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AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR THE ISSUANCE OF  
PROTECTIVE AND UNDERCOVER LICENSE PLATES TO STATE AGENCIES  
AND CERTAIN INDIAN NATIONS, TRIBES, PUEBLOS AND OTHER  
ENTITIES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION  
OF LAW IN LAWS 2009.

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

SECTION 1. Section 15-8-3 NMSA 1978 (being Laws 1994,  
Chapter 119, Section 3, as amended) is amended to read:

"15-8-3. DEFINITIONS.--As used in the Transportation  
Services Act:

A. "director" means the director of the division;

B. "division" means the transportation services  
division of the general services department;

C. "protective license plate" means a regular  
passenger license plate issued to a state vehicle that is in  
the custody of a state agency, can be traced to that state  
agency and is being used for sensitive activities;

D. "secretary" means the secretary of general  
services;

E. "sensitive activity" means an activity  
performed by an employee of the state that:

(1) is authorized by the state to be  
performed for a legitimate and appropriate purpose for the

1 state, other than a legitimate undercover law enforcement  
2 purpose; and

3 (2) would place the employee at a higher  
4 risk of personal injury if knowledge of the activity were  
5 made public, as determined in writing by an appropriate  
6 supervising authority of the employee;

7 F. "state agency" means a state department,  
8 agency, board or commission but does not include the  
9 legislative and judicial branches, public schools and  
10 institutions of higher education;

11 G. "state vehicle" means an automobile, van,  
12 sport-utility truck, pickup truck or other vehicle with a  
13 declared gross vehicle weight of less than ten thousand  
14 pounds used by a state agency to transport passengers or  
15 property; and

16 H. "undercover license plate" means a regular  
17 passenger license plate issued to a state vehicle that is  
18 registered in a fictitious name and address that cannot be  
19 traced to the state agency having custody of the vehicle and  
20 that is being used for legitimate law enforcement purposes  
21 only."

22 SECTION 2. Section 15-8-6 NMSA 1978 (being Laws 1994,  
23 Chapter 119, Section 6, as amended by Laws 2009, Chapter 8,  
24 Section 1 and by Laws 2009, Chapter 129, Section 1 and also  
25 by Laws 2009, Chapter 250, Section 6) is amended to read:

1 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE  
2 GOVERNMENT PLATES.--

3 A. The division shall adopt rules governing the  
4 use of vehicles used by state agencies or by other persons  
5 pursuant to Subsection I of this section, including driver  
6 requirements and responsibilities, under what circumstances  
7 someone can be assigned a state vehicle on a permanent or  
8 semipermanent basis and when custody of a state vehicle can  
9 be vested in another state agency.

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

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

16 (2) the state vehicle is a department of  
17 transportation, energy, minerals and natural resources  
18 department, department of game and fish or homeland security  
19 and emergency management department passenger vehicle, truck  
20 or tractor or heavy road equipment.

21 C. Except as provided in Subsections F, G and H of  
22 this section, all state vehicles shall be marked as state  
23 vehicles. Each side of the vehicle shall be marked, in  
24 letters not less than two inches in height, with the  
25 following designation of ownership: "State of

1 New Mexico, ..... Department" or "State of New Mexico  
2 Department of ....." and naming the department using the  
3 vehicle.

4 D. Except as provided in Subsections F, G and H of  
5 this section, all state vehicles shall have specially  
6 designed government registration plates.

7 E. Except as provided in Subsections F, G and H of  
8 this section, all state vehicles owned or in the custody of  
9 state agencies that have law enforcement functions shall be  
10 marked and have state government registration plates.

11 F. State vehicles used for legitimate undercover  
12 law enforcement purposes are exempt from the requirements of  
13 Subsections C, D and E of this section and may be issued an  
14 undercover license plate when it is determined by the  
15 division that issuance of such a license plate is necessary  
16 to protect legitimate undercover law enforcement activities.

17 G. State vehicles used for sensitive activities  
18 other than legitimate undercover law enforcement purposes are  
19 exempt from the requirements of Subsections C, D and E of  
20 this section and may be issued a protective license plate  
21 when it is determined by the division that issuance of such a  
22 license plate is necessary to protect the health, safety or  
23 welfare of a state employee using a state-owned vehicle for  
24 sensitive activities. The standards for the issuance of a  
25 protective license plate pursuant to this subsection shall be

1 determined by rule jointly promulgated by the division and  
2 the motor vehicle division of the taxation and revenue  
3 department.

4 H. A state agency may seek custody of state  
5 vehicles as an exception to Subsection B of this section or  
6 an exemption to the provisions of Subsection C of this  
7 section by making a written request to the director,  
8 specifying the reasons for the proposed custody or exemption.  
9 The director may approve the custody or exemption, in  
10 writing, indicating the duration and any conditions of the  
11 custody or exemption.

12 I. The division shall adopt rules permitting  
13 individuals enrolled in the state's adaptive driving program  
14 to use special-use state vehicles for evaluation and training  
15 purposes in that program."

16 SECTION 3. Section 66-6-15 NMSA 1978 (being Laws 1978,  
17 Chapter 35, Section 350, as amended) is amended to read:

18 "66-6-15. VEHICLES OF THE STATE, COUNTY OR  
19 MUNICIPALITY.--

20 A. Vehicles or trailers owned by and used in the  
21 service of an Indian nation, tribe or pueblo located wholly  
22 or partly in this state or of any county or municipality of  
23 this state need not be registered but must continually  
24 display plates furnished by the division.

25 B. Vehicles on loan from dealers and used in an

1 approved driver-training program by the public schools need  
2 not be registered but must continually display plates  
3 furnished by the division.

4 C. Each Indian nation, tribe or pueblo, each  
5 county and each municipality shall apply to the division for  
6 a plate for each vehicle or trailer in its service and shall  
7 provide identifying information concerning each vehicle or  
8 trailer for which a plate is applied.

9 D. The division shall issue plates for vehicles  
10 and trailers in the service of an Indian nation, tribe or  
11 pueblo located wholly or partly in this state or of any  
12 county or municipality of this state and keep a record of  
13 plates issued and plates returned. The plates shall be  
14 permanent and need not be renewed from year to year. The  
15 plates shall be numbered to identify the Indian nation, tribe  
16 or pueblo, the county or the municipality to which the plates  
17 are issued. The plates shall be the same size as  
18 registration plates issued to private vehicles but shall be  
19 different in color from the registration plates issued to  
20 private vehicles.

21 E. A vehicle or trailer owned by and used in the  
22 service of the state need not be registered with the division  
23 but must continually display a plate furnished by the  
24 transportation services division of the general services  
25 department. A state agency shall apply to the transportation

1 services division of the general services department for a  
2 plate for each vehicle or trailer in its service, including  
3 identifying information for each vehicle or trailer. The  
4 transportation services division of the general services  
5 department shall issue plates for state agency vehicles and  
6 trailers and shall keep a record of plates issued and plates  
7 returned. These plates shall be:

8 (1) permanent and shall not be renewed from  
9 year to year;

10 (2) numbered to identify the state agency to  
11 which they are issued; and

12 (3) the same size as but a different color  
13 from registration plates issued to private vehicles or  
14 trailers or from plates issued pursuant to Subsection D of  
15 this section.

16 F. The division may issue to an Indian nation,  
17 tribe or pueblo located wholly or partly in this state or any  
18 county or municipality of this state or an entity not subject  
19 to registration pursuant to Section 66-6-14 NMSA 1978:

20 (1) an undercover license plate when it is  
21 determined by the division that the issuance of such a  
22 license plate is necessary to protect legitimate undercover  
23 law enforcement activities; or

24 (2) a protective license plate when it is  
25 determined by the division that the issuance of such a

1 license plate is necessary to protect the health, safety or  
2 welfare of an employee using a vehicle owned by the Indian  
3 nation, tribe or pueblo or the county, municipality or entity  
4 for sensitive activities.

5 G. The standards for the issuance of a protective  
6 license plate pursuant to Paragraph (2) of Subsection F of  
7 this section shall be determined by rule jointly promulgated  
8 by the transportation services division of the general  
9 services department and the motor vehicle division of the  
10 taxation and revenue department.

11 H. As used in this section:

12 (1) "protective license plate" means a  
13 regular passenger license plate issued to an Indian nation,  
14 tribe or pueblo located wholly or partly in this state or a  
15 government entity that can be traced to that Indian nation,  
16 tribe or pueblo or government entity for a vehicle that is  
17 being used for sensitive activities;

18 (2) "sensitive activity" means an activity  
19 performed by an employee of an Indian nation, tribe or pueblo  
20 located wholly or partly in this state, of any county or  
21 municipality of this state or of an entity not subject to  
22 registration pursuant to Section 66-6-14 NMSA 1978, which  
23 activity:

24 (a) is authorized by the employee's  
25 employer to be performed for a legitimate and appropriate

1 purpose for the employer, other than a legitimate undercover  
2 law enforcement purpose; and

3 (b) would place the employee at a  
4 higher risk of personal injury if knowledge of the activity  
5 were made public, as determined in writing by an appropriate  
6 supervising authority of the employee;

7 (3) "state agency" means a state department,  
8 agency, board or commission, including the legislative and  
9 judicial branches of government, but not including public  
10 schools and institutions of higher education; and

11 (4) "undercover license plate" means a  
12 regular passenger license plate issued to an Indian nation,  
13 tribe or pueblo located wholly or partly in this state or a  
14 government entity that is registered in a fictitious name and  
15 address that cannot be traced to that Indian nation, tribe or  
16 pueblo or the county, municipality or entity for a vehicle  
17 that is being used for legitimate law enforcement purposes  
18 only."

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