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FISCAL IMPACT REPORT

ORIGINAL DATE 1-31-2006

SPONSOR Griego LAST UPDATED _____ HB _____

SHORT TITLE Increase Illegal Disabled Parking Penalties SB 444

ANALYST Dearing

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY06	FY07	FY08		
	Minimal		Recurring	General Fund
	*Please See Narrative			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 420

SOURCES OF INFORMATION

LFC Files

Responses Received From

Governor's Commission on Disabilities (GCOD)
Developmental Disabilities Planning Council (DDPC)

SUMMARY

Synopsis of Bill

Senate Bill 444 increases penalties for illegal parking in designated parking for accessible spaces. This bill also re-affirms authority for local law enforcement personnel to issue citations for violations in their respective jurisdictions on public and private property. Specifically, the legislation increases penalties from \$100 (one hundred dollars) to \$250 (two hundred fifty dollars) for illegal parking in designated parking for accessible spaces.

FISCAL IMPLICATIONS

Overall fiscal impact incurred by the enactment of this legislation would be determined by the volume of actual occurrences of illegal parking. Additionally, there could be some increases in costs to applicable enforcement bodies. The fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. There is potential of increased caseloads in the courts, however this must be offset by additional revenues received from increased fines provided by this bill.

*While an accurate approximation of the change to revenue is difficult to determine, in general, it is inferred that there would be an increase of 150% above current revenue through this source, due to a similar increase in fines. Potential increases in the frequency of the issuance of tickets, the basic intention of this legislation, would have a subsequent positive impact on revenue as well.

SIGNIFICANT ISSUES

This legislation is proposed in light of:

- Growing concerns that individuals are illegally parking in spaces reserved for individuals with disabilities.
- Local law enforcement's reluctance to cite to individuals on private property.
- Disabled Person's inability to find or utilize parking due to illegal use by individuals without disabilities'
- Increases in revenue from collection of such violators, however, expanded enforcement and prosecution of illegal parking would have associated cost increases, to be offset by collection of fines.

PERFORMANCE IMPLICATIONS

This legislation has the effect of:

- Discouraging individuals from parking illegally;
- Reaffirming to local law enforcement that they have the authority to issue citations on private property without the property owner's permission;
- Removing the convenience of simply sending in a fine and have violators appear before a judge; and
- Reaffirming authority of parking personnel to issue citations on State colleges and universities.

The Governor's Commission on Disability will concentrate efforts in its training to educate the public and local governments on the changes of this legislation.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Individuals with disabilities will face another obstruction in receiving liberties and pursuit of happiness that all Americans are entitled to.

Failure to enact could possibly encourage individuals with disabilities to shop on-line through the Internet as opposed to driving to local businesses, therefore reducing gross receipt tax collection in New Mexico, negatively impacting revenue streams.

PD/mt