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HOUSE BILL 176

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES;
AMENDING A SECTION OF THE NMSA 1978 TO PROVIDE FOR TRAINING OF
LAW ENFORCEMENT OFFICERS REGARDING DISABLED-ACCESSIBLE PARKING;
AMENDING SECTIONS OF THE MOTOR VEHICLE CODE TO PROVIDE FOR
SHORTER PLACARD- AND PLATE-RENEWAL PERIODS AND MORE EXPLICIT
MARKING OF ACCESSIBLE PARKING SPOTS; AMENDING SECTIONS OF THE
ACCESSIBLE PARKING STANDARDS AND ENFORCEMENT ACT TO PROVIDE FOR
GREATER ENFORCEMENT AND MORE EXPLICIT MARKING OF ACCESSIBLE
PARKING SPOTS.

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

Section 1. Section 28-10-2 NMSA 1978 (being Laws 1973,
Chapter 349, Section 2, as amended) is amended to read:

"28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS AND
DUTIES.--The governor's commission on disability shall

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1 establish and maintain a comprehensive statewide program
2 designed to encourage and promote attention to the concerns of
3 the training and employment of individuals with disabilities in
4 this state. To further this purpose, the commission shall:

5 A. cooperate with the president's committee on
6 employment of individuals with disabilities and other federal
7 efforts on behalf of disability concerns;

8 B. cooperate with all employers and training
9 leaders, both public and private, in locating or developing
10 employment opportunities for individuals with disabilities;

11 C. encourage and assist in the organization and
12 operation of committees at the community level, the [~~chairmen~~]
13 chairs of which shall automatically become members of the
14 advisory council authorized under Section 28-10-4 NMSA 1978;

15 D. assist state, local and federal agencies to
16 coordinate their activities to secure maximum utilization of
17 funds and efforts that aid in the training and employment of
18 individuals with disabilities;

19 E. enter into written agreements with public and
20 private employers, unions and rehabilitation agencies for the
21 purpose of achieving the maximum employment of individuals with
22 disabilities;

23 F. inform individuals with disabilities who are
24 seeking jobs of specific facilities available to assist them in
25 locating suitable training and employment;

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1 G. conduct educational programs via publications
2 and other means to acquaint the public, the legislature and the
3 governor with the abilities and the accomplishments of
4 individuals with disabilities;

5 H. promote the elimination of architectural
6 barriers in construction so as to make buildings used by the
7 public readily accessible to and usable by persons with
8 physical limitations;

9 I. make such rules as it determines advisable for
10 the conduct of its own business;

11 J. designate standing committees related to state
12 planning, community organization, public relations and
13 information, legislative action, federal coordination, state
14 coordination, youth, medical rehabilitation, employers and
15 awards;

16 K. designate such special committees as necessary
17 for undetermined periods to carry out special short-term
18 programs;

19 L. establish and administer a residential
20 accessibility modification program to assist low-income
21 individuals with disabilities to make accessibility
22 modifications to residential dwellings as needed to enable
23 those individuals with disabilities to remain in their homes or
24 to leave institutional settings and be reintegrated into the
25 community; [~~and~~]

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1 M. give advice and testimony on disability concerns
2 to the governor or the legislature or any committee established
3 by them, upon request; and

4 N. provide training to state and local law
5 enforcement officers regarding matters pertaining to accessible
6 parking for persons with disabilities."

7 Section 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
8 Chapter 120, Section 2, as amended) is amended to read:

9 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
10 Code:

11 A. "abandoned vehicle" means a vehicle or motor
12 vehicle that has been determined by a New Mexico law
13 enforcement agency:

14 (1) to have been left unattended on either
15 public or private property for at least thirty days;

16 (2) not to have been reported stolen;

17 (3) not to have been claimed by any person
18 asserting ownership; and

19 (4) not to have been shown by normal
20 record-checking procedures to be owned by any person;

21 B. "access aisle" means a space designed to allow a
22 person with a significant mobility limitation to safely exit
23 and enter a motor vehicle that is immediately adjacent to a
24 designated parking space for persons with significant mobility
25 limitation and that may be common to two such parking spaces of

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1 at least sixty inches in width or, if the parking space is
2 designed for van accessibility, ninety-six inches in width, and
3 clearly marked with blue striping and the words "NO PARKING" in
4 capital letters, each of which shall be at least one foot high
5 and at least two inches wide, placed at the rear of the parking
6 space so as to be close to where an adjacent vehicle's rear
7 tires would be placed;

8 C. "actual empty weight" means the weight of a
9 vehicle without a load;

10 D. "additional place of business", for dealers and
11 auto recyclers, means locations in addition to an established
12 place of business as defined in Section 66-1-4.5 NMSA 1978 and
13 meeting all the requirements of an established place of
14 business, except Paragraph (5) of Subsection C of Section
15 66-1-4.5 NMSA 1978, but "additional place of business" does not
16 mean a location used solely for storage and that is not used
17 for wrecking, dismantling, sale or resale of vehicles;

18 E. "alcoholic beverages" means any and all
19 distilled or rectified spirits, potable alcohol, brandy,
20 whiskey, rum, gin, aromatic bitters or any similar alcoholic
21 beverage, including all blended or fermented beverages,
22 dilutions or mixtures of one or more of the foregoing
23 containing more than one-half percent alcohol but excluding
24 medicinal bitters;

25 F. "authorized emergency vehicle" means any fire

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1 department vehicle, police vehicle, ambulance and any emergency
2 vehicles of municipal departments or public utilities that are
3 designated or authorized as emergency vehicles by the director
4 of the New Mexico state police division of the department of
5 public safety or local authorities; and

6 G. "auto recycler" means a person engaged in this
7 state in an established business that includes acquiring
8 vehicles that are required to be registered under the Motor
9 Vehicle Code for the purpose of dismantling, wrecking,
10 shredding, compacting, crushing or otherwise destroying
11 vehicles for reclaimable parts or scrap material to sell."

12 Section 3. Section 66-3-16 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 36, as amended) is amended to read:

14 "66-3-16. DISTINCTIVE REGISTRATION PLATES--PERSONS WITH
15 SIGNIFICANT MOBILITY LIMITATION--PARKING PLACARD.--

16 A. The division shall issue distinctive
17 registration plates for use on motor vehicles and motorcycles
18 owned by a person with a significant mobility limitation who
19 requests a distinctive registration plate and who proves
20 satisfactorily to the division that the person meets the
21 standard provided in Subsection ~~[F]~~ J of this section. No fee
22 in addition to the regular registration fee, if any, applicable
23 to the motor vehicle or motorcycle shall be collected for
24 issuance of distinctive registration plates pursuant to this
25 section.

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1 B. No person shall falsely claim to have a
2 significant mobility limitation so as to be eligible to be
3 issued a distinctive registration plate or a parking placard
4 pursuant to this section when the person does not in fact have
5 a significant mobility limitation. Upon notice and opportunity
6 to be heard, the division may revoke and demand return of any
7 placard when:

8 (1) it was issued in error or with false
9 information;

10 (2) the person receiving the placard is no
11 longer eligible; or

12 (3) the placard is being used by ineligible
13 persons.

14 C. Upon written application to the division
15 accompanied by a medical statement by a licensed physician
16 attesting to the permanent significant mobility limitation, a
17 resident of the state who has a significant mobility
18 limitation, as provided in this section, may apply for and be
19 issued no more than two parking placards for display upon a
20 motor vehicle registered to the person or motor vehicle owned
21 by another person who is transporting the person with a
22 significant mobility limitation. The physician shall provide
23 the division all information and records necessary to issue a
24 permanent parking placard. Once approved for use of a
25 permanent parking placard, a person with a significant mobility

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1 limitation shall not be required to furnish further medical
2 information.

3 D. A parking placard issued pursuant to this
4 section shall expire [~~on the same date the person's license or~~
5 ~~identification card issued pursuant to Section 66-5-401 NMSA~~
6 ~~1978 expires~~] four years from the date it was issued.

7 E. The division shall issue two-sided hanger-style
8 parking placards with the following characteristics:

9 (1) a picture of the international symbol of
10 access;

11 (2) a hologram to make duplication difficult;

12 (3) an imprinted expiration date; and

13 (4) a full-face photograph of the holder on
14 the inside of the placard covered by a flap.

15 F. The division shall consult with the governor's
16 commission on disability for continued issuance and format of
17 the placard.

18 G. The division may issue an identification card
19 containing a full-face photograph of the holder of the
20 registration plate or parking placard and the number of the
21 registration plate or parking placard issued to that person.

22 H. Upon written application to the division
23 accompanied by a medical statement from a licensed physician
24 attesting to a temporary significant mobility limitation, a
25 person may be issued a temporary placard for no more than one

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1 year. The physician shall provide the division all information
2 and records necessary to issue a temporary placard.

3 I. Registration plates or parking placards issued
4 to a person with a significant mobility limitation by another
5 state or foreign jurisdiction shall be honored until the motor
6 vehicle or motorcycle is registered or the parking placard
7 holder establishes residency in this state.

8 J. A person with a significant mobility limitation
9 means a person who:

10 (1) cannot walk one hundred feet without
11 stopping to rest;

12 (2) cannot walk without the use of a brace,
13 cane or crutch or without assistance from another person, a
14 prosthetic device, a wheelchair or other assistive device;

15 (3) is restricted by lung disease to such an
16 extent that the person's forced respiratory volume, when
17 exhaling for one second, when measured by spirometry, is less
18 than one liter or the arterial oxygen tension is less than
19 sixty millimeters on room air at rest;

20 (4) uses portable oxygen;

21 (5) has a severe cardiac condition; or

22 (6) is so severely limited in the ability to
23 walk due to an arthritic, neurologic or orthopedic condition
24 that the person cannot ascend or descend more than ten stair
25 steps."

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1 Section 4. Section 66-7-352.4 NMSA 1978 (being Laws 1983,
2 Chapter 45, Section 4, as amended) is amended to read:

3 "66-7-352.4. PARKING LOTS--STANDARDS.--

4 A. Every parking lot coming under the provisions of
5 the Accessible Parking Standards and Enforcement Act shall have
6 designated accessible parking spaces for persons with
7 significant mobility limitation as provided in Subsection B of
8 this section. No building permit shall be issued by any local
9 government for the construction or substantial renovation of a
10 commercial building inviting public access unless the parking
11 lot has designated accessible parking spaces for persons with
12 significant mobility limitation as delineated in Subsection B
13 of this section.

14 B. The minimum numbers of designated accessible
15 parking spaces for persons with significant mobility limitation
16 are as follows:

| 17 TOTAL PARKING SPACES IN LOT | 18 REQUIRED MINIMUM NUMBER OF 19 PARKING SPACES FOR PERSONS 20 WITH SIGNIFICANT MOBILITY 21 LIMITATION |
|--------------------------------|---|
| 22 1 to 25 | 23 1 |
| 24 26 to 35 | 25 2 |
| 26 36 to 50 | 27 3 |
| 28 51 to 100 | 29 4 |
| 30 101 to 300 | 31 8 |

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| | | |
|---|-----------------|----------------|
| 1 | 301 to 500 | 12 |
| 2 | 501 to 800 | 16 |
| 3 | 801 to 1,000 | 20 |
| 4 | more than 1,000 | 20, plus 1 for |
| 5 | | each 100 over |
| 6 | | 1,000. |

7 The designated accessible parking spaces for persons with
8 significant mobility limitation shall be located so as to
9 provide the most convenient access to entranceways or to the
10 nearest curb cut. Every parking lot shall have at least one
11 designated accessible parking space for persons with
12 significant mobility limitation designed to accommodate a motor
13 vehicle passenger van, and there shall be a minimum of one such
14 space for every eight designated accessible parking spaces for
15 persons with significant mobility limitation.

16 C. A sign or other designation posted after July
17 1, 2010 at an accessible parking space pursuant to this section
18 shall include the language "Violators are subject to a fine
19 and/or towing."."

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

22 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

23 A. It is unlawful for any person to park a motor
24 vehicle not displaying a special registration plate or a
25 parking placard issued pursuant to Section 66-3-16 NMSA 1978 in
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1 a designated accessible parking space for persons with
2 significant mobility limitation.

3 B. It is unlawful for any person to park a motor
4 vehicle in such a manner so as to block access to any part of a
5 curb cut designed for access by persons with significant
6 mobility limitation.

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

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

18 E. A law enforcement officer shall issue a citation
19 or authorize towing of a vehicle for a violation of Subsection
20 A or B of this section regardless of the presence of the
21 driver."