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SENATE BILL 395

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR THE ORGANIZATION,  
POWERS AND ADMINISTRATION OF THE MOTOR TRANSPORTATION DIVISION;  
CREATING CRIMINAL OFFENSES REGARDING AND PROVIDING PENALTIES  
FOR MISUSE OF A MOTOR TRANSPORTATION DIVISION UNIFORM, BADGE OR  
VEHICLE.

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

Section 1. A new section of Chapter 65 NMSA 1978 is  
enacted to read:

"NEW MATERIAL DIVISION ORGANIZED.--There is organized in  
the department the "motor transportation division". "

Section 2. A new section of Chapter 65 NMSA 1978 is  
enacted to read:

"NEW MATERIAL DEFINITIONS.--As used in Sections 1  
through 9 of this act:

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

- 1           A. "chief" means the director of the division;  
2           B. "department" means the department of public  
3 safety;  
4           C. "division" means the motor transportation  
5 division of the department;  
6           D. "officer" means a commissioned officer of the  
7 division;  
8           E. "personnel board" means the personnel board  
9 created in the Personnel Act; and  
10          F. "secretary" means the secretary of public  
11 safety. "

12           Section 3. A new section of Chapter 65 NMSA 1978 is  
13 enacted to read:

14           "[NEW MATERIAL] DIVISION--ORGANIZATION.--The division  
15 shall consist of a chief, deputy chief, major, captains,  
16 lieutenants, sergeants, patrol officers and noncommissioned  
17 personnel according to the Personnel Act within the limits of  
18 the funds appropriated for the division. "

19           Section 4. A new section of Chapter 65 NMSA 1978 is  
20 enacted to read:

21           "[NEW MATERIAL] APPOINTMENTS--REMOVAL.--The secretary  
22 shall appoint the chief. The chief shall serve at the pleasure  
23 of the secretary. The chief is the executive officer of the  
24 division and shall be subject to the control, supervision and  
25 direction of the secretary. All officers and civilian

underscored material = new  
[bracketed material] = delete

1 employees of the division shall be appointed by the chief  
2 according to personnel board rules. "

3 Section 5. A new section of Chapter 65 NMSA 1978 is  
4 enacted to read:

5 "[NEW MATERIAL] QUALIFICATIONS OF AN OFFICER. -- An officer,  
6 except the chief, shall:

7 A. at the time of the officer's appointment, be a  
8 citizen of the United States and at least twenty-one years of  
9 age;

10 B. be of good moral character and not have been  
11 convicted of a felony or an infamous crime in a court of a  
12 county, this state or another state or in a federal court;

13 C. pass a physical examination and any other  
14 examination the department may require; and

15 D. hold a high school diploma or the equivalent. "

16 Section 6. A new section of Chapter 65 NMSA 1978 is  
17 enacted to read:

18 "[NEW MATERIAL] CHIEF AND OTHER OFFICERS-- POWERS AND  
19 DUTIES. --The chief and other officers shall be:

20 A. peace officers in the performance of their  
21 duties with full power to apprehend, arrest and bring before  
22 the proper court law violators within the state and authority  
23 to enforce the Motor Carrier Act, the Motor Transportation Act,  
24 the Motor Vehicle Code and the Criminal Code; and

25 B. ex-officio deputies and agents of the officers

underscored material = new  
[bracketed material] = delete

1 of the taxation and revenue department and of the officers and  
2 departments within the state charged with registration of motor  
3 vehicles and the issuance of licenses to operators of motor  
4 vehicles. "

5 Section 7. A new section of Chapter 65 NMSA 1978 is  
6 enacted to read:

7 "[NEW MATERIAL] COMMISSIONS--SALARY. --

8 A. The chief shall commission officers.

9 B. The personnel board shall determine the pay band  
10 assignments for officers. "

11 Section 8. A new section of Chapter 65 NMSA 1978 is  
12 enacted to read:

13 "[NEW MATERIAL] UNIFORM AND BADGES-- UNIFORM ALLOWANCE TO  
14 BE SET BY SECRETARY. --The secretary shall prescribe a suitable  
15 and distinctive uniform. The secretary shall provide and issue  
16 to each officer a uniform and an appropriate badge, which shall  
17 contain in plain legible letters the words "Motor  
18 Transportation Police". The prescribed uniform and badge shall  
19 be worn at all times when on duty, except when by direction of  
20 the chief, the secretary or the governor. A uniform allowance  
21 shall be established by the secretary and allowed in addition  
22 to an officer's and a noncommissioned uniformed employee's  
23 salary and paid according to department policy. "

24 Section 9. A new section of Chapter 65 NMSA 1978 is  
25 enacted to read:

. 153994. 1

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"[NEW MATERIAL] UNAUTHORIZED WEARING OF UNIFORM OR BADGE- -  
UNAUTHORIZED MARKING OF MOTOR VEHICLE- - PENALTY. - -

A. Unauthorized wearing of a uniform or badge consists of wearing or requiring the wearing, without the authorization of the chief, of a uniform or badge whose material, color or design causes the wearer to appear to be an officer.

B. Unauthorized marking of a motor vehicle consists of marking, using, possessing or owning or requiring the marking or using, without the authorization of the chief, of a motor vehicle whose insignia, color or equipment causes the motor vehicle to appear to be a division police vehicle.

C. A person who commits unauthorized wearing of a uniform or badge pursuant to Subsection A of this section or unauthorized marking of a motor vehicle pursuant to Subsection B of this section is guilty of a petty misdemeanor and shall be sentenced pursuant to Section 31-19-1 NMSA 1978. "