

1 SENATE BILL 218

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO PARKING; AMENDING THE ACCESSIBLE PARKING STANDARDS
12 AND ENFORCEMENT ACT, THE MUNICIPAL PARKING LAW AND THE GREATER
13 MUNICIPALITY PARKING LAW TO PROVIDE FREE PARKING TO FIFTY
14 PERCENT OR MORE DISABLED VETERANS AT STATE-OWNED PARKING LOTS.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 3-50-5 NMSA 1978 (being Laws 1965,
18 Chapter 300, Section 14-51-5) is amended to read:

19 "3-50-5. POWERS OF CITY.--

20 A. Every city, in addition to other powers
21 conferred by the Municipal Parking Law, shall have power and it
22 is hereby authorized to:

23 [~~A. to~~] (1) purchase and install, maintain,
24 regulate, operate and manage parking meters and parking spaces
25 upon the streets of [~~said~~] the city;

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underscored material = new
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underscored material = new
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1 [~~B.—to~~] (2) purchase, acquire, lease, rent,
2 construct, reconstruct, improve, alter, repair, maintain,
3 operate and manage parking facilities for the parking of motor
4 vehicles off the public streets together with public rights of
5 way necessary or convenient [~~therefor~~] for parking facilities,
6 including the leasing of the operation [~~there-of~~] of the
7 parking facilities, and including the leasing of a portion of
8 the space at any such parking facility to private operators for
9 commercial purposes, such as gasoline service stations, which
10 are directly related to the operation of [~~such~~] the parking
11 facility when in the judgment of the governing body it is
12 convenient or necessary to permit such leasing in order to
13 utilize the balance of the property as a parking facility;

14 [~~G.—to~~] (3) purchase, acquire by gift, grant,
15 bequest or devise or otherwise any real or personal property or
16 any interest therein, together with the improvements thereon,
17 to be used as parking facilities or incident [~~thereto~~] to
18 parking facilities;

19 [~~D.—to~~] (4) insure or provide for the
20 insurance of any parking facility established by the city
21 against such risks and hazards as the city may deem advisable;

22 [~~E.—to~~] (5) arrange or contract for the
23 furnishing by any person or agency, public or private, of
24 services, privileges, works or facilities for or in connection
25 with a parking facility project;

underscored material = new
[bracketed material] = delete

1 [F.—to] (6) acquire by the exercise of the
2 power of eminent domain any real property which it deems
3 necessary for its purposes under the Municipal Parking Law
4 after the adoption by it of a resolution declaring that its
5 acquisition is necessary for such purposes. This power shall be
6 exercised in the manner provided by any applicable statutory
7 provisions and laws of the state of New Mexico and acts
8 amendatory thereof or supplementary thereto. Title to property
9 so acquired shall be taken in the name of the city; provided,
10 however, that no existing parking facility shall be acquired by
11 the exercise of the power of eminent domain unless the project
12 to be furnished or constructed by the city will encompass a
13 parking facility not less than three times the area of the
14 existing parking facility and unless the owner or lessor of the
15 existing parking facility [~~shall refuse~~] refuses to furnish or
16 construct a parking facility not less than three times its
17 present area;

18 [G.—to] (7) sell, lease, exchange, transfer,
19 assign or otherwise dispose of any real or personal property or
20 any interest therein acquired for the purpose of the Municipal
21 Parking Law;

22 [H.—to] (8) do any act in order to furnish
23 motor vehicle parking space and to establish parking facilities
24 for motor vehicles parked within the city and to handle and
25 care for any such vehicles parked within any parking space

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1 owned, controlled or operated by the city;

2 [~~I.—to~~] (9) receive, control, invest and
3 order the expenditure of any and all [~~moneys~~] money and funds
4 pertaining to parking facilities and parking meters or related
5 properties;

6 [~~J.—to~~] (10) exercise all or any part or
7 combination of the powers [~~herein~~] granted in this section; and

8 [~~K.—to~~] (11) do and perform any and all other
9 acts and things necessary, convenient, desirable or appropriate
10 to carry out the provisions of the Municipal Parking Law.

11 B. No parking fee shall be charged to an occupant
12 of a vehicle properly displaying a valid fifty percent or more
13 disabled veteran registration plate issued pursuant to Section
14 66-3-412 NMSA 1978 for parking in parking facilities owned by
15 the state or its political subdivisions."

16 SECTION 2. Section 3-51-5 NMSA 1978 (being Laws 1965,
17 Chapter 300, Section 14-52-5) is amended to read:

18 "3-51-5. POWERS OF CITY.--

19 A. Every city shall have all the powers necessary,
20 convenient, desirable or appropriate to carry out the purposes
21 and provisions of the Greater Municipality Parking Law,
22 including the following powers in addition to other powers
23 conferred by the Greater Municipality Parking Law to:

24 [~~A.—to~~] (1) purchase and install, maintain,
25 regulate, operate and manage parking meters and parking spaces

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1 upon the streets of the city;

2 [B.—to] (2) purchase, acquire, lease, rent,
3 construct, reconstruct, improve, alter, repair, maintain,
4 operate and manage parking facilities for the parking of motor
5 vehicles off the public streets, together with public rights-
6 of-way necessary or convenient [~~therefor~~] for the parking
7 facilities, including the leasing of the operation [~~thereof~~] of
8 the parking facilities and including the leasing of a portion
9 of the space at any such parking facility to private operators
10 for commercial purposes when in the judgment of the governing
11 body it is convenient or necessary to permit such leasing in
12 order to utilize the balance of the property as a parking
13 facility;

14 [C.—to] (3) purchase, acquire by gift, grant,
15 bequest or devise or otherwise any real or personal property or
16 any interest therein, together with the improvement thereon, to
17 be used as parking facilities or incident [~~thereto~~] to parking
18 facilities;

19 [D.—to] (4) insure or provide for the
20 insurance of any parking facility established by the city
21 against such risks and hazards as the city may deem advisable;

22 [E.—to] (5) acquire by the exercise of the
23 power of eminent domain any real property or personal property
24 or any interest therein which it deems necessary for its
25 purposes under the Greater Municipality Parking Law after the

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1 adoption by it of an ordinance declaring that its acquisition
2 is necessary for such purposes. This power shall be exercised
3 in the manner provided by any applicable statutory provisions
4 and laws of the state of New Mexico and acts amendatory thereof
5 or supplementary thereto. Title to property so acquired shall
6 be taken in the name of the city;

7 [F.—to] (6) sell, lease, exchange, transfer,
8 assign or otherwise dispose of any real or personal property or
9 any interest therein acquired for the purpose of the Greater
10 Municipality Parking Law; and

11 [G.—to] (7) receive, control, invest and
12 order the expenditure of any and all [~~moneys~~] money and funds
13 pertaining to parking facilities and parking meters or related
14 properties if the same are not otherwise committed.

15 B. No parking fee shall be charged to an occupant
16 of a vehicle properly displaying a valid fifty percent or more
17 disabled veteran registration plate issued pursuant to Section
18 66-3-412 NMSA 1978 for parking in parking facilities owned by
19 the state or its political subdivisions."

20 SECTION 3. Section 66-7-352.4 NMSA 1978 (being Laws 1983,
21 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 of
24 the Accessible Parking Standards and Enforcement Act shall have
25 designated and maintained accessible parking spaces for persons

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

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

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

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

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

14 D. No parking fee shall be charged to an occupant
15 of a vehicle properly displaying a valid fifty percent or more
16 disabled veteran registration plate issued pursuant to Section
17 66-3-412 NMSA 1978 for parking in a parking lot owned by the
18 state or its political subdivisions."

19 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is July 1, 2015.