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SENATE BILL 370

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE FINES FOR PARKING IN  
A DESIGNATED DISABLED PARKING SPACE; PROVIDING FOR SUSPENSION  
OR REVOCATION OF SPECIAL REGISTRATION PLATES OR PARKING  
PLACARDS; MAKING AN APPROPRIATION.

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

Section 1. Section 66-3-16.1 NMSA 1978 (being Laws 1995,  
Chapter 129, Section 2, as amended) is amended to read:

"66-3-16.1. PROHIBITED ACTS--PENALTIES.--

A. Any person who provides false information in  
order to acquire, or who assists an unqualified person to  
acquire, a special registration plate or parking placard as  
provided in Section 66-3-16 NMSA 1978 is guilty of a  
misdemeanor and shall be sentenced pursuant to the provisions  
of Section 31-19-1 NMSA 1978.

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1           B. Any person, other than the person to whom a  
2 special registration plate or a parking placard was issued, who  
3 in the absence of the holder of the plate or placard, parks in  
4 a designated disabled parking space while displaying the plate  
5 or placard, is guilty of a misdemeanor and upon conviction  
6 shall be sentenced pursuant to the provisions of Section  
7 31-19-1 NMSA 1978.

8           C. The holder of a special registration plate or  
9 parking placard shall not give or lend his plate or placard to  
10 another person for use when the holder is not in the motor  
11 vehicle. For the first offense pursuant to this subsection,  
12 the department shall suspend the holder's privilege to have a  
13 special registration plate or parking placard for six months.  
14 For a second offense, the department shall permanently revoke  
15 the holder's privilege to have a special registration plate or  
16 parking placard.

17           ~~[G.]~~ D. A special registration plate or parking  
18 placard displayed on a vehicle parked in a designated disabled  
19 parking space in the absence of the holder of that plate or  
20 placard, is subject to immediate seizure by a law enforcement  
21 official and if seized shall be delivered to the division  
22 within seventy-two hours.

23           E. Failure to surrender the parking placard on  
24 demand of a law enforcement officer or the department is a  
25 petty misdemeanor and punishable by a fine not to exceed one

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1 hundred dollars (\$100)."

2 Section 2. Section 66-7-352.5 NMSA 1978 (being Laws 1983,  
3 Chapter 45, Section 5, as amended) is amended to read:

4 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

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

9 B. It is unlawful for any person to park a motor  
10 vehicle in such a manner so as to block access to any part of a  
11 curb cut designed for access by persons with severe mobility  
12 impairment.

13 C. Any person convicted of violating Subsection A  
14 or B of this section is subject to a fine of not less than [~~one~~  
15 ~~hundred dollars (\$100)~~] two hundred fifty dollars (\$250) or  
16 more than [~~three hundred dollars (\$300)~~] four hundred fifty  
17 dollars (\$450). Failure to properly display a parking placard  
18 or special registration plate issued pursuant to Section  
19 66-3-16 NMSA 1978 is not a defense against a charge of  
20 violation of Subsection A or B of this section.

21 D. A vehicle parked in violation of Subsection A or  
22 B of this section is subject to being towed at the expense of  
23 the vehicle owner upon authorization by law enforcement  
24 personnel or by the property owner or manager of a parking  
25 lot."

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