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AN ACT

RELATING TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES;
AMENDING A SECTION OF THE NMSA 1978 TO PROVIDE FOR TRAINING
OF LAW ENFORCEMENT OFFICERS REGARDING DISABLED-ACCESSIBLE
PARKING; AMENDING SECTIONS OF THE MOTOR VEHICLE CODE TO
PROVIDE FOR SHORTER PLACARD- AND PLATE-RENEWAL PERIODS AND
MORE EXPLICIT MARKING OF ACCESSIBLE PARKING SPOTS; AMENDING
SECTIONS OF THE ACCESSIBLE PARKING STANDARDS AND ENFORCEMENT
ACT TO PROVIDE FOR GREATER ENFORCEMENT AND MORE EXPLICIT
MARKING OF ACCESSIBLE PARKING SPOTS.

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

Section 1. Section 28-10-2 NMSA 1978 (being Laws 1973,
Chapter 349, Section 2, as amended) is amended to read:

"28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS
AND DUTIES.--The governor's commission on disability shall
establish and maintain a comprehensive statewide program
designed to encourage and promote attention to the concerns
of the training and employment of individuals with
disabilities in this state. To further this purpose, the
commission shall:

A. cooperate with the president's committee on
employment of individuals with disabilities and other federal
efforts on behalf of disability concerns;

B. cooperate with all employers and training

1 leaders, both public and private, in locating or developing
2 employment opportunities for individuals with disabilities;

3 C. encourage and assist in the organization and
4 operation of committees at the community level, the chairs of
5 which shall automatically become members of the advisory
6 council authorized under Section 28-10-4 NMSA 1978;

7 D. assist state, local and federal agencies to
8 coordinate their activities to secure maximum utilization of
9 funds and efforts that aid in the training and employment of
10 individuals with disabilities;

11 E. enter into written agreements with public and
12 private employers, unions and rehabilitation agencies for the
13 purpose of achieving the maximum employment of individuals
14 with disabilities;

15 F. inform individuals with disabilities who are
16 seeking jobs of specific facilities available to assist them
17 in locating suitable training and employment;

18 G. conduct educational programs via publications
19 and other means to acquaint the public, the legislature and
20 the governor with the abilities and the accomplishments of
21 individuals with disabilities;

22 H. promote the elimination of architectural
23 barriers in construction so as to make buildings used by the
24 public readily accessible to and usable by persons with
25 physical limitations;

1 I. make such rules as it determines advisable for
2 the conduct of its own business;

3 J. designate standing committees related to state
4 planning, community organization, public relations and
5 information, legislative action, federal coordination, state
6 coordination, youth, medical rehabilitation, employers and
7 awards;

8 K. designate such special committees as necessary
9 for undetermined periods to carry out special short-term
10 programs;

11 L. establish and administer a residential
12 accessibility modification program to assist low-income
13 individuals with disabilities to make accessibility
14 modifications to residential dwellings as needed to enable
15 those individuals with disabilities to remain in their homes
16 or to leave institutional settings and be reintegrated into
17 the community;

18 M. give advice and testimony on disability
19 concerns to the governor or the legislature or any committee
20 established by them, upon request; and

21 N. provide training to state and local law
22 enforcement officers regarding matters pertaining to
23 accessible parking for persons with disabilities."

24 Section 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
25 Chapter 120, Section 2, as amended) is amended to read:

1 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
2 Code:

3 A. "abandoned vehicle" means a vehicle or motor
4 vehicle that has been determined by a New Mexico law
5 enforcement agency:

6 (1) to have been left unattended on either
7 public or private property for at least thirty days;

8 (2) not to have been reported stolen;

9 (3) not to have been claimed by any person
10 asserting ownership; and

11 (4) not to have been shown by normal
12 record-checking procedures to be owned by any person;

13 B. "access aisle" means a space designed to allow
14 a person with a significant mobility limitation to safely
15 exit and enter a motor vehicle that is immediately adjacent
16 to a designated parking space for persons with significant
17 mobility limitation and that may be common to two such
18 parking spaces of at least sixty inches in width or, if the
19 parking space is designed for van accessibility, ninety-six
20 inches in width, and clearly marked and maintained with blue
21 striping and, after January 1, 2011, the words "NO PARKING"
22 in capital letters, each of which shall be at least one foot
23 high and at least two inches wide, placed at the rear of the
24 parking space so as to be close to where an adjacent
25 vehicle's rear tires would be placed;

1 C. "actual empty weight" means the weight of a
2 vehicle without a load;

3 D. "additional place of business", for dealers and
4 auto recyclers, means locations in addition to an established
5 place of business as defined in Section 66-1-4.5 NMSA 1978
6 and meeting all the requirements of an established place of
7 business, except Paragraph (5) of Subsection C of Section
8 66-1-4.5 NMSA 1978, but "additional place of business" does
9 not mean a location used solely for storage and that is not
10 used for wrecking, dismantling, sale or resale of vehicles;

11 E. "alcoholic beverages" means any and all
12 distilled or rectified spirits, potable alcohol, brandy,
13 whiskey, rum, gin, aromatic bitters or any similar alcoholic
14 beverage, including all blended or fermented beverages,
15 dilutions or mixtures of one or more of the foregoing
16 containing more than one-half percent alcohol but excluding
17 medicinal bitters;

18 F. "authorized emergency vehicle" means any fire
19 department vehicle, police vehicle, ambulance and any
20 emergency vehicles of municipal departments or public
21 utilities that are designated or authorized as emergency
22 vehicles by the director of the New Mexico state police
23 division of the department of public safety or local
24 authorities; and

25 G. "auto recycler" means a person engaged in this

1 state in an established business that includes acquiring
2 vehicles that are required to be registered under the Motor
3 Vehicle Code for the purpose of dismantling, wrecking,
4 shredding, compacting, crushing or otherwise destroying
5 vehicles for reclaimable parts or scrap material to sell."

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

8 "66-3-16. DISTINCTIVE REGISTRATION PLATES--PERSONS WITH
9 SIGNIFICANT MOBILITY LIMITATION--PARKING PLACARD.--

10 A. The division shall issue distinctive
11 registration plates for use on motor vehicles and motorcycles
12 owned by a person with a significant mobility limitation who
13 requests a distinctive registration plate and who proves
14 satisfactorily to the division that the person meets the
15 standard provided in Subsection J of this section. No fee in
16 addition to the regular registration fee, if any, applicable
17 to the motor vehicle or motorcycle shall be collected for
18 issuance of distinctive registration plates pursuant to this
19 section.

20 B. No person shall falsely claim to have a
21 significant mobility limitation so as to be eligible to be
22 issued a distinctive registration plate or a parking placard
23 pursuant to this section when the person does not in fact
24 have a significant mobility limitation. Upon notice and
25 opportunity to be heard, the division may revoke and demand

1 return of any placard when:

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

4 (2) the person receiving the placard is no
5 longer eligible; or

6 (3) the placard is being used by ineligible
7 persons.

8 C. Upon written application to the division
9 accompanied by a medical statement by a licensed physician
10 attesting to the permanent significant mobility limitation, a
11 resident of the state who has a significant mobility
12 limitation, as provided in this section, may apply for and be
13 issued no more than two parking placards for display upon a
14 motor vehicle registered to the person or motor vehicle owned
15 by another person who is transporting the person with a
16 significant mobility limitation. The physician shall provide
17 the division all information and records necessary to issue a
18 permanent parking placard. Once approved for use of a
19 permanent parking placard, a person with a significant
20 mobility limitation shall not be required to furnish further
21 medical information.

22 D. A parking placard issued pursuant to this
23 section shall expire four years from the date it was issued.

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

1 (1) a picture of the international symbol of
2 access;

3 (2) a hologram to make duplication
4 difficult;

5 (3) an imprinted expiration date; and

6 (4) a full-face photograph of the holder on
7 the inside of the placard covered by a flap.

8 F. The division shall consult with the governor's
9 commission on disability for continued issuance and format of
10 the placard.

11 G. The division may issue an identification card
12 containing a full-face photograph of the holder of the
13 registration plate or parking placard and the number of the
14 registration plate or parking placard issued to that person.

15 H. Upon written application to the division
16 accompanied by a medical statement from a licensed physician
17 attesting to a temporary significant mobility limitation, a
18 person may be issued a temporary placard for no more than one
19 year. The physician shall provide the division all
20 information and records necessary to issue a temporary
21 placard.

22 I. Registration plates or parking placards issued
23 to a person with a significant mobility limitation by another
24 state or foreign jurisdiction shall be honored until the
25 motor vehicle or motorcycle is registered or the parking

1 placard holder establishes residency in this state.

2 J. A person with a significant mobility limitation
3 means a person who:

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

6 (2) cannot walk without the use of a brace,
7 cane or crutch or without assistance from another person, a
8 prosthetic device, a wheelchair or other 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
13 sixty 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 the 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 Section 4. Section 66-7-352.4 NMSA 1978 (being Laws
21 1983, Chapter 45, Section 4, as amended) is amended to read:

22 "66-7-352.4. PARKING LOTS--STANDARDS.--

23 A. Every parking lot coming under the provisions
24 of the Accessible Parking Standards and Enforcement Act shall
25 have designated and maintained accessible parking spaces for

1 persons with significant mobility limitation as provided in
2 Subsection B of this section. No building permit shall be
3 issued by any local government for the construction or
4 substantial renovation of a commercial building inviting
5 public access unless the parking lot has designated
6 accessible parking spaces for persons with significant
7 mobility limitation as delineated in Subsection B of this
8 section.

9 B. The minimum numbers of designated accessible
10 parking spaces for persons with significant mobility
11 limitation are as follows:

12	TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF
13		PARKING SPACES FOR PERSONS
14		WITH SIGNIFICANT MOBILITY
15		LIMITATION
16	1 to 25	1
17	26 to 35	2
18	36 to 50	3
19	51 to 100	4
20	101 to 300	8
21	301 to 500	12
22	501 to 800	16
23	801 to 1,000	20
24	more than 1,000	20, plus 1 for
25		each 100 over

1,000.

2 The designated accessible parking spaces for persons
3 with significant mobility limitation shall be located so as
4 to provide the most convenient access to entranceways or to
5 the nearest curb cut. Every parking lot shall have at least
6 one designated accessible parking space for persons with
7 significant mobility limitation designed to accommodate a
8 motor vehicle passenger van, and there shall be a minimum of
9 one such space for every eight designated accessible parking
10 spaces for persons with significant mobility limitation.

11 C. A sign or other designation posted after
12 July 1, 2010 at an accessible parking space pursuant to this
13 section shall include the language "Violators are subject to
14 a fine and/or towing."."

15 Section 5. Section 66-7-352.5 NMSA 1978 (being Laws
16 1983, Chapter 45, Section 5, as amended) is amended to read:

17 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

18 A. It is unlawful for any person to park a motor
19 vehicle not displaying a special registration plate or a
20 parking placard issued pursuant to Section 66-3-16 NMSA 1978
21 in a designated accessible parking space for persons with
22 significant mobility limitation.

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

1 mobility limitation.

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

9 D. A vehicle parked in violation of Subsection A
10 or B of this section is subject to being towed at the expense
11 of the vehicle owner upon authorization by law enforcement
12 personnel or by the property owner or manager of a parking
13 lot.

14 E. A law enforcement officer may issue a citation
15 or authorize towing of a vehicle for a violation of Subsection
16 A or B of this section regardless of the presence of the
17 driver."
