 safety or the secretary of public safety's authorized  
25 representative.

1           E. As used in this section, "local public body"  
2 means all political subdivisions of the state and their  
3 agencies, instrumentalities and institutions."

4           SECTION 27. Section 60-3A-1 NMSA 1978 (being Laws 1981,  
5 Chapter 39, Section 1, as amended) is amended to read:

6           "60-3A-1. SHORT TITLE.--Chapter 60, Articles 3A, 5A,  
7 6A, 6B, 6C, 6E, 7A, 7B and 8A NMSA 1978 may be cited as the  
8 "Liquor Control Act"."

9           SECTION 28. Section 60-3A-3 NMSA 1978 (being Laws 1981,  
10 Chapter 39, Section 3, as amended) is amended to read:

11           "60-3A-3. DEFINITIONS.--As used in the Liquor Control  
12 Act:

13           A. "alcoholic beverages" means distilled or  
14 rectified spirits, potable alcohol, brandy, whiskey, rum, gin  
15 and aromatic bitters bearing the federal internal revenue  
16 strip stamps or any similar alcoholic beverage, including  
17 blended or fermented beverages, dilutions or mixtures of one  
18 or more of the foregoing containing more than one-half percent  
19 alcohol, but excluding medicinal bitters;

20           B. "beer" means an alcoholic beverage obtained by  
21 the fermentation of any infusion or decoction of barley, malt  
22 and hops or other cereals in water, and includes porter, beer,  
23 ale and stout;

24           C. "brewer" means a person who owns or operates a  
25 business for the manufacture of beer;

1 D. "club" means:

2 (1) any nonprofit group, including an  
3 auxiliary or subsidiary group, organized and operated under  
4 the laws of this state, with a membership of not less than  
5 fifty members who pay membership dues at the rate of not less  
6 than five dollars (\$5.00) per year and who, under the  
7 constitution and bylaws of the club, have all voting rights  
8 and full membership privileges, and which group is the owner,  
9 lessee or occupant of premises used exclusively for club  
10 purposes and which group the director finds:

11 (a) is operated solely for recreation,  
12 social, patriotic, political, benevolent or athletic purposes;  
13 and

14 (b) has been granted an exemption by  
15 the United States from the payment of the federal income tax  
16 as a club under the provisions of Section 501(a) of the  
17 Internal Revenue Code of 1986, as amended, or, if the  
18 applicant has not operated as a club for a sufficient time to  
19 be eligible for the income tax exemption, it must execute and  
20 file with the director a sworn letter of intent declaring that  
21 it will, in good faith, apply for an income tax exemption as  
22 soon as it is eligible; or

23 (2) an airline passenger membership club  
24 operated by an air common carrier that maintains or operates a  
25 clubroom at an international airport terminal. As used in

1 this paragraph, "air common carrier" means a person engaged in  
2 regularly scheduled air transportation between fixed termini  
3 under a certificate of public convenience and necessity issued  
4 by the federal aviation administration;

5 E. "commission" means the secretary of public  
6 safety when the term is used in reference to the enforcement  
7 and investigatory provisions of the Liquor Control Act and  
8 means the superintendent of regulation and licensing when the  
9 term is used in reference to the licensing provisions of the  
10 Liquor Control Act;

11 F. "department" means the New Mexico state police  
12 division of the department of public safety when the term is  
13 used in reference to the enforcement and investigatory  
14 provisions of the Liquor Control Act and means the director of  
15 the alcohol and gaming division of the regulation and  
16 licensing department when the term is used in reference to the  
17 licensing provisions of the Liquor Control Act;

18 G. "director" means the chief of the New Mexico  
19 state police division of the department of public safety when  
20 the term is used in reference to the enforcement and  
21 investigatory provisions of the Liquor Control Act and means  
22 the director of the alcohol and gaming division of the  
23 regulation and licensing department when the term is used in  
24 reference to the licensing provisions of the Liquor Control  
25 Act;

1           H. "dispenser" means a person licensed under the  
2 provisions of the Liquor Control Act selling, offering for  
3 sale or having in the person's possession with the intent to  
4 sell alcoholic beverages both by the drink for consumption on  
5 the licensed premises and in unbroken packages for consumption  
6 and not for resale off the licensed premises;

7           I. "distiller" means a person engaged in  
8 manufacturing spirituous liquors;

9           J. "golf course" means a tract of land and  
10 facilities used for playing golf and other recreational  
11 activities that includes tees, fairways, greens, hazards,  
12 putting greens, driving ranges, recreational facilities,  
13 patios, pro shops, cart paths and public and private roads  
14 that are located within the tract of land;

15           K. "governing body" means the board of county  
16 commissioners of a county or the city council or city  
17 commissioners of a municipality;

18           L. "hotel" means an establishment or complex  
19 having a resident of New Mexico as a proprietor or manager and  
20 where, in consideration of payment, meals and lodging are  
21 regularly furnished to the general public. The establishment  
22 or complex must maintain for the use of its guests a minimum  
23 of twenty-five sleeping rooms;

24           M. "licensed premises" means the contiguous areas  
25 or areas connected by indoor passageways of a structure and

1 the outside dining, recreation and lounge areas of the  
2 structure and the grounds and vineyards of a structure that is  
3 a winery that are under the direct control of the licensee and  
4 from which the licensee is authorized to sell, serve or allow  
5 the consumption of alcoholic beverages under the provisions of  
6 its license; provided that in the case of a restaurant,  
7 "licensed premises" includes a restaurant that has operated  
8 continuously in two separate structures since July 1, 1987 and  
9 that is located in a local option district that has voted to  
10 disapprove the transfer of liquor licenses into that local  
11 option district, hotel, golf course or racetrack and all  
12 public and private rooms, facilities and areas in which  
13 alcoholic beverages are sold or served in the customary  
14 operating procedures of the restaurant, hotel, golf course or  
15 racetrack. "Licensed premises" also includes rural dispenser  
16 licenses located in the unincorporated areas of a county with  
17 a population of less than thirty thousand, located in  
18 buildings in existence as of January 1, 2012, that are within  
19 one hundred fifty feet of one another and that are under the  
20 direct control of the license holder;

21 N. "local option district" means a county that has  
22 voted to approve the sale, serving or public consumption of  
23 alcoholic beverages, or an incorporated municipality that  
24 falls within a county that has voted to approve the sale,  
25 serving or public consumption of alcoholic beverages, or an

1 incorporated municipality of over five thousand population  
2 that has independently voted to approve the sale, serving or  
3 public consumption of alcoholic beverages under the terms of  
4 the Liquor Control Act or any former act;

5 O. "manufacturer" means a distiller, rectifier,  
6 brewer or winer;

7 P. "minor" means a person under twenty-one years  
8 of age;

9 Q. "package" means an immediate container of  
10 alcoholic beverages that is filled or packed by a manufacturer  
11 or wine bottler for sale by the manufacturer or wine bottler  
12 to wholesalers;

13 R. "person" means an individual, corporation,  
14 firm, partnership, copartnership, association or other legal  
15 entity;

16 S. "rectifier" means a person who blends, mixes or  
17 distills alcohol with other liquids or substances for the  
18 purpose of making an alcoholic beverage for the purpose of  
19 sale other than to the consumer by the drink, and includes all  
20 bottlers of spirituous liquors;

21 T. "restaurant" means an establishment having a  
22 New Mexico resident as a proprietor or manager that is held  
23 out to the public as a place where meals are prepared and  
24 served primarily for on-premises consumption to the general  
25 public in consideration of payment and that has a dining room,

1 a kitchen and the employees necessary for preparing, cooking  
2 and serving meals; provided that "restaurant" does not include  
3 establishments as defined in rules promulgated by the director  
4 serving only hamburgers, sandwiches, salads and other fast  
5 foods;

6 U. "retailer" means a person licensed under the  
7 provisions of the Liquor Control Act selling, offering for  
8 sale or having in the person's possession with the intent to  
9 sell alcoholic beverages in unbroken packages for consumption  
10 and not for resale off the licensed premises;

11 V. "spirituous liquors" means alcoholic beverages  
12 as defined in Subsection A of this section except fermented  
13 beverages such as wine, beer and ale;

14 W. "wholesaler" means a person whose place of  
15 business is located in New Mexico and who sells, offers for  
16 sale or possesses for the purpose of sale any alcoholic  
17 beverages for resale by the purchaser;

18 X. "wine" includes the words "fruit juices" and  
19 means alcoholic beverages obtained by the fermentation of the  
20 natural sugar contained in fruit or other agricultural  
21 products, with or without the addition of sugar or other  
22 products, that do not contain less than one-half percent nor  
23 more than twenty-one percent alcohol by volume;

24 Y. "wine bottler" means a New Mexico wholesaler  
25 who is licensed to sell wine at wholesale for resale only and



1 who buys wine in bulk and bottles it for wholesale resale;

2 Z. "winegrower" means a person who owns or  
3 operates a business for the manufacture of wine;

4 AA. "winer" means a winegrower; and

5 BB. "winery" means a facility in which a  
6 winegrower manufactures and stores wine."

7 SECTION 29. Section 60-4B-4.1 NMSA 1978 (being Laws  
8 1993, Chapter 329, Section 1) is recompiled as Section  
9 60-3A-6.1 NMSA 1978 and is amended to read:

10 "60-3A-6.1. LOCAL LAW ENFORCEMENT--DEPARTMENT OF PUBLIC  
11 SAFETY--REPORTING REQUIREMENTS--AUTHORITY TO REQUEST  
12 INVESTIGATIONS.--

13 A. Within thirty days following the date of  
14 issuance of a citation pursuant to the provisions of the  
15 Liquor Control Act, the department of public safety or the law  
16 enforcement agency of a municipality or county shall report  
17 alleged violations of that act to the alcohol and gaming  
18 division of the regulation and licensing department.

19 B. The director of the alcohol and gaming division  
20 of the regulation and licensing department may request the  
21 investigators of the department of public safety to  
22 investigate licensees or activities that the director has  
23 reasonable cause to believe are in violation of the Liquor  
24 Control Act."

25 SECTION 30. Section 60-4B-4 NMSA 1978 (being Laws 1981,

1 Chapter 39, Section 7) is recompiled as Section 60-3A-8.1  
2 NMSA 1978 and is amended to read:

3 "60-3A-8.1. INVESTIGATIVE AUTHORITY AND POWERS.--

4 A. For the purpose of enforcing the provisions of  
5 the Liquor Control Act, the director is authorized to examine  
6 and to require the production of pertinent records, books,  
7 information or evidence, to require the presence of any person  
8 and to require the person to testify under oath concerning the  
9 subject matter of the inquiry and to make a permanent record  
10 of the proceedings.

11 B. The director is vested with the power to issue  
12 subpoenas. In no case shall a subpoena be made returnable  
13 less than five days from the date of service.

14 C. Any subpoena issued by the director shall state  
15 with reasonable certainty the nature of the evidence required  
16 to be produced, the time and place of the hearing, the nature  
17 of the inquiry or investigation and the consequences of  
18 failure to obey the subpoena, and shall bear the seal of the  
19 department and be attested to by the director.

20 D. After service of a subpoena upon a person, if  
21 the person neglects or refuses to appear or produce records or  
22 other evidence in response to the subpoena or neglects or  
23 refuses to give testimony, as required, the director may  
24 invoke the aid of the New Mexico district courts in the  
25 enforcement of the subpoena. In appropriate cases, the court

1 shall issue its order requiring the person to appear and  
2 testify or produce the person's books or records and may, upon  
3 failure of the person to comply with the order, punish the  
4 person for contempt.

5 E. The director may exchange identification  
6 records and information with law enforcement agencies for  
7 official use. Identification records received from the United  
8 States department of justice, including identification records  
9 based on fingerprints, shall be used only to effectuate the  
10 licensing purposes and provisions of the Liquor Control Act.  
11 The department shall not disseminate such information except  
12 to other law enforcement agencies for official use only.

13 F. For the purposes of this section, "director"  
14 means the director of the alcohol and gaming division of the  
15 regulation and licensing department."

16 SECTION 31. Section 65-1-2 NMSA 1978 (being Laws 1978,  
17 Chapter 19, Section 1, as amended) is amended to read:

18 "65-1-2. DEFINITIONS.--As used in the Motor  
19 Transportation Act:

20 A. "combination" means any connected assemblage of  
21 a motor vehicle and one or more semitrailers, trailers or  
22 semitrailers converted to trailers by means of a converter  
23 gear;

24 B. "combination gross vehicle weight" means the  
25 sum total of the gross vehicle weights of all units of a

1 combination;

2 C. "commercial motor carrier vehicle" means a  
3 self-propelled or towed vehicle, other than special mobile  
4 equipment, used on public highways in commerce to transport  
5 passengers or property when the vehicle:

6 (1) is operated interstate and has a gross  
7 vehicle weight rating or gross combination weight rating, or  
8 gross vehicle weight or gross combination weight, of four  
9 thousand five hundred thirty-six kilograms, or ten thousand  
10 one pounds or more; or is operated only in intrastate commerce  
11 and has a gross vehicle weight rating or gross combination  
12 weight rating, or gross vehicle weight or gross combination  
13 weight, of twenty-six thousand one or more pounds;

14 (2) is designed or used to transport more  
15 than eight passengers, including the driver, and is used to  
16 transport passengers for compensation;

17 (3) is designed or used to transport more  
18 than fifteen passengers, including the driver, and is not used  
19 to transport passengers for compensation; or

20 (4) is used to transport hazardous materials  
21 of the type or quantity requiring placarding under rules  
22 prescribed by applicable federal or state law;

23 D. "converter gear" means any assemblage of one or  
24 more axles with a fifth wheel mounted thereon, designed for  
25 use in a combination to support the front end of a semitrailer

1 but not permanently attached thereto. A "converter gear"  
2 shall not be considered a vehicle as that term is used in  
3 Chapter 66 NMSA 1978, but its weight shall be included in  
4 declared gross weight;

5 E. "declared gross weight" means maximum gross  
6 vehicle weight or combination gross vehicle weight at which a  
7 vehicle or combination will be operated during the  
8 registration period as declared by the registrant for  
9 registration and fee purposes. The vehicle or combination  
10 shall have only one "declared gross weight" for all operating  
11 considerations;

12 F. "department", without modification, means the  
13 department of public safety, the secretary of public safety or  
14 any employee of the department exercising authority lawfully  
15 delegated to that employee by the secretary;

16 G. "director" means the secretary;

17 H. "division" means the New Mexico state police  
18 division of the department;

19 I. "evidence of registration" means documentation  
20 issued by the taxation and revenue department identifying a  
21 motor carrier vehicle as being registered with New Mexico or  
22 documentation issued by another state pursuant to the terms of  
23 a multistate agreement on registration of vehicles to which  
24 this state is a party identifying a motor carrier vehicle as  
25 being registered with that state; provided that evidence of

1 payment of the weight distance tax and permits obtained under  
2 either the Special Fuels Supplier Tax Act or Trip Tax Act are  
3 not "evidence of registration";

4 J. "field enforcement" or "in the field" means  
5 patrolling of the highway, stopping of commercial motor  
6 carrier vehicles or establishing ports of entry and roadblocks  
7 for the purpose of checking motor carriers and includes  
8 similar activities;

9 K. "freight trailer" means any trailer,  
10 semitrailer or pole trailer drawn by a truck tractor or road  
11 tractor and any trailer, semitrailer or pole trailer drawn by  
12 a truck that has a gross vehicle weight of more than  
13 twenty-six thousand pounds, but the term does not include  
14 house trailers, trailers of less than one-ton carrying  
15 capacity used to transport animals or fertilizer trailers of  
16 less than three thousand five hundred pounds empty weight;

17 L. "gross vehicle weight" means the weight of a  
18 vehicle without load plus the weight of any load thereon;

19 M. "motor carrier" means any person that owns,  
20 controls, operates or manages any motor vehicle with gross  
21 vehicle weight of twelve thousand pounds or more that is used  
22 to transport persons or property on the public highways of  
23 this state;

24 N. "motor vehicle" means any vehicle or device  
25 that is propelled by an internal combustion engine or electric

1 motor power that is used or may be used on the public highways  
2 for the purpose of transporting persons or property and  
3 includes any connected trailer or semitrailer;

4 O. "one-way rental fleet" means two or more  
5 vehicles each having a gross vehicle weight of under  
6 twenty-six thousand one pounds and rented to the public  
7 without a driver;

8 P. "person" means any individual, estate, trust,  
9 receiver, cooperative association, club, corporation, company,  
10 firm, partnership, joint venture, syndicate or other  
11 association; "person" also means, to the extent permitted by  
12 law, any federal, state or other governmental unit or  
13 subdivision or an agency, department or instrumentality;  
14 "person" also includes an officer or employee of a  
15 corporation, a member or employee of a partnership or any  
16 individual who, as such, is under a duty to perform any act in  
17 respect of which a violation occurs;

18 Q. "properly registered" means bearing the  
19 lawfully issued and currently valid evidence of registration  
20 of this or another jurisdiction, regardless of the owner's  
21 residence, except in those cases where the evidence has been  
22 procured by misrepresentation or fraud;

23 R. "public highway" means every way or place  
24 generally open to the use of the public as a matter of right  
25 for the purpose of vehicular travel, even though it may be

1 temporarily closed or restricted for the purpose of  
2 construction, maintenance, repair or reconstruction;

3 S. "secretary" means the secretary of public  
4 safety and, except for the purposes of Section 65-1-33  
5 NMSA 1978, also includes a deputy secretary and any division  
6 director delegated by the secretary;

7 T. "state" or "jurisdiction" means a state,  
8 territory or possession of the United States, the District of  
9 Columbia, the commonwealth of Puerto Rico, a foreign country  
10 or a state or province of a foreign country; and

11 U. "utility trailer" means any trailer,  
12 semitrailer or pole trailer and includes house trailers that  
13 exceed neither eight feet in width nor forty feet in length,  
14 but does not include freight trailers, trailers of less than  
15 one-ton carrying capacity used to transport animals or  
16 fertilizer trailers of less than three thousand five hundred  
17 pounds empty weight."

18 SECTION 32. Section 65-1-35 NMSA 1978 (being Laws 1967,  
19 Chapter 97, Section 44, as amended) is amended to read:

20 "65-1-35. DUPLICATE RECORDS.--If the New Mexico state  
21 police division in carrying out any of the powers and duties  
22 granted or imposed on it by the Motor Transportation Act needs  
23 duplicates of any records not transferred to it by that act,  
24 all departments, agencies and commissions of this state shall,  
25 upon request, make the records available to the division for



1 copying."

2 SECTION 33. Section 66-1-4.2 NMSA 1978 (being Laws  
3 1990, Chapter 120, Section 3, as amended) is amended to read:

4 "66-1-4.2. DEFINITIONS.--As used in the Motor Vehicle  
5 Code:

6 A. "bicycle" means every device propelled by human  
7 power upon which any person may ride, having two tandem  
8 wheels, except scooters and similar devices;

9 B. "bureau" means the traffic safety bureau of the  
10 department of transportation;

11 C. "bus" means every motor vehicle designed and  
12 used for the transportation of persons and every motor  
13 vehicle, other than a taxicab, designed and used for the  
14 transportation of persons for compensation; and

15 D. "business district" means the territory  
16 contiguous to and including a highway when within any three  
17 hundred feet along the highway there are buildings in use for  
18 business or industrial purposes, including but not limited to  
19 hotels, banks or office buildings, railroad stations and  
20 public buildings that occupy at least fifty percent of the  
21 frontage on one side or fifty percent of the frontage  
22 collectively on both sides of the highway."

23 SECTION 34. Section 66-3-302 NMSA 1978 (being Laws  
24 1978, Chapter 35, Section 78, as amended) is amended to read:

25 "66-3-302. CARAVAN FEE.--

1           A. A person or an employee, agent or  
2 representative of that person shall not use the highways of  
3 New Mexico for the transportation of any vehicle, regardless  
4 of whether the vehicle is registered in another state or  
5 whether the vehicle is transported on its own wheels or on  
6 another vehicle or by being drawn or towed behind another, if  
7 the vehicle is transported by any person or the agents or  
8 employees of that person engaged in the business of  
9 transporting vehicles or if the vehicle is being transported  
10 for the purpose of delivery to any purchaser of the vehicle on  
11 a sale or contract of sale previously made, unless the vehicle  
12 carries:

13                       (1) a valid New Mexico registration plate;

14                       (2) a valid dealer's plate issued by the  
15 department;

16                       (3) a special permit for the use of the  
17 highways of this state for the transportation of the vehicle  
18 in the manner in which the vehicle is being transported, which  
19 has first been obtained and the fee paid as specified in this  
20 section; or

21                       (4) a valid temporary transportation permit  
22 issued under Subsection B of Section 66-3-6 NMSA 1978.

23           B. Special permits for the use of the highways of  
24 this state for the transportation of such vehicles shall be  
25 issued by the department of public safety upon application on

1 the form prescribed by the department of public safety and  
2 upon payment of a fee of ten dollars (\$10.00) for each vehicle  
3 transported by use of its own power and a fee of seven dollars  
4 (\$7.00) for each vehicle carried in or on another vehicle or  
5 towed or drawn by another vehicle and not transported in whole  
6 or in part by the use of its own power. A fee imposed  
7 pursuant to this section may be referred to as a "caravan  
8 fee". Every permit shall show upon its face the registration  
9 number assigned to each vehicle, the name and address of the  
10 owner, the manner of transportation authorized and a  
11 description of the vehicle registered, including the engine  
12 number. The permit shall be carried at all times by the  
13 person in charge of the vehicle. A suitable tag or placard  
14 for each vehicle may be issued by the department of public  
15 safety and, if issued, shall be at all times displayed on each  
16 vehicle being transported. The permit, tag or placard shall  
17 not be used upon or in connection with the transportation of  
18 any vehicle other than the one for which the permit, tag or  
19 placard is issued.

20 C. A caravan fee shall not apply to the  
21 transportation of vehicles carried on another vehicle for the  
22 operation of which a weight distance tax is paid, nor shall  
23 the vehicle transported be required to carry a registration  
24 plate or temporary transportation permits. The New Mexico  
25 state police division of the department of public safety is

1 authorized to impound any vehicle transported in violation of  
2 the Motor Transportation Act until a proper permit has been  
3 secured and any fine levied has been paid."

4 SECTION 35. Section 66-7-314 NMSA 1978 (being Laws  
5 1978, Chapter 35, Section 418, as amended) is amended to read:

6 "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT MAY BE  
7 REQUIRED.--When, in the judgment of the New Mexico state  
8 police division of the department of public safety or local  
9 authorities with respect to highways under their jurisdiction,  
10 the movement of any vehicle is deemed a hazard to traffic upon  
11 a highway over which the vehicle is to travel, the granting of  
12 permission for the movement of the vehicle may be conditioned  
13 upon a special escort accompanying the hazardous vehicle."

14 SECTION 36. Section 66-7-411 NMSA 1978 (being Laws  
15 1978, Chapter 35, Section 482, as amended) is amended to read:

16 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES  
17 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

18 A. A police officer with the New Mexico state  
19 police division of the department of public safety, having  
20 reason to believe that the weight of a vehicle and load is  
21 unlawful, may require the driver to stop and submit to  
22 weighing of the vehicle and load by means of either portable  
23 or stationary scales and may require the vehicle to be driven  
24 to the nearest scales approved by the department of public  
25 safety if the scales are within five miles. A police officer

1 shall not require a driver to weigh a vehicle on a private  
2 scale.

3 B. When a police officer with the New Mexico state  
4 police division of the department of public safety or a  
5 transportation inspector, upon weighing a vehicle or  
6 combination, determines that the gross vehicle weight or  
7 combination gross vehicle weight exceeds the maximum  
8 authorized by Sections 66-7-409 and 66-7-410 NMSA 1978, the  
9 officer or inspector shall require the driver or owner of the  
10 vehicle or combination to unload that portion of the load  
11 necessary to decrease the gross vehicle weight or combination  
12 gross vehicle weight to the authorized maximum.

13 C. A driver of a vehicle who fails or refuses to  
14 stop and submit the vehicle and load to weighing or who fails  
15 or refuses, when directed by a duly authorized police officer  
16 with the New Mexico state police division of the department of  
17 public safety or a transportation inspector, upon a weighing  
18 of the vehicle, to unload the vehicle and otherwise comply  
19 with the provisions of this section is guilty of a  
20 misdemeanor.

21 D. A shipper or a person loading the vehicle who  
22 intentionally overloads a vehicle that the shipper or person  
23 has reason to believe will travel in that condition upon a  
24 public highway is guilty of a misdemeanor and shall be fined  
25 in accordance with Section 66-8-116.1 NMSA 1978.

1           E. In all cases of violations of weight  
2 limitations, the penalties shall be assessed and imposed in  
3 accordance with Section 66-8-116.1 NMSA 1978."

4           SECTION 37. Section 66-7-412 NMSA 1978 (being Laws  
5 1959, Chapter 247, Section 1, as amended) is amended to read:

6           "66-7-412. SPECIAL FARM PERMITS.--The New Mexico state  
7 police division of the department of public safety shall have  
8 the authority to issue special permits at all ports of entry  
9 where registration stations or places where inspection and  
10 registration services are maintained by the New Mexico state  
11 police division to all implements of husbandry using the  
12 highways, including farm tractors, and to the  
13 instrumentalities or vehicles that may be carrying the  
14 implements of husbandry, including farm tractors, when the  
15 securing of these permits is required by law."

16           SECTION 38. Section 66-7-413.2 NMSA 1978 (being Laws  
17 1989, Chapter 291, Section 1, as amended) is amended to read:

18           "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN  
19 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

20           A. All vehicles with a gross vehicle weight in  
21 excess of one hundred seventy thousand pounds shall require a  
22 special permit as provided for in Section 66-7-413 NMSA 1978,  
23 and no such permit shall be issued unless:

24                   (1) an engineering investigation and review  
25 have been conducted to:

1 (a) establish whether the move could be  
2 made without visible or documented damages to the portion of  
3 road or bridges upon which the move is to be made;

4 (b) establish whether the move could be  
5 made without visible or documented damages to any private  
6 facilities along the road upon which the move is to be made;  
7 and

8 (c) estimate the cost for any necessary  
9 modifications the move may cause; and

10 (2) when required, the applicant has  
11 submitted to the New Mexico state police division of the  
12 department of public safety and the local highway authorities  
13 all pertinent information requested of the applicant by the  
14 New Mexico state police division. If the submitted data are  
15 not acceptable to the department of transportation, the  
16 applicant will be advised by the New Mexico state police  
17 division that engineering investigations will be conducted by  
18 the department of transportation, and the cost incurred by the  
19 department of transportation will be paid by the applicant as  
20 an added cost to the permit fee.

21 B. The New Mexico state police division shall  
22 adopt the necessary rules and regulations for the development  
23 of data for an investigation to determine whether to issue any  
24 special permit pursuant to Section 66-7-413 NMSA 1978.

25 C. The applicant or the applicant's employer shall

1 pay the costs for any modifications to the road, bridges or  
2 private facilities along the road that the New Mexico state  
3 police division has determined are necessary for the issuance  
4 of the special permit and the costs for any damages to the  
5 road or bridges that are the result of the move and the fault  
6 of the mover and not the New Mexico state police division.

7 D. Any person who violates the provisions of  
8 Subsection A of this section is guilty of a misdemeanor and  
9 shall be punished by a fine of not more than one thousand  
10 dollars (\$1,000) or imprisonment for a definite term not to  
11 exceed six months, or both.

12 E. Nothing contained in this section shall limit  
13 in any manner the authority of the state, a county, a  
14 municipality or a political subdivision to collect damages for  
15 any unlawful use of highways as provided by law."

16 SECTION 39. Section 66-7-413.4 NMSA 1978 (being Laws  
17 2001, Chapter 20, Section 2, as amended) is amended to read:

18 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

19 A. In addition to the authority granted in Section  
20 66-7-413 NMSA 1978, the New Mexico state police division of  
21 the department of public safety may issue special permits  
22 authorizing an increase of up to twenty-five percent in axle  
23 weight for liquid hauling tank vehicles whenever the liquid  
24 hauling tank vehicles would have to haul less than a full tank  
25 under the maximum weights authorized in Sections 66-7-409 and



1 66-7-410 NMSA 1978. A special permit under this section may  
2 be issued for a single trip or for a year. The fee for the  
3 permits shall be thirty-five dollars (\$35.00) for a  
4 single-trip permit and one hundred twenty dollars (\$120) for  
5 an annual permit. Revenue from the permit fee shall be used  
6 to build, maintain, repair or reconstruct the highways and  
7 bridges of this state. Revenue from the permit shall be  
8 collected for the department of transportation and transferred  
9 to the state road fund.

10 B. The special permits authorized by this section  
11 shall not be valid for transportation of excessive weights on  
12 the interstate system as currently defined in federal law or  
13 as that system may be defined in the future. A special permit  
14 issued pursuant to this section shall not be valid for gross  
15 vehicle weights in excess of eighty-six thousand four hundred  
16 pounds or for a combination vehicle.

17 C. If the federal highway administration of the  
18 United States department of transportation gives official  
19 notice that money will be withheld or that this section  
20 violates the grandfather provision of 23 USCA 127, the  
21 secretary may withdraw all special permits and discontinue  
22 issuance of all special permits authorized in this section  
23 until such time that final determination is made. If the  
24 final determination allows the state to issue the special  
25 permits without sanction of funds or weight tables, the

1 secretary shall reissue the special permits previously  
2 withdrawn and make the special permits available pursuant to  
3 this section."

4 SECTION 40. Section 66-7-415 NMSA 1978 (being Laws  
5 1955, Chapter 37, Section 12, as amended) is amended to read:

6 "66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR  
7 LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

8 A. Local authorities, with respect to streets  
9 under their jurisdiction, may also, by ordinance or  
10 resolution, prohibit the operation of trucks or other  
11 commercial vehicles or may impose limitations as to size or  
12 weight on designated streets in areas that are primarily  
13 residential, which prohibitions and limitations shall be  
14 designated by appropriate signs placed on the street.

15 B. The local authority enacting an ordinance or  
16 resolution shall erect or cause to be erected and maintained  
17 signs designating the provisions of the ordinance or  
18 resolution at each end of that portion of the street affected,  
19 and the ordinance or resolution shall not be effective until  
20 signs are erected and maintained and notice given in writing  
21 to the nearest officer or employee of the New Mexico state  
22 police division of the department of public safety authorized  
23 to issue special permits.

24 C. The state transportation commission shall  
25 likewise have authority, as granted to local authorities in

1 Subsections A and B of this section, to determine by  
2 resolution and to impose restrictions as to the size and  
3 weight of vehicles operated upon any highways under the  
4 jurisdiction of the commission, and such restrictions shall be  
5 effective upon the passage of a resolution and when signs  
6 giving notice thereof are erected upon the highway or portion  
7 of any highway affected by the resolution. The commission  
8 shall deliver a copy of all restrictions adopted by it to the  
9 New Mexico state police division of the department of public  
10 safety."

11 SECTION 41. Section 66-7-505 NMSA 1978 (being Laws  
12 1978, Chapter 35, Section 492, as amended) is amended to read:

13 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--  
14 TERMS.--

15 A. There is created a five-member advisory  
16 committee to the bureau. The chief is, ex officio, the chair  
17 and a voting member of the committee. The governor shall  
18 appoint three members, to terms coterminous with the  
19 governor's tenure, who shall have the following  
20 qualifications:

21 (1) one member who is representative of the  
22 law enforcement agencies of this state;

23 (2) one member who is representative of the  
24 school bus transportation function of the public education  
25 department; and

1                   (3) one member who is representative of the  
2 New Mexico state police division of the department of public  
3 safety.

4                   B. Appointees who are public officers or public  
5 employees shall be compensated for attendance at meetings  
6 according to the Per Diem and Mileage Act. Appointees who are  
7 not public officers or employees shall be compensated for  
8 attendance at meetings in commensurate amount."

9                   SECTION 42. Section 10-11-2 NMSA 1978 (being Laws 1987,  
10 Chapter 253, Section 2, as amended) is amended to read:

11                   "10-11-2. DEFINITIONS.--As used in the Public Employees  
12 Retirement Act:

13                   A. "accumulated member contributions" means the  
14 amounts deducted from the salary of a member and credited to  
15 the member's individual account, together with interest, if  
16 any, credited to that account;

17                   B. "affiliated public employer" means the state  
18 and any public employer affiliated with the association as  
19 provided in the Public Employees Retirement Act, but does not  
20 include an employer pursuant to the Magistrate Retirement Act,  
21 the Judicial Retirement Act or the Educational Retirement Act;

22                   C. "association" means the public employees  
23 retirement association established under the Public Employees  
24 Retirement Act;

25                   D. "disability retired member" means a retired

1 member who is receiving a pension pursuant to the disability  
2 retirement provisions of the Public Employees Retirement Act;

3 E. "disability retirement pension" means the  
4 pension paid pursuant to the disability retirement provisions  
5 of the Public Employees Retirement Act;

6 F. "educational retirement system" means that  
7 retirement system provided for in the Educational Retirement  
8 Act;

9 G. "employee" means any employee of an affiliated  
10 public employer;

11 H. "federal social security program" means that  
12 program or those programs created and administered pursuant  
13 to the act of congress approved August 14, 1935, Chapter 531,  
14 49 Stat. 620, as that act may be amended;

15 I. "final average salary" means the final average  
16 salary calculated in accordance with the provisions of the  
17 applicable coverage plan;

18 J. "form of payment" means the applicable form of  
19 payment of a pension provided for in Section 10-11-117  
20 NMSA 1978;

21 K. "former member" means a person who was  
22 previously employed by an affiliated public employer, who has  
23 terminated that employment and who has received a refund of  
24 member contributions;

25 L. "fund" means the funds included under the

1 Public Employees Retirement Act;

2 M. "member" means a currently employed,  
3 contributing employee of an affiliated public employer, or a  
4 person who has been but is not currently employed by an  
5 affiliated public employer, who has not retired and who has  
6 not received a refund of member contributions; "member" also  
7 includes the following:

8 (1) "adult correctional officer member"  
9 means a member who is employed as an adult correctional  
10 officer or an adult correctional officer specialist by a state  
11 correctional facility of the corrections department or its  
12 successor agency;

13 (2) "juvenile correctional officer member"  
14 means a member who is employed as a juvenile correctional  
15 officer by the children, youth and families department or its  
16 successor agency;

17 (3) "municipal detention officer member"  
18 means a member who is employed by an affiliated public  
19 employer other than the state and who has inmate custodial  
20 responsibilities at a facility used for the confinement of  
21 persons charged with or convicted of a violation of a law or  
22 ordinance;

23 (4) "municipal fire member" means any member  
24 who is employed as a full-time nonvolunteer firefighter by an  
25 affiliated public employer and who has taken the oath

1 prescribed for firefighters;

2 (5) "municipal police member" means any  
3 member who is employed as a police officer by an affiliated  
4 public employer, other than the state, and who has taken the  
5 oath prescribed for police officers; and

6 (6) "state police member" means a member who  
7 is an officer of the New Mexico state police and who has taken  
8 the oath prescribed for such officers, except that a state  
9 police member shall not include a member who is an officer of  
10 the New Mexico state police division and who was certified and  
11 commissioned as of June 30, 2015 in the former motor  
12 transportation division or the former special investigations  
13 division of the department of public safety;

14 N. "membership" means membership in the  
15 association;

16 O. "pension" means a series of monthly payments to  
17 a retired member or survivor beneficiary as provided in the  
18 Public Employees Retirement Act;

19 P. "public employer" means the state, any  
20 municipality, city, county, metropolitan arroyo flood control  
21 authority, economic development district, regional housing  
22 authority, soil and water conservation district, entity  
23 created pursuant to a joint powers agreement, council of  
24 government, conservancy district, irrigation district, water  
25 and sanitation district, water district and metropolitan water

1 board, including the boards, departments, bureaus and agencies  
2 of a public employer, so long as these entities fall within  
3 the meaning of governmental plan as that term is used in  
4 Section 414(d) of the Internal Revenue Code of 1986, as  
5 amended;

6 Q. "refund beneficiary" means a person designated  
7 by the member, in writing, in the form prescribed by the  
8 association, as the person who would be refunded the member's  
9 accumulated member contributions payable if the member dies  
10 and no survivor pension is payable or who would receive the  
11 difference between pension paid and accumulated member  
12 contributions if the retired member dies before receiving in  
13 pension payments the amount of the accumulated member  
14 contributions;

15 R. "retire" means to:

16 (1) terminate employment with all employers  
17 covered by any state system or the educational retirement  
18 system; and

19 (2) receive a pension from a state system or  
20 the educational retirement system;

21 S. "retired member" means a person who has met all  
22 requirements for retirement and who is receiving a pension  
23 from the fund;

24 T. "retirement board" means the retirement board  
25 provided for in the Public Employees Retirement Act;



1           U. "salary" means the base salary or wages paid a  
2 member, including longevity pay, for personal services  
3 rendered an affiliated public employer. "Salary" shall not  
4 include overtime pay, allowances for housing, clothing,  
5 equipment or travel, payments for unused sick leave, unless  
6 the unused sick leave payment is made through continuation of  
7 the member on the regular payroll for the period represented  
8 by that payment, and any other form of remuneration not  
9 specifically designated by law as included in salary for  
10 Public Employees Retirement Act purposes. Salary in excess of  
11 the limitations set forth in Section 401(a)(17) of the  
12 Internal Revenue Code of 1986, as amended, shall be  
13 disregarded. The limitation on compensation for eligible  
14 employees shall not be less than the amount that was allowed  
15 to be taken into account under the state retirement system  
16 acts in effect on July 1, 1993. For purposes of this  
17 subsection, "eligible employee" means an individual who was a  
18 member of a state system before the first plan year beginning  
19 after December 31, 1995;

20           V. "state system" means the retirement programs  
21 provided for in the Public Employees Retirement Act, the  
22 Magistrate Retirement Act and the Judicial Retirement Act;

23           W. "state retirement system acts" means  
24 collectively the Public Employees Retirement Act, the  
25 Magistrate Retirement Act, the Judicial Retirement Act and the

1 Volunteer Firefighters Retirement Act; and

2 X. "survivor beneficiary" means a person who  
3 receives a pension or who has been designated to be paid a  
4 pension as a result of the death of a member or retired  
5 member."

6 SECTION 43. TEMPORARY PROVISIONS--TRANSFER OF  
7 PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On  
8 July 1, 2015:

9 A. all personnel, appropriations, money, records,  
10 equipment, supplies and other property of the special  
11 investigations and motor transportation divisions of the  
12 department of public safety shall be transferred to the  
13 New Mexico state police division of the department of public  
14 safety;

15 B. all contracts pertaining to the special  
16 investigations and motor transportation divisions of the  
17 department of public safety shall be binding and effective on  
18 the department of public safety; and

19 C. all references in law to the special  
20 investigations or motor transportation division of the  
21 department of public safety shall be deemed to refer to the  
22 New Mexico state police division of the department of public  
23 safety.

24 SECTION 44. TEMPORARY PROVISIONS--TRANSFER OF  
25 PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On

1 July 1, 2015:

2 A. all personnel, appropriations, money, records,  
3 equipment, supplies and other property of the training and  
4 recruiting division of the department of public safety shall  
5 be transferred to the New Mexico law enforcement academy of  
6 the department of public safety;

7 B. all contracts pertaining to the training and  
8 recruiting division of the department of public safety shall  
9 be binding and effective on the New Mexico law enforcement  
10 academy of the department of public safety; and

11 C. all references in law to the training and  
12 recruiting division of the department of public safety shall  
13 be deemed to refer to the New Mexico law enforcement academy  
14 of the department of public safety.

15 SECTION 45. REPEAL.--Sections 60-4B-1, 60-4B-2,  
16 60-4B-7, 65-1-7 and 65-1-38 through 65-1-45 NMSA 1978 (being  
17 Laws 1981, Chapter 39, Sections 4, 5 and 10, Laws 1998  
18 (1st S.S.), Chapter 10, Section 6 and Laws 2007, Chapter 54,  
19 Sections 1 through 8, as amended) are repealed.

20 SECTION 46. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2015. \_\_\_\_\_

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