

The Legislature  
of the  
State of New Mexico

49th Legislature, Second Session

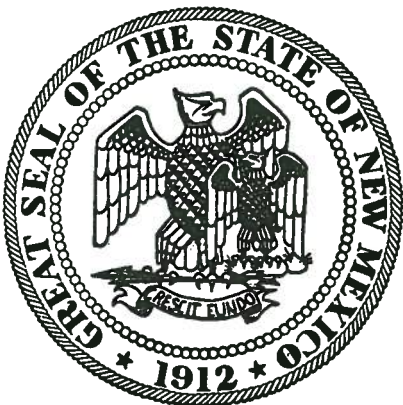
LAWS 2010

CHAPTER 74

SENATE BILL 209, as amended

Introduced by

SENATORS GERALD ORTIZ y PINO, PETE CAMPOS, CARLOS R. CISNEROS,  
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DAVID ULIBARRI AND PETER WIRTH



# Chapter 74

## AN ACT

1  
2 RELATING TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES;  
3 AMENDING A SECTION OF THE NMSA 1978 TO PROVIDE FOR TRAINING  
4 OF LAW ENFORCEMENT OFFICERS REGARDING DISABLED-ACCESSIBLE  
5 PARKING; AMENDING SECTIONS OF THE MOTOR VEHICLE CODE TO  
6 PROVIDE FOR SHORTER PLACARD- AND PLATE-RENEWAL PERIODS AND  
7 MORE EXPLICIT MARKING OF ACCESSIBLE PARKING SPOTS; AMENDING  
8 SECTIONS OF THE ACCESSIBLE PARKING STANDARDS AND ENFORCEMENT  
9 ACT TO PROVIDE FOR GREATER ENFORCEMENT AND MORE EXPLICIT  
10 MARKING OF ACCESSIBLE PARKING SPOTS.

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

15 "28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS  
16 AND DUTIES.--The governor's commission on disability shall  
17 establish and maintain a comprehensive statewide program  
18 designed to encourage and promote attention to the concerns  
19 of the training and employment of individuals with  
20 disabilities in this state. To further this purpose, the  
21 commission shall:

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

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

1,000.

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

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

Section 5. 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 accessible parking space for persons with significant mobility limitation.

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 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." \_\_\_\_\_

Diane D. Denish

Diane D. Denish, President  
Senate

Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

Ben Lujan

Ben Lujan, Speaker  
House of Representatives

Stephen R. Arias  
Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 8th day of March, 2010

Bill Richardson

Governor Bill Richardson  
State of New Mexico

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