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HOUSE BILL 784

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Anna M Crook

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SPECIAL REGISTRATION PLATES UPON A SHOWING OF SEVERE MOBILITY IMPAIRMENT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-3-15.1 NMSA 1978 (being Laws 2001, Chapter 180, Section 1) is amended to read:

"66-3-15.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR DISABLED PERSONS. - -

A. The department shall issue a [~~distinctive~~] special motorcycle registration plate to a disabled person who requests the plate for use on a motorcycle owned by the person and who proves satisfactorily to the department that [~~he has suffered the loss, or the complete and total loss of use of, one or both legs at or above the ankle or of one or both arms~~]

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1 ~~at or above the wrist]~~ the person has a severe mobility
2 impairment as defined in Subsection G of Section 66-3-16 NMSA
3 1978. The department shall not collect a fee in addition to
4 regular motorcycle registration fees for issuance of a special
5 motorcycle registration plate.

6 B. A person shall not falsely represent [~~himself to~~
7 ~~be]~~ that the person is disabled in order to be eligible for a
8 special motorcycle registration plate when [~~he]~~ that person is
9 in fact not disabled.

10 C. A special motorcycle registration plate issued
11 to a disabled person by another state or foreign jurisdiction
12 shall be honored until the person establishes residency in this
13 state. "

14 Section 2. Section 66-3-16 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 36, as amended) is amended to read:

16 "66-3-16. SPECIAL REGISTRATION PLATES--DISABLED
17 PERSONS--PARKING PLACARD. --

18 A. The division shall issue [~~distinctive]~~ a special
19 registration [~~plates]~~ plate to [~~any]~~ a disabled person who [~~so]~~
20 requests the plate for use on a motor vehicle owned by the
21 person and who proves satisfactorily to the division that [~~he~~
22 ~~has suffered the loss, or the complete and total loss of use~~
23 ~~of, one or both legs at or above the ankle or of one or both~~
24 ~~arms at or above the wrist for use on motor vehicles owned by~~
25 ~~the person]~~ the person has a severe mobility impairment as

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1 defined in Subsection G of this section. No fee in addition to
2 the regular registration fee, if any, applicable to the motor
3 vehicle shall be collected for issuance of special registration
4 plates pursuant to this section.

5 B. No person shall falsely represent [~~himself to~~
6 ~~be~~] that the person is disabled so as to be eligible [~~to be~~
7 ~~issued~~] for a special registration plate or a parking placard
8 pursuant to this section when [~~he~~] the person is in fact not
9 disabled. Upon notice and opportunity to be heard, the
10 division may revoke and demand return of [~~any~~] a special
11 registration plate or placard when:

12 (1) it was issued in error or with false
13 information;

14 (2) the person receiving the plate or placard
15 is no longer eligible; or

16 (3) the plate or placard is being used by
17 ineligible persons.

18 C. Upon written application to the division
19 accompanied by a medical statement by a licensed physician
20 attesting to the permanent disability, a resident of the state
21 who has a disability that limits or impairs the ability to
22 walk, as provided in Subsection G of this section, may apply
23 for and be granted the issuance of no more than two parking
24 placards for display upon a motor vehicle registered to [~~him~~]
25 the resident or motor vehicle owned by another person who is

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underscored material = new
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1 transporting ~~[him]~~ the resident. The physician shall provide
2 the division all information and records necessary to issue a
3 permanent parking placard. Once approved for use of a
4 permanent parking placard, a person shall not be required to
5 furnish further medical information about ~~[his]~~ the mobility
6 impairment.

7 D. A parking placard issued pursuant to this
8 section shall expire on the same date the person's license or
9 identification card issued pursuant to Section 66-5-401 NMSA
10 1978 expires.

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

13 (1) the international symbol of access shall
14 be displayed on both sides of the placard and shall be at least
15 three inches in height, centered on the placard and white on a
16 blue field;

17 (2) an identification number enabling the
18 division to identify the holder of each placard. The division
19 shall maintain this information in a readily retrievable
20 format, provide it to the governor's ~~[committee on concerns of~~
21 ~~the handicapped]~~ commission on disability and make it available
22 on demand to any law enforcement agency just as it provides
23 vehicle registration and driver's license information;

24 (3) the date of expiration; and

25 (4) the division seal or other identification

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1 of the issuing authority.

2 F. Upon written application to the division
3 accompanied by a medical statement from a licensed physician
4 attesting to a temporary disability, a person who has a
5 temporary disability that limits or impairs the ability to walk
6 may be issued a temporary placard for no more than one year.
7 The physician shall provide the division all information and
8 records necessary to issue a temporary placard.

9 G. For the purpose of obtaining a special
10 registration plate or placard, a person with a "severe mobility
11 impairment" means the person:

12 (1) cannot walk one hundred feet without
13 stopping to rest;

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

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

22 (4) uses portable oxygen;

23 (5) has a severe cardiac condition; or

24 (6) is so severely limited in [~~his~~] ability to
25 walk due to an arthritic, neurologic or orthopedic condition

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1 that the person cannot ascend or descend more than ten stair
2 steps.

3 H. Special registration plates or placards issued
4 to a person with severe mobility impairment by another state or
5 foreign jurisdiction shall be honored until the vehicle is
6 registered or the plate or placard holder establishes residency
7 in this state.

8 I. ~~[A11]~~ A parking [placards] placard issued on or
9 after July 1, 1999 and a special registration plate issued on
10 or after July 1, 2005 shall be issued in accordance with the
11 provisions of this section. "

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