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HOUSE BILL 31

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM E. PORTER

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE MOTOR
VEHICLE CODE TO CHANGE PROVISIONS PERTAINING TO ISSUANCE AND USE
OF SPECIAL REGISTRATION PLATES FOR DISABLED PERSONS AND DISPLAY
DEVICES FOR MOBILITY-IMPAIRED PERSONS.

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

Section 1. Section 7-14-6 NMSA 1978 (being Laws 1988,
Chapter 73, Section 16, as amended) is amended to read:

"7-14-6. EXEMPTIONS FROM TAX. --

A. Persons who acquire a vehicle out of state thirty
or more days before establishing a domicile in this state are
exempt from the tax if the vehicle was acquired for personal
use.

B. Persons applying for a certificate of title for a
vehicle registered in another state are exempt from the tax if

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1 they have previously registered and titled the vehicle in New
2 Mexico and have owned the vehicle continuously since that time.

3 C. Certificates of title for all vehicles owned by
4 this state or any political subdivision are exempt from the tax.

5 D. A vehicle subject to registration under
6 Subsection A of Section 66-3-16 NMSA 1978 is exempt from the
7 tax.

8 E. Persons who acquire vehicles for subsequent lease
9 shall be exempt from the tax if:

10 (1) the person does not use the vehicle in any
11 manner other than holding it for lease or sale or leasing or
12 selling it in the ordinary course of business;

13 (2) the lease is for a term of more than six
14 months;

15 (3) the receipts from the subsequent lease are
16 subject to the gross receipts tax; and

17 (4) the vehicle does not have a gross vehicle
18 weight of over twenty-six thousand pounds. "

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

21 "66-3-16. SPECIAL REGISTRATION PLATES--DISABLED
22 PERSONS--DISPLAY [~~DEVICE~~] DEVICES--MOBILITY-IMPAIRED PERSONS. --

23 A. The [~~division~~] department shall issue distinctive
24 registration plates to any disabled person who so requests and
25 who [~~proves satisfactorily~~] submits proof satisfactory to the

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1 ~~[division]~~ department that he has suffered the loss, or the
2 complete and total loss of use of, one or both legs at or above
3 the ankle or of one or both arms at or above the wrist for use
4 on motor vehicles owned by the person. No fee in addition to
5 the regular registration fee, if any, applicable to the motor
6 vehicle shall be collected for issuance of special registration
7 plates pursuant to this ~~[section]~~ subsection.

8 ~~[B. No person shall falsely represent himself to be~~
9 ~~disabled as to be eligible to be issued special registration~~
10 ~~plates or display devices pursuant to this section when he is in~~
11 ~~fact not disabled. Upon notice and opportunity to be heard, the~~
12 ~~division may revoke and demand return of any placard when:~~

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

15 ~~(2) the person receiving the placard is no~~
16 ~~longer eligible; or~~

17 ~~(3) the placard is being used by ineligible~~
18 ~~persons.]~~

19 B. Upon written application and submission of proof
20 satisfactory to the department, the department may issue
21 distinctive registration plates to the owner or lessor of a
22 motor vehicle that has been permanently adapted for use by a
23 disabled person who has suffered the loss, or the complete and
24 total loss of use of, one or both legs at or above the ankle or
25 of one or both arms at or above the wrist; provided, however,

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1 that the vehicle must be used solely for the transportation of
2 one or more disabled persons who have suffered the loss, or the
3 complete and total loss of use of, one or both legs at or above
4 the ankle or of one or both arms at or above the wrist. No fee
5 in addition to the regular registration fee, if any, applicable
6 to the motor vehicle shall be collected for issuance of special
7 registration plates pursuant to this subsection.

8 C. Upon written application to the [division]
9 department accompanied by a medical statement by a licensed
10 [physician] medical care provider attesting to the [disability,
11 ~~a resident of the state who has a disability that limits or~~
12 ~~impairs the ability to walk]~~ impairment, a person who is
13 mobility impaired, as provided in Subsection G of this section,
14 may apply for and be granted the issuance of a [placard for
15 ~~display upon a motor vehicle registered to him or motor vehicle~~
16 ~~owned by another person who is transporting him]~~ display device
17 to evidence that person's eligibility to use a designated
18 disabled parking space as defined in Subsection E of Section
19 66-1-4.4 NMSA 1978. If not otherwise prohibited by federal law,
20 the [director] secretary may charge a reasonable fee to cover
21 the cost of the [placard] display device and of its issuance.
22 The fee shall be retained by the [division] department and
23 [shall be] is appropriated to the [division] department for
24 expenditures incurred in [the implementation of the placard
25 ~~replacement program]~~ providing display devices.

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1 D. Upon written application and submission of proof
2 satisfactory to the department, the department may issue a
3 display device to an organization that, as part of its regular
4 program activities, provides transportation services to
5 mobility-impaired persons, as defined in Subsection G of this
6 section, in buses designed to transport no more than eight
7 persons plus a driver; provided, if a display device is issued,
8 it may be used as evidence of eligibility to use a designated
9 disabled parking space as defined in Subsection E of Section
10 66-1-4.4 NMSA 1978 only when at least fifty percent of the
11 persons being transported, exclusive of the driver, are mobility
12 impaired. If not otherwise prohibited by federal law, the
13 secretary may charge a reasonable fee to cover the cost of the
14 display device and of its issuance. The fee shall be retained
15 by the department and is appropriated to the department for
16 expenditures incurred in providing display devices.

17 ~~[D-]~~ E. A ~~[placard]~~ display device issued pursuant
18 to this section shall ~~[expire in no more than two]~~ be valid for
19 a period not to exceed four years; provided, a person who is
20 mobility impaired due to a temporary medical condition shall be
21 issued a display device that shall be valid for a period not to
22 exceed six months. The medical statement shall include the
23 period of time that the medical care provider determines the
24 applicant will be mobility impaired, up to the maximum allowable
25 in this subsection.

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1 ~~[E.]~~ F. The ~~[division shall issue]~~ display device to
2 be issued by the department shall be a two-sided hanger-style
3 ~~[placards]~~ placard with the following characteristics:

4 (1) the international symbol of access shall be
5 displayed on both sides of the placard and shall be at least
6 three inches in height, centered on the placard and white on a
7 blue shield;

8 (2) an identification number enabling the
9 ~~[division]~~ department to identify the holder of each placard.
10 The ~~[division]~~ department shall maintain this information in a
11 readily retrievable format and make it available on demand to
12 any law enforcement agency;

13 (3) the date of expiration; and

14 (4) the ~~[division]~~ department seal or other
15 identification of the issuing authority.

16 ~~[F. Upon written application to the division~~
17 ~~accompanied by a medical statement from a licensed physician~~
18 ~~attesting to a temporary disability, a person who has a~~
19 ~~temporary disability that limits or impairs the ability to walk~~
20 ~~may be issued a temporary placard, which shall be~~
21 ~~distinguishable in appearance from placards valid for two years.~~
22 ~~The medical statement shall include the period of time that the~~
23 ~~physician determines the applicant will have the disability. A~~
24 ~~temporary placard issued pursuant to this section shall be valid~~
25 ~~no more than six months.]~~

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1 G. For the purpose of obtaining a [~~placard~~] display
2 device, a person [~~with a "disability that limits or impairs the~~
3 ~~ability to walk" means the person] who is "mobility impaired":~~

4 (1) cannot walk one hundred feet without
5 stopping to rest;

6 (2) cannot walk without the use of a brace, a
7 cane, a crutch, another person, a prosthetic device, a
8 wheelchair or another assistive device;

9 (3) is restricted by lung disease to such an
10 extent that the person's forced respiratory volume, when
11 exhaling for one second, when measured by spirometry, is less
12 than one liter or the arterial oxygen tension is less than sixty
13 millimeters on room air at rest;

14 (4) uses portable oxygen;

15 (5) has a severe cardiac condition; or

16 (6) is so severely limited in his ability to
17 walk due to an arthritic, neurologic or orthopedic condition
18 that the person cannot ascend or descend more than ten stair
19 steps.

20 H. No person shall falsely represent himself to be
21 disabled or mobility impaired so as to be eligible to be issued
22 special registration plates or display devices pursuant to this
23 section when he is in fact not disabled or mobility impaired.
24 Upon notice and opportunity to be heard, the department may
25 revoke and demand return of a registration plate or display

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1 device when:

2 (1) it was issued in error or with false

3 information:

4 (2) the person receiving the registration plate
5 or display device is no longer eligible; or

6 (3) the registered vehicle or display device is
7 being used by ineligible persons.

8 I. A registration plate or display device issued
9 under the provisions of this section shall be returned to the
10 department in Santa Fe when the person or organization to whom
11 it was issued no longer is eligible to use the registration
12 plate or display device. No refund or adjustment of any fee
13 paid in connection with the issuance of the registration plate
14 or display device shall be made.

15 ~~[H.]~~ J. Special registration plates or [placards]
16 display devices issued to [the] a disabled or mobility-impaired
17 person by another state or foreign jurisdiction shall be granted
18 reciprocity while the vehicle and the disabled [operator] or
19 mobility-impaired person are in this state for a period not to
20 exceed [thirty days] one hundred twenty days per calendar year.

21 ~~[I. All placards shall be issued in accordance with~~
22 ~~this section beginning on July 1, 1995.]~~

23 K. All placards issued prior to July 1, 1995 [shall
24 expire on July 1, 1996] are void."