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SENATE BILL 444

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO DISABILITIES; INCREASING PENALTIES FOR ILLEGAL  
PARKING IN DESIGNATED DISABLED PARKING SPACES OR FOR BLOCKING  
CURB CUTS DESIGNED FOR ACCESS BY THE MOBILITY IMPAIRED;  
ALLOWING STATE EDUCATIONAL INSTITUTIONS TO ENFORCE DISABLED  
PARKING RESTRICTIONS.

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

Section 1. Section 66-7-352.5 NMSA 1978 (being Laws 1983,  
Chapter 45, Section 5, as amended) is amended to read:

"66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

A. It is unlawful for any person to park a motor  
vehicle not displaying a special registration plate or a  
parking placard issued pursuant to Section 66-3-16 NMSA 1978 in  
a designated disabled parking space.

B. It is unlawful for any person to park a motor

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1 vehicle in such a manner so as to block access to any part of a  
2 curb cut designed for access by persons with severe mobility  
3 impairment.

4 C. Any person convicted of violating Subsection A  
5 or B of this section is subject to a fine of not less than [~~one~~  
6 ~~hundred dollars (\$100)~~] two hundred fifty dollars (\$250) or  
7 more than [~~three hundred dollars (\$300)~~] five hundred dollars  
8 (\$500). Failure to properly display a parking placard or  
9 special registration plate issued pursuant to Section 66-3-16  
10 NMSA 1978 is not a defense against a charge of violation of  
11 Subsection A or B of this section.

12 D. A vehicle parked in violation of Subsection A or  
13 B of this section is subject to being towed at the expense of  
14 the vehicle owner upon authorization by law enforcement  
15 personnel or by the property owner or manager of a parking  
16 lot."

17 Section 2. Section 66-7-352.6 NMSA 1978 (being Laws 2001,  
18 Chapter 124, Section 3) is amended to read:

19 "66-7-352.6. ENFORCEMENT.--

20 A. State, county and municipal law enforcement  
21 personnel [~~have the authority to~~] may issue citations for  
22 violations of Section 66-7-352.5 NMSA 1978 in their respective  
23 jurisdictions, whether the violation occurs on public property  
24 or private property.

25 B. Parking enforcement personnel of each of the

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1 state educational institutions designated in Article 12,  
2 Section 11 of the constitution of New Mexico may issue  
3 citations for violations of Section 66-7-352.5 NMSA 1978 within  
4 the exterior boundaries of lands under the control of their  
5 respective institutions, except portions of those lands that  
6 are public highways or streets."

7 Section 3. Section 66-8-116 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 524, as amended) is amended to read:

9 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--  
10 DEFINITION--SCHEDULE OF ASSESSMENTS.--

11 A. As used in the Motor Vehicle Code, "penalty  
12 assessment misdemeanor" means violation of any of the following  
13 listed sections of the NMSA 1978 for which, except as provided  
14 in Subsection D of this section, the listed penalty assessment  
15 is established:

16 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT
18 Permitting unlicensed		
19 minor to drive	66-5-40	\$ 10.00
20 Failure to obey sign	66-7-104	10.00
21 Failure to obey signal	66-7-105	10.00
22 Speeding	66-7-301	
23 (1) up to and including		
24 ten miles an hour		
25 over the speed limit		15.00

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1	(2) from eleven up to		
2	and including fifteen		
3	miles an hour		
4	over the speed limit		30.00
5	(3) from sixteen up to		
6	and including twenty		
7	miles an hour over the		
8	speed limit		65.00
9	(4) from twenty-one up to		
10	and including twenty-five		
11	miles an hour		
12	over the speed limit		100.00
13	(5) from twenty-six up to		
14	and including thirty		
15	miles an hour over the		
16	speed limit		125.00
17	(6) from thirty-one up to		
18	and including thirty-five		
19	miles an hour over the		
20	speed limit		150.00
21	(7) more than thirty-five		
22	miles an hour over the		
23	speed limit		200.00
24	Unfastened safety belt	66-7-372	25.00
25	Child not in restraint device		

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1	or seat belt	66-7-369	25.00
2	Minimum speed	66-7-305	10.00
3	Speeding	66-7-306	15.00
4	Improper starting	66-7-324	10.00
5	Improper backing	66-7-354	10.00
6	Improper lane	66-7-308	10.00
7	Improper lane	66-7-313	10.00
8	Improper lane	66-7-316	10.00
9	Improper lane	66-7-317	10.00
10	Improper lane	66-7-319	10.00
11	Improper passing	66-7-309 through 66-7-312	10.00
12	Improper passing	66-7-315	10.00
13	Controlled access		
14	violation	66-7-320	10.00
15	Controlled access		
16	violation	66-7-321	10.00
17	Improper turning	66-7-322	10.00
18	Improper turning	66-7-323	10.00
19	Improper turning	66-7-325	10.00
20	Following too closely	66-7-318	10.00
21	Failure to yield	66-7-328 through 66-7-331	10.00
22	Failure to yield	66-7-332	50.00
23	Failure to yield	66-7-332.1	25.00
24	Pedestrian violation	66-7-333	10.00
25	Pedestrian violation	66-7-340	10.00

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1	Failure to stop	66-7-342 and 66-7-344	
2		through 66-7-346	10.00
3	Railroad-highway grade		
4	crossing violation	66-7-341 and 66-7-343	10.00
5	Passing school bus	66-7-347	100.00
6	Failure to signal	66-7-325 through 66-7-327	10.00
7	Failure to secure load	66-7-407	100.00
8	Operation without oversize-		
9	overweight permit	66-7-413	50.00
10	Improper equipment	66-3-801	10.00
11	Improper equipment	66-3-901	20.00
12	Improper emergency		
13	signal	66-3-853 through 66-3-857	10.00
14	Operation interference	66-7-357	5.00
15	Littering	66-7-364	300.00
16	Improper parking	66-7-349 through 66-7-352	
17		and 66-7-353	5.00
18	<del>Improper parking</del>	<del>66-7-352.5</del>	<del>50.00</del>
19	Improper parking	66-3-852	5.00
20	Failure to dim lights	66-3-831	10.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	5.00
23	Improper opening of doors	66-7-367	5.00
24	No slow-moving vehicle		
25	emblem or flashing		

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