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HOUSE BILL 419

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

RELATING TO PERSONS WITH DISABILITIES; CHANGING CERTAIN PROVISIONS RELATED TO DESIGNATED DISABLED PARKING; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 3-51-46 NMSA 1978 (being Laws 1973, Chapter 22, Section 3) is amended to read:

"3-51-46. PASSENGER MOTOR VEHICLE OF DISABLED PERSON-- PARKING PRIVILEGE. -- Passenger motor vehicles owned by ~~[disabled]~~ persons with severe mobility impairment and carrying special registration plates or passenger motor vehicles carrying persons with severe mobility impairment and displaying parking placards issued pursuant to Section ~~[64-3-12.3 NMSA 1953]~~ 66-3-16 NMSA 1978 shall be permitted to park for unlimited periods of time in parking zones restricted

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1 as to length of time parking is normally permitted and are
2 exempt from payment of any parking meter or parking
3 authorization fee of the state or its political subdivisions.
4 The provisions of this section shall prevail over any other
5 law, regulation or local ordinance but do not apply to zones
6 where stopping, standing or parking is prohibited, zones
7 reserved for special types of vehicles, zones where parking is
8 prohibited during certain hours of the day in order to
9 facilitate traffic during those hours when parking is
10 prohibited and zones subject to similar regulation because
11 parking presents a traffic hazard. "

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

14 "66-1-4.1. DEFINITIONS. --As used in the Motor Vehicle
15 Code:

16 A. "abandoned vehicle" means a vehicle or motor
17 vehicle that has been determined by a New Mexico law
18 enforcement agency:

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

21 (2) not to have been reported stolen;

22 (3) not to have been claimed by any person
23 asserting ownership; and

24 (4) not to have been shown by normal record
25 checking procedures to be owned by any person;

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1 B. "access aisle" means an accessible pedestrian
2 space of at least sixty inches in width that allows side
3 access the length of its adjacent designated disabled parking
4 space and is marked with blue striping; provided that van-
5 accessible access aisles shall be at least ninety-six inches
6 in width;

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

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

23 [~~D.-~~] E. "authorized emergency vehicle" means any
24 fire department vehicle, police vehicle or ambulance and any
25 emergency vehicles of municipal departments or public

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1 utilities that are designated or authorized as emergency
2 vehicles by the director of the New Mexico state police
3 division of the department of public safety or local
4 authorities. "

5 Section 3. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
6 Chapter 120, Section 5, as amended) is amended to read:

7 "66-1-4.4. DEFINITIONS. -- As used in the Motor Vehicle
8 Code:

9 A. "day" means calendar day, unless otherwise
10 provided in the Motor Vehicle Code;

11 B. "dealer", except as herein specifically
12 excluded, means any person who sells or solicits or advertises
13 the sale of new or used motor vehicles, manufactured homes or
14 trailers subject to registration in this state; "dealer" does
15 not include:

16 (1) receivers, trustees, administrators,
17 executors, guardians or other persons appointed by or acting
18 under judgment, decree or order of any court;

19 (2) public officers while performing their
20 duties as such officers;

21 (3) persons making casual sales of their own
22 vehicles;

23 (4) finance companies, banks and other
24 lending institutions making sales of repossessed vehicles; or

25 (5) licensed brokers under the Manufactured

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1 Housing Act who, for a fee, commission or other valuable
2 consideration, engage in brokerage activities related to the
3 sale, exchange or lease purchase of pre-owned manufactured
4 homes on a site installed for a consumer;

5 C. "declared gross weight" means the 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 D. "department" means the taxation and revenue
13 department, the secretary of taxation and revenue or any
14 employee of the department exercising authority lawfully
15 delegated to that employee by the secretary;

16 E. "designated disabled parking space" means any
17 space marked and reserved for the parking of a passenger
18 vehicle that carries registration plates or a placard
19 indicating disability in accordance with Section 66-3-16 NMSA
20 1978; such a place shall be designated by a conspicuously
21 posted sign bearing the international disabled symbol of a
22 wheelchair [or] and, if the designated space is paved, by a
23 clearly visible depiction of this symbol painted on the
24 pavement of the space and an access aisle adjacent to the
25 space; provided that two designated disabled parking spaces

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1 may share a common access aisle;

2 F. "director" means the secretary;

3 G. "disqualification" means a prohibition against
4 driving a commercial motor vehicle;

5 H. "distinguishing number" means the number
6 assigned by the department to a vehicle whose identifying
7 number has been destroyed or obliterated or the number
8 assigned by the department to a vehicle that has never had an
9 identifying number;

10 I. "distributor" means any person who distributes
11 or sells new or used motor vehicles to dealers and who is not
12 a manufacturer;

13 J. "division", without further specification,
14 "division of motor vehicles" or "motor vehicle division" means
15 the department;

16 K. "driver" means every person who drives or is in
17 actual physical control of a motor vehicle, including a
18 motorcycle, upon a highway, who is exercising control over or
19 steering a vehicle being towed by a motor vehicle or who
20 operates or is in actual physical control of an off-highway
21 motor vehicle;

22 L. "driver's license" means a license or a class
23 of license issued by a state or other jurisdiction to an
24 individual that authorizes the individual to drive a motor
25 vehicle; and

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1 M "driveaway-towaway operation" means [any] an
2 operation in which [any] a motor vehicle, new or used, is the
3 item being transported when one set or more of wheels of any
4 such motor vehicle is on the roadway during the course of
5 transportation, whether or not the motor vehicle furnishes the
6 motive power. "

7 Section 4. Section 66-1-4.14 NMSA 1978 (being Laws 1990,
8 Chapter 120, Section 15, as amended) is amended to read:

9 "66-1-4.14. DEFINITIONS. --As used in the Motor Vehicle
10 Code:

11 A. "park" or "parking" means the standing of a
12 vehicle, whether occupied or not, other than temporarily for
13 the purpose of and while actually engaged in loading and
14 unloading;

15 B. "parking lot" means a parking area [~~containing~~
16 ~~fifteen or more parking spaces~~] provided for the [free] use of
17 patrons of any office of state or local government or of any
18 public accommodation, retail or commercial establishment;

19 C. "parts car" means a motor vehicle generally in
20 [~~nonoperable~~] inoperable condition that is owned by a
21 collector to furnish parts that are usually [~~nonobtainable~~]
22 unobtainable from normal sources, thus enabling a collector to
23 preserve, restore and maintain a motor vehicle of historic or
24 special interest;

25 D. "pedestrian" means any natural person on foot;

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1 E. "person" means every natural person, firm,
2 copartnership, association, corporation or other legal entity;

3 F. "personal information" means information that
4 identifies an individual, including an individual's
5 photograph, social security number, driver identification
6 number, name, address other than zip code, telephone number
7 and medical or disability information, but "personal
8 information" does not include information on vehicles, vehicle
9 ownership, vehicular accidents, driving violations or driver
10 status;

11 G. "pneumatic tire" means every tire in which
12 compressed air is designed to support the load;

13 H. "pole trailer" means any vehicle without motive
14 power, designed to be drawn by another vehicle and attached to
15 the towing vehicle by means of a reach or pole or by being
16 boomed or otherwise secured to the towing vehicle and
17 ordinarily used for transporting long or irregularly shaped
18 loads such as poles, structures, pipes and structural members
19 capable, generally, of sustaining themselves as beams between
20 the supporting connections;

21 I. "police or peace officer" means every officer
22 authorized to direct or regulate traffic or to make arrests
23 for violations of the Motor Vehicle Code;

24 J. "private road or driveway" means every way or
25 place in private ownership used for vehicular travel by the

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1 owner and those having express or implied permission from the
2 owner, but not other persons; and

3 K. "property owner" means the owner of a piece of
4 land or the agent of that property owner."

5 Section 5. Section 66-3-16 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 36, as amended) is amended to read:

7 "66-3-16. SEVERE MOBILITY IMPAIRMENT-- SPECIAL
8 REGISTRATION PLATES-- [~~DISABLED PERSONS-- DISPLAY DEVICE~~]
9 PARKING PLACARDS. --

10 A. The [~~division~~] department shall issue
11 distinctive registration plates to [~~any disabled~~] a person
12 with severe mobility impairment who so requests and [~~who~~
13 ~~proves satisfactorily to the division~~] establishes to the
14 department's satisfaction that he has suffered the loss of, or
15 the complete and total loss of use of one or both legs at or
16 above the ankle or of one or both arms at or above the wrist
17 for use on motor vehicles owned by the person. No fee in
18 addition to the regular registration fee, if any, applicable
19 to the motor vehicle shall be collected for issuance of
20 special registration plates pursuant to this section.

21 B. No person shall falsely represent himself to
22 [~~be disabled~~] have a severe mobility impairment so as to be
23 eligible to be issued special registration plates or [~~display~~
24 ~~devices~~] a parking placard pursuant to this section when he is
25 in fact not [~~disabled~~] severely mobility impaired. Upon

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1 notice and opportunity to be heard, the [~~division~~] department
2 may revoke and demand return of any placard when:

- 3 (1) it was issued in error or with false
4 information;
- 5 (2) the person receiving the placard is no
6 longer eligible; or
- 7 (3) the placard is being used by ineligible
8 persons.

9 C. Upon written application to the [~~division~~]
10 department accompanied by a medical statement by a licensed
11 physician or other licensed health care provider authorized by
12 rule of the governor's committee on concerns of the
13 handicapped to provide such medical statements attesting to
14 the [~~disability~~] severe mobility impairment, a resident of the
15 state who has a [~~disability~~] severe mobility impairment that
16 limits or impairs the ability to walk, as provided in
17 Subsection G of this section, may apply for and be granted the
18 issuance of [~~a placard~~] not more than two parking placards for
19 display upon a motor vehicle registered to him or a motor
20 vehicle owned by another person who is transporting him. [~~The~~
21 ~~director may charge a reasonable fee to cover the cost of the~~
22 ~~placard and of its issuance. The fee shall be retained by the~~
23 ~~division and shall be appropriated to the division for~~
24 ~~expenditures incurred in the implementation of the placard~~
25 ~~replacement program.~~] The medical statement shall distinguish

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1 between a chronic severe mobility impairment that will remain
2 unchanged or worsen during the lifetime of the applicant and a
3 non-chronic severe mobility impairment that may improve or be
4 ameliorated during the lifetime of the applicant. When the
5 medical statement identifies the applicant as having a chronic
6 severe medical impairment, the applicant shall be allowed to
7 renew his placard and no additional medical statement shall be
8 required. The application for a parking placard shall be
9 deemed to be a waiver of the doctor-patient privilege of
10 confidentiality to the minimum extent necessary to verify the
11 information contained in the application, and the application
12 shall advise the applicant of this waiver.

13 D. A parking placard issued pursuant to this
14 section [~~shall expire in no more than two years~~] on or after
15 July 1, 1998 shall be valid for no more than four years and
16 shall expire on the last day of the applicant's birth month.

17 E. The [~~division~~] department shall issue two-sided
18 hanger-style parking placards with the following
19 characteristics:

20 (1) the international symbol of access shall
21 be displayed on both sides of the parking placard and shall be
22 at least three inches in height, centered on the parking
23 placard and white on a blue [~~shield~~] field;

24 (2) an identification number enabling the
25 [~~division~~] department to identify the holder of each parking

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1 placard. The [~~division~~] department shall maintain this
2 information in a readily retrievable format and make it
3 available on demand to any law enforcement agency or the
4 governor's committee on concerns of the handicapped;

5 (3) the date of expiration; and

6 (4) the [~~division~~] department seal or other
7 identification of the issuing authority.

8 F. Upon written application to the [~~division~~]
9 department accompanied by a medical statement from a licensed
10 physician or other licensed health care provider authorized by
11 rule of the governor's committee on concerns of the
12 handicapped to provide such medical statements attesting to a
13 temporary [~~disability~~] severe mobility impairment, a person,
14 whether resident or nonresident, who has a temporary
15 [~~disability~~] severe mobility impairment that limits or impairs
16 the ability to walk may be issued a temporary parking placard
17 [~~which shall be distinguishable in appearance from placards~~
18 ~~valid for two years~~]. The medical statement shall include the
19 period of time that the [~~physician~~] health care provider
20 determines the applicant will have the [~~disability~~] severe
21 mobility impairment. A temporary parking placard issued
22 pursuant to this [~~section~~] subsection shall be valid for no
23 more than six months.

24 G. For the purpose of obtaining a parking
25 placard, a person with a [~~"disability that limits or impairs~~

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1 ~~the ability to walk"]~~ "severe mobility impairment" means the
2 person:

3 (1) cannot walk one hundred feet without
4 stopping to rest;

5 (2) cannot walk without the use of a brace, a
6 cane, a crutch, another person, a prosthetic device, a
7 wheelchair or another assistive device;

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

13 (4) uses portable oxygen;

14 (5) has a severe cardiac condition; [or]

15 (6) is so severely limited in his ability to
16 walk due to an arthritic, neurologic or orthopedic condition
17 that the person cannot ascend or descend more than ten stair
18 steps; or

19 (7) has a severe visual impairment so that the
20 person has not more than ten percent visual acuity in his
21 better eye with correction and his severe visual impairment
22 has been certified by a duly licensed ophthalmologist, subject
23 to approval by the New Mexico board of medical examiners, such
24 that the person has:

25 (a) not more than twenty/two hundred

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1 central visual acuity in his better eye after correction; or
2 (b) a limitation in visual field so
3 that the widest diameter of the visual field subtends an angle
4 no greater than twenty degrees.

5 H. Special registration plates or parking placards
6 issued to [~~the disabled~~] a person with severe mobility
7 impairment by another state or foreign jurisdiction shall be
8 granted reciprocity while the vehicle [~~and disabled operator~~
9 are] or parking placard holder is in this state [~~for a period~~
10 not to exceed thirty days].

11 I. All parking placards [~~shall be~~] issued [~~in~~
12 ~~accordance with this section beginning on July 1, 1995. All~~
13 ~~placards issued prior to July 1, 1995 shall expire on July 1,~~
14 1996] on or after July 1, 1998 shall be issued in accordance
15 with the provisions of this section."

16 Section 6. Section 66-3-16.1 NMSA 1978 (being Laws 1995,
17 Chapter 129, Section 2) is amended to read:

18 "66-3-16.1. PROVIDING FALSE INFORMATION-- FALSE USE OF
19 PLACARD-- PENALTY-- PLACARD CONFISCATED. --

20 A. Any person who provides false information in
21 order to acquire, or who assists an unqualified person in
22 acquiring, a special registration plate or [~~special~~] parking
23 placard as provided in Section 66-3-16 NMSA 1978 is guilty of
24 a misdemeanor and shall be sentenced pursuant to the
25 provisions of Section [~~31-19-1~~] 66-8-7 NMSA 1978.

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1 B. A person who uses a parking placard to park in
2 a designated disabled parking space and is neither the holder
3 of the parking placard nor assisting in the transportation of
4 the holder is guilty of a misdemeanor and shall be sentenced
5 pursuant to the provisions of Section 66-8-7 NMSA 1978. When
6 a law enforcement officer finds that a person is using a
7 parking placard that does not belong to him or his passenger,
8 the officer may confiscate the placard. The law enforcement
9 agency shall return the parking placard to the division. The
10 division shall hold the parking placard until the division
11 receives a written request for the parking placard's return
12 from the parking placard holder. Failure to surrender the
13 parking placard on demand of a law enforcement officer is a
14 petty misdemeanor and punishable by a fine not to exceed one
15 hundred dollars (\$100). "

16 Section 7. Section 66-7-352.4 NMSA 1978 (being Laws
17 1983, Chapter 45, Section 4) is amended to read:

18 "66-7-352.4. PARKING LOTS--STANDARDS. --

19 A. Every parking lot coming under the provisions
20 of the Disabled Parking Standards and Enforcement Act shall
21 have designated disabled parking spaces, including access
22 aisles, as provided in Subsection B of this section [~~provided~~
23 ~~that an office of state or local government shall have a~~
24 ~~minimum of one such parking space~~]. No building permit shall
25 be issued by the state or any local government for the

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1 construction or substantial renovation of a commercial
2 building inviting public access unless the parking lot has
3 designated disabled parking spaces as delineated in Subsection
4 B of this section.

5 B. The minimum numbers of designated disabled
6 parking spaces are as follows:

| 7 TOTAL SPACES IN PARKING LOT | 8 MINIMUM DESIGNATED DISABLED 9 PARKING SPACES |
|--|--|
| 10 [0 to 14] <u>1</u> to 25 | 1 |
| 11 26 to 35 | 2 |
| 12 36 to 50 | 3 |
| 13 51 to 100 | 4 |
| 14 101 to 300 | 8 |
| 15 301 to 500 | 12 |
| 16 501 to 800 | 16 |
| 17 801 to 1,000 | 20 |
| 18 more than 1,000 | 20, plus [3] <u>1</u> 19 for each 20 additional 21 [1,000] <u>100</u> . |

22 The designated disabled parking spaces shall be located so as
23 to provide the most convenient access to entranceways or to
24 the nearest curb cut. One of every eight designated disabled
25 parking spaces, but not less than one, shall be designated as

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1 van accessible.

2 C. In parking lots with five or fewer parking
3 spaces, one accessible parking space shall be provided but
4 need not be designated by sign and pavement painting. Use of
5 the undesignated accessible parking space by a vehicle without
6 a special registration plate or parking placard is not a
7 violation of Section 66-7-352.5 NMSA 1978. "

8 Section 8. Section 66-7-352.5 NMSA 1978 (being Laws
9 1983, Chapter 45, Section 5, as amended) is amended to read:

10 "66-7-352.5. UNAUTHORIZED USE--PENALTY.-- [A.] It is
11 unlawful for any person to park a motor vehicle not carrying
12 special registration plates or a parking placard indicating
13 [disability] severe mobility impairment in accordance with
14 Section 66-3-16 NMSA 1978 in a designated disabled parking
15 space ~~[or blocking a curb cut]~~. It is unlawful for any person
16 to park a vehicle with or without a special registration plate
17 or parking placard in a position that blocks a curb cut or
18 access aisle. Any person who violates this subsection is
19 subject to a ~~[fifty-dollar (\$50.00)]~~ minimum one hundred
20 dollar (\$100) fine and the vehicle may be towed at the owner's
21 expense.

22 ~~[B. A person charged with a violation of Subsection~~
23 ~~A of this section shall not be determined to have committed an~~
24 ~~infraction if he produces in court special disabled~~
25 ~~registration plates or a placard indicating disability in~~

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1 ~~accordance with Section 66-3-16 NMSA 1978 or demonstrates he~~
2 ~~was entitled to such at the time of the violation.]"~~

3 Section 9. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 1998.

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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5 February 10, 1998
6

7 Mr. Speaker:
8

9 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
10 whom has been referred
11

12 HOUSE BILL 419
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 JUDICIARY COMMITTEE.
17

18 Respectfully submitted,
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23 _____
24 Gary K. King, Chairman
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HCPAC/HB 419

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4 Adopted _____ Not Adopted _____

5 (Chief Clerk)

6 (Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 4 For 2 Against

11 Yes: 4

12 No: Crook, Dana

13 Excused: Heaton, Sandel, Trujillo Knauer, Vaughn

14 Absent: None

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1 **FORTY-THIRD LEGISLATURE**
2 **SECOND SESSION, 1998**

3
4 **February 18, 1998**

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7 **Mr. Speaker:**

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9 **Your JUDICIARY COMMITTEE, to whom has been referred**

10 **HOUSE BILL 419**

11
12 **has had it under consideration and reports same with**
13 **recommendation that it DO PASS.**

14
15
16 **Respectfully submitted,**

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20 _____
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22 **Thomas P. Foy, Chairman**
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 22

4 Adopted _____ Not Adopted _____

5 (Chief Clerk)

6 (Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 6 For 1 Against

11 Yes: 6

12 No: King

13 Excused: Alwin, Luna, Mallory, Rios, Sanchez, Stewart

14 Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION

February 18, 1998

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 419

Amendment sponsored by Representative William E. Porter

1. On page 11, line 6, strike "medical" and insert in lieu thereof "mobility".

2. On page 13, line 14, remove the brackets and line-through.

3. On page 13, line 18, strike the semicolon and "or" and insert in lieu thereof a period.

4. On page 13, strike lines 19 through 25 and on page 14, strike lines 1 through 4.

5. On page 14, between lines 15 and 16, insert the following new section:

"Section 6. A new section of the Motor Vehicle Code is enacted to read:

FORTY-THIRD LEGISLATURE
SECOND SESSION

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"[NEW MATERIAL] LONG-TERM CARE FACILITY PARKING
PLACARDS-- ELIGIBILITY-- REQUIRED REPORTS. --

A. Upon application satisfactory to the department, an administrator of a long-term care facility licensed by the department of health may be granted one parking placard for each long-term care facility under his direct supervision in the state for use in the transport of persons with severe mobility impairment in situations in which it is impractical for the person being transported to obtain and use his own parking placard.

B. A long-term care facility parking placard shall expire annually on the last day of the month in which it was issued.

C. A long-term care facility parking placard may be renewed upon application to the department if the administrator of the long-term care facility provides the information reasonably requested by the department, including the number of persons with severe mobility impairments and the number of persons without severe mobility impairments transported in the year prior to renewal. The information may be provided by the department to the governor's committee on concerns of the handicapped.

D. A person who uses a long-term care facility's

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parking placard when not engaged in the transport of a person with severe mobility impairment or an administrator who knowingly allows such use of the parking placard in violation of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 66-8-7 NMSA 1978. "".

6. Renumber the succeeding sections accordingly.

7. On page 15, line 9, strike "division" and insert in lieu thereof "department".

8. On page 15, line 10, strike "division" both times it occurs on the line and insert in lieu thereof "department".

9. On page 18, between lines 2 and 3, insert the following new section:

"Section 10. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

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

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following

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listed sections of the NMSA 1978 for which the listed penalty
assessment is established:

| COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY ASSESSMENT |
|---|------------------|--------------------|
| Permitting unlicensed minor to drive | 66-5-40 | \$ 10.00 |
| Failure to obey sign | 66-7-104 | 10.00 |
| Failure to obey signal | 66-7-105 | 10.00 |
| Speeding (1) up to and including ten miles an hour over speed limit | 66-7-301 | 15.00 |
| (2) from eleven up to and including fifteen miles an hour over speed limit | | 30.00 |
| (3) from sixteen up to | | |

Underscored material = new
[bracketed material] = delete

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and including twenty
miles an hour over
speed limit 65.00

(4) from twenty-one up to
and including twenty-five
miles an hour
over speed limit 100.00

(5) from twenty-six up to
and including thirty
miles an hour over the
speed limit 125.00

(6) from thirty-one up to
and including thirty-five
miles an hour over the
speed limit 150.00

(7) more than thirty-five
miles an hour over the
speed limit 200.00

Unfastened safety belt 66- 7- 372 25.00

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[bracketed material] = delete

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Child not in restraint device

or seat belt

66-7-369

25.00

Minimum speed

66-7-305

10.00

Speeding

66-7-306

15.00

Improper starting

66-7-324

10.00

Improper backing

66-7-354

10.00

Improper lane

66-7-308

10.00

Improper lane

66-7-313

10.00

Improper lane

66-7-316

10.00

Improper lane

66-7-317

10.00

Improper lane

66-7-319

10.00

Improper passing

66-7-309 through 66-7-312

10.00

Improper passing

66-7-315

10.00

. 123601.1

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[bracketed material] = delete

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~~Controlled access~~

~~violation~~

66-7-320

10.00

~~Controlled access~~

~~violation~~

66-7-321

10.00

~~Improper turning~~

66-7-322

10.00

~~Improper turning~~

66-7-323

10.00

~~Improper turning~~

66-7-325

10.00

~~Following too closely~~

66-7-318

10.00

~~Failure to yield~~

66-7-328 through 66-7-332

10.00

~~Failure to yield~~

66-7-332.1

25.00

~~Pedestrian violation~~

66-7-333

10.00

~~Pedestrian violation~~

66-7-340

10.00

~~Failure to stop~~

66-7-341 through 66-7-346

10.00

~~Passing school bus~~

66-7-347

100.00

. 123601.1

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|--|---|--------|
| Failure to signal | 66-7-325 through 66-7-327 | 10.00 |
| Failure to secure load | 66-7-407 | 100.00 |
| Operation without oversize- overweight permit | 66-7-413 | 50.00 |
| Improper equipment | 66-3-801 | 10.00 |
| Improper equipment | 66-3-901 | 20.00 |
| Improper emergency signal | 66-3-853 through 66-3-857 | 10.00 |
| Operation interference | 66-7-357 | 5.00 |
| Litterbugging | 30-8-4 | 50.00 |
| Litterbugging | 30-8-10 | 100.00 |
| Litterbugging | 66-7-364 | 100.00 |
| Improper parking | 66-7-349 through 66-7-352 and 66-7-353 | 5.00 |

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|---|---------------|-------------------------------------|
| Improper parking | 66- 7- 352. 5 | [50.00] <u>100. 00</u> |
| Improper parking | 66- 3- 852 | 5. 00 |
| Failure to dim lights | 66- 3- 831 | 10. 00 |
| Riding in or towing occupied house trailer | 66- 7- 366 | 5. 00 |
| Improper opening of doors | 66- 7- 367 | 5. 00 |
| No slow-moving vehicle emblem or flashing amber light | 66- 3- 887 | 5. 00 |
| Open container - first violation | 66- 8- 138 | 25. 00. |

B. The term "penalty assessment misdemeanor" does not include any violation that has caused or contributed to the cause of an accident resulting in injury or death to any person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later

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conviction shall exceed the penalty assessment established for
the particular penalty assessment misdemeanor and no probation
imposed upon a suspended or deferred sentence shall exceed
ninety days. "".

10. Renumber the succeeding section accordingly.

William E. Porter

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Underscored material = new
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Date _____

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