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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/10
 LAST UPDATED 02/11/10

SPONSOR Steinborn HB 176/aHJC/aHFI#1

SHORT TITLE Disabled Accessible Parking Changes SB

ANALYST Hanika-Ortiz

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
	\$5.0 - \$50.0		Recurring	Various

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$5.0 - \$25.0			Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Health Policy Commission (HPC)
 Aging and Long-Term Services Department (ALTSD)
 Governor's Commission on Disability

SUMMARY

Synopsis of HFI Amendment #1

The House Floor Amendment #1 replaces the terms "marked" and "designated" with "and maintained"; and extends the date to install signage at accessible parking spaces to January 1, 2011.

Synopsis of HJC Amendment

The House Judiciary Committee Amendment provides that a law enforcement officer may, as opposed to shall, issue a citation or authorize towing of a vehicle unlawfully parked regardless of the presence of the driver.

Synopsis of Original Bill

House Bill 176 amends NMSA 1978, Section 28-10-2, Governor’s Commission on Disability – to require the Commission to provide training to law enforcement officers about accessible parking for persons with disabilities.

The bill amends NMSA 1978, Section 66-1-4.1, within definitions, by requiring that an “access aisle” be defined as one that is marked “NO PARKING” and provides size and placement requirements.

The bill amends NMSA 1978, Section 66-3-16, Persons with Significant Mobility Limitation – Parking Placard, by limiting the validity of parking placards to four years rather than the date of expiration of the license or identification card of the person issued the placard.

The bill amends NMSA 1978, Section 66-7-352.4, Parking Lots – by requiring that after July 1, 2010, every accessible parking space include a sign that states “Violators are subject to a fine and/or towing.”

The bill amends NMSA 1978, Section 66-7-352.5, Unauthorized Use – Penalties, by authorizing law enforcement officers to issue a citation or authorize towing of a vehicle that does not display a placard and is parked or is blocking access to an accessible parking space. The bill also adds new language that allows officers to issue a citation or authorize towing of a vehicle regardless of the presence of the driver.

FISCAL IMPLICATIONS

As of May 17th, 2006, the fine for illegally parking in an accessible space, an access isle and/or blocking a curb ramp was increased to \$250 with a maximum of \$500.

Costs will be incurred by the Governor’s Commission on Disability for training of law enforcement officers, and to various state entities to ensure the proper size and placement of signs indicating an accessible parking space.

The bill expands the authority of law enforcement officers to be able to issue a citation even when the vehicle owner is not present, which may help increase revenues for various counties, municipalities and state entities.

The bill would most likely incur minimal costs for private businesses attempting to comply with the NM Building Code in terms of the requirements for accessible parking spaces.

Eligible small businesses may be able to claim a disabled access credit as part of the general business credit on their federal income tax returns.

SIGNIFICANT ISSUES

The Governor’s Commission on Disability reports that the number of parking placards being issued on a daily basis by MVD is 270. The percentage of violations that are strictly enforced is very low. In one New Mexico municipality, 1,500 citations were issued in a six month period, but only 10 known violators paid fines.

A task force convened by the Governor’s Commission on Disability recommended that cutting the lifespan of parking placards from eight to four years would limit the ability of the placard to be abused by family or friends after the death of the placard holder.

In spaces marked “accessible van”, there is a requirement for an additional access aisle to the side of the spaces, demarked by blue lines. This extra footage allows for a wheelchair ramp be extended from the van, allowing a person to safely exit the vehicle. Should people without parking placards try to squeeze into that access aisle, people cannot get down the ramps and out of their vehicles. The bill would require the access aisle be demarked in a specified large size.

Current motor vehicle code requirements specify that a law enforcement officer can issue a citation only to the vehicle operator. Should there be no operator present when a vehicle is parked in an accessible space without a valid placard, no citation can be made. Seldom can officers wait until an operator returns to the vehicle to make a citation. Therefore, many such incidents go without citation. Amending the code to permit citation of an unattended vehicle should increase the rate of citation and resultant compliance.

The task force determined that additional training of law enforcement officers about the need for accessible parking, and the need for citing violators would enhance compliance with accessible parking requirements.

PERFORMANCE IMPLICATIONS

The bill expands the authority of law enforcement officers to cite or authorize the towing of a vehicle not displaying a special registration plate or a parking placard and/or inappropriately parked in a designated accessible parking space whether or not the owner of the vehicle is present.

ADMINISTRATIVE IMPLICATIONS

DPS reports that these changes would make it easier for law enforcement officers to enforce the statutes relating to accessible parking for persons with disabilities.

DUPLICATION

Duplicates SB 209

TECHNICAL ISSUES

Existing law states that failure to display a placard properly is not a defense against a charge of a violation of the Act.

OTHER SUBSTANTIVE ISSUES

HPC notes that accessible parking spaces are not meant to provide “the best spaces” for people with mobility limitations, but to provide safe access to buildings and services.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Persons with mobility impairments’ may continue to have limited access to buildings, goods and services.