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FISCAL IMPACT REPORT

SPONSOR: Rios DATE TYPED: 2/18/01 HB 450
 SHORT TITLE: Enforce Disabled Parking on Private Property SB _____
 ANALYST: Rael

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
No Fiscal Impact				

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Taxation and Revenue Department (TRD)
 Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

The Enforce Disabled Parking on Private Property bill updates certain statute references and adds a new section, Section 66-7-352.6 pertaining to the enforcement of violations under Section 66-7-352.5, allowing state, county and municipal law enforcement personnel to have the authority to issue citations for the unauthorized use of parking spaces for the disabled in their respective jurisdictions, whether the violation occurs on public or private property.

FISCAL IMPLICATIONS

No fiscal impact.

TECHNICAL ISSUES

1. Section 1 of the bill proposes amending Section 66-7-2 NMSA 1978 to include the disabled parking statute (66-7-352.5) among statutes that can be enforced "anywhere in the state" as opposed to merely "upon the highways." Section 66-8-107 (regarding implied consent, by operating a motor vehicle, to submit to chemical test) should also be included.
2. Section, 66-7-352.6 replace "state, county and municipal law enforcement personnel" with "any law enforcement personnel authorized to issue citations pursuant to the Motor Vehicle Code or municipal ordinance."

OTHER SUBSTANTIVE ISSUES

This bill should have a minimal impact on DPS. The definition of highway in Section 66-1-4.8, currently means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel. This proposed legislation would only add violations in areas that are restricted to general public use at the current time.

The AOC reports that this proposed legislation is likely the result of a Rio Rancho case where a municipal law enforcement officer issued a parking ticket to a person for parking in a parking space reserved for the disabled located on private property. The case was appealed to the district court and overturned because there was no jurisdiction on private property.

FAR/njw