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## FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 2/28/03 HB \_\_\_\_\_

SHORT TITLE: Increase Fines for Parking in Disabled Spaces SB 359

ANALYST: Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$3.7	Recurring	OSF

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$Insignificant		Recurring	OSF

### SOURCES OF INFORMATION

Responses Received From  
 Department of Public Safety (DPS)  
 State Highway and Transportation Department (SHTD)  
 Taxation & Revenue Department (TRD)  
 Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 359 amends Section 66-3-16.1 NMSA to prohibit the lending of a disabled parking plate or placard to another person when the holder is not in the motor vehicle. Penalties are as follows:

- 1) For a first offense, TRD shall suspend the holder's privilege to have a special registration plate or parking placard for six months.
- 2) For a second offense, TRD shall permanently revoke the holder's privilege to have a special plate or placard.

SB 359 also increases the penalty for providing false information to acquire or assisting an unqualified person to acquire a plate or placard, or parking in a disabled parking space while displaying the plate or placard absent the holder, to a fine of not less than \$250 or more than \$400.

### Significant Issues

Other offenses involving disabled plates or placards involve fines, but the penalty for giving or lending the plate involves suspension and revocation. There is no route of appeal for one who has his plate or placard suspended or revoked.

### **FISCAL IMPLICATIONS**

The AOC states there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

The Motor Vehicle Division (MVD) will need programs and codes to keep track of the violations because a subsequent violation results in a lifetime revocation of the holder's ability to have the placard or plate. The estimated cost is \$3.7.

It is possible there will be a positive fiscal impact resulting from SB 357 from fines collected from those convicted of failing to properly display a parking placard or special registration plate would increase. That amount, however, cannot be reasonably estimated and would likely be insignificant.

### **ADMINISTRATIVE IMPLICATIONS**

The database application that services the parking placard is tied to an "individual." The special registration plate is simply one of many different types of plates issued by MVD for registration of a "vehicle." The placard vehicle registration databases are completely independent of each other. The parking placard database application does not currently have any functionality programmed into it that would allow for a suspension or revocation.

### **OTHER SUBSTANTIVE ISSUES**

TRD has raised the following:

- There is no clear enforcement provision for SB 359, which raises the question of how the MVD will be notified of the offense. Apparently, if someone is convicted of misusing the placard or plate, the holder is presumed to have given or lent it to that person.
- MVD has in recent months been contacted by a couple law enforcement agencies that have confiscated parking placards for alleged abuse and turned them over to MVD. The problem with this, however, is that no citations were ever issued. Consequently, by the time the confiscated placard gets turned into MVD, there is no citation documenting the specific circumstances of the abuse of the parking privilege. It is therefore very difficult to have enough "evidence" upon which to impose a six-month suspension or permanent revocation of a holder's privilege to have a special registration plate or parking placard. TRD regulations generally allow a person the right to a hearing on any privilege that the department proposes to withdraw. Since MVD is not getting specific information from

law enforcement on these placard abuse scenarios, the division would be at a loss as to what kind of information could be heard at a hearing.

**DW/yr:njw**