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AN ACT

RELATING TO DISABILITIES; INCREASING PENALTIES FOR ILLEGAL
PARKING IN DESIGNATED DISABLED PARKING SPACES OR FOR BLOCKING
CURB CUTS DESIGNED FOR ACCESS BY THE MOBILITY IMPAIRED;
ALLOWING STATE EDUCATIONAL INSTITUTIONS TO ENFORCE DISABLED
PARKING RESTRICTIONS.

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

Section 1. Section 66-7-352.5 NMSA 1978 (being Laws
1983, Chapter 45, Section 5, as amended) is amended to read:

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

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

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

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

1 of violation of Subsection A or B of this section.

2 D. A vehicle parked in violation of Subsection A
3 or B of this section is subject to being towed at the expense
4 of the vehicle owner upon authorization by law enforcement
5 personnel or by the property owner or manager of a parking
6 lot."

7 Section 2. Section 66-7-352.6 NMSA 1978 (being Laws
8 2001, Chapter 124, Section 3) is amended to read:

9 "66-7-352.6. ENFORCEMENT.--

10 A. State, county and municipal law enforcement
11 personnel may issue citations for violations of Section
12 66-7-352.5 NMSA 1978 in their respective jurisdictions,
13 whether the violation occurs on public property or private
14 property.

15 B. Parking enforcement personnel of each of the
16 state educational institutions designated in Article 12,
17 Section 11 of the constitution of New Mexico may issue
18 citations for violations of Section 66-7-352.5 NMSA 1978
19 within the exterior boundaries of lands under the control of
20 their respective institutions, except portions of those lands
21 that are public highways or streets."

22 Section 3. Section 66-8-116 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 524, as amended) is amended to read:

24 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--

25 DEFINITION--SCHEDULE OF ASSESSMENTS.--

1 A. As used in the Motor Vehicle Code, "penalty
 2 assessment misdemeanor" means violation of any of the
 3 following listed sections of the NMSA 1978 for which, except
 4 as provided in Subsection D of this section, the listed
 5 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	66-7-301	
(1) up to and including		
ten miles an hour		
over the speed limit		15.00
(2) from eleven up to		
and including fifteen		
miles an hour		
over the speed limit		30.00
(3) from sixteen up to		
and including twenty		
miles an hour over the		
speed limit		65.00
(4) from twenty-one up to		
and including twenty-five		

1	miles an hour		
2	over the speed limit		100.00
3	(5) from twenty-six up to		
4	and including thirty		
5	miles an hour over the		
6	speed limit		125.00
7	(6) from thirty-one up to		
8	and including thirty-five		
9	miles an hour over the		
10	speed limit		150.00
11	(7) more than thirty-five		
12	miles an hour over the		
13	speed limit		200.00
14	Unfastened safety belt	66-7-372	25.00
15	Child not in restraint device		
16	or seat belt	66-7-369	25.00
17	Minimum speed	66-7-305	10.00
18	Speeding	66-7-306	15.00
19	Improper starting	66-7-324	10.00
20	Improper backing	66-7-354	10.00
21	Improper lane	66-7-308	10.00
22	Improper lane	66-7-313	10.00
23	Improper lane	66-7-316	10.00
24	Improper lane	66-7-317	10.00
25	Improper lane	66-7-319	10.00

1	Improper passing	66-7-309 through 66-7-312	10.00
2	Improper passing	66-7-315	10.00
3	Controlled access		
4	violation	66-7-320	10.00
5	Controlled access		
6	violation	66-7-321	10.00
7	Improper turning	66-7-322	10.00
8	Improper turning	66-7-323	10.00
9	Improper turning	66-7-325	10.00
10	Following too closely	66-7-318	10.00
11	Failure to yield	66-7-328 through 66-7-331	10.00
12	Failure to yield	66-7-332	50.00
13	Failure to yield	66-7-332.1	25.00
14	Pedestrian violation	66-7-333	10.00
15	Pedestrian violation	66-7-340	10.00
16	Failure to stop	66-7-342 and 66-7-344	
17		through 66-7-346	10.00
18	Railroad-highway grade		
19	crossing violation	66-7-341 and 66-7-343	10.00
20	Passing school bus	66-7-347	100.00
21	Failure to signal	66-7-325 through 66-7-327	10.00
22	Failure to secure load	66-7-407	100.00
23	Operation without oversize-		
24	overweight permit	66-7-413	50.00
25	Improper equipment	66-3-801	10.00

1	Improper equipment	66-3-901	20.00
2	Improper emergency		
3	signal	66-3-853 through 66-3-857	10.00
4	Operation interference	66-7-357	5.00
5	Littering	66-7-364	300.00
6	Improper parking	66-7-349 through 66-7-352	
7		and 66-7-353	5.00
8	Improper parking	66-3-852	5.00
9	Failure to dim lights	66-3-831	10.00
10	Riding in or towing		
11	occupied house trailer	66-7-366	5.00
12	Improper opening of doors	66-7-367	5.00
13	No slow-moving vehicle		
14	emblem or flashing		
15	amber light	66-3-887	5.00
16	Open container - first		
17	violation	66-8-138	25.00.

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

22 C. When an alleged violator of a penalty assessment
23 misdemeanor elects to accept a notice to appear in lieu of a
24 notice of penalty assessment, a fine imposed upon later
25 conviction shall not exceed the penalty assessment

1 established for the particular penalty assessment misdemeanor
2 and probation imposed upon a suspended or deferred sentence
3 shall not exceed ninety days.

4 D. The penalty assessment for speeding in violation
5 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
6 is twice the penalty assessment established in Subsection A of
7 this section for the equivalent miles per hour over the speed
8 limit."

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