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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/09
 SPONSOR HTRC LAST UPDATED 2/27/09 HB 343/HTRCS
 SHORT TITLE Municipality Traffic Fine Limits SB _____
 ANALYST Aubel

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	Indeterminate See Below	Indeterminate See Below	Recurring	Municipality*

(Parenthesis () Indicate Revenue Decreases)

*Correction: Parking fees in Albuquerque are not part of the “red-light camera” program and are not distributed to the AOC. Any increase in fees would accrue to the municipality.

Relates to SB 101, SB 519 and HB 519

SOURCES OF INFORMATION

LFC Files

Original Responses Received From

Department of Finance and Administration (DFA)
 Taxation and Revenue Department (TRD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HTRC Substitute Bill

The Taxation and Revenue Committee Substitute for House Bill 343 amends Section 66-7-352.5 NMSA 1978. This appears to directly achieve the intent of House Bill 343 by requiring “local authorities” to impose fines pursuant to the \$250.00 to \$500.00 range contained in this section for handicap parking violations. House Bill 343 amended the “Nuisance Ordinance,” Section 3-18-17 NMSA 1978, to make an exception for handicap violations to the flat \$75.00 fee for traffic violations by referencing back to Section 66-7-352.2. Both bills appear to impose the \$250.00-\$500.00 fee for handicap violations, which would include Albuquerque as a “local authority”.

FISCAL IMPLICATIONS

Fines assessed under Section 66-7-352.5 NMSA 1978 for handicap parking violations range from a minimum of \$250.00 to no more than \$500.00. Because these fines are higher than the \$75.00 maximum imposed under current law for traffic violations as part of the “nuisance” law applying to Albuquerque, the anticipated fiscal impact would be an increase in the total amount of fines collected. The revenues accruing to the municipality would increase by an indeterminate amount.

SIGNIFICANT ISSUES

AOC provides the following background information:

This bill looks to address an issue that arose after legislation was passed last year (SB 442) that limited fines and fees on citations filed under Albuquerque’s nuisance laws. SB 442 was aimed at limiting fees to \$75 for red-light camera nuisance violations. The nuisance laws in Albuquerque also regulate handicapped parking violations, therefore because of SB 442, those violations were also limited to \$75. This bill requires all handicapped parking violation penalties, including nuisance violations to be the same (not less than \$250 or more than \$500).

According to DFA, “it is unlawful for any person to park a motor vehicle not displaying a special registration plate or a parking placard in a designated accessible parking space for persons with significant mobility limitation. It is also 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 mobility limitation.”

AOC points out that according to U.S. Census Data (2005-2007 American Community Survey, over 300 thousand residents in New Mexico over the age of 5 years are living with at least one disability. The majority of these individuals, almost 280 thousand, are 16 years of age and older. Accessible (“handicapped”) parking spaces allow individuals with disabilities the opportunity to access the same businesses that the general population enjoys. HTRCS 343 standardizes the penalties assessed for interference with this access by unlawfully parking in handicapped reserved spaces.

RELATIONSHIP

The Taxation and Revenue Committee Substitute for House Bill 343 relates to the following bills:

House Bill 758 prohibits the use of nuisance ordinances to address motor vehicle violations and authorizes the use of automated enforcement systems for certain violations;

Senate Bill 101 also includes a section to increase handicap violations to align with Section 66-7-352.5 NMSA 1978 but provides for a different distribution plan for the receipts of fines; and

Senate Bill 519 also includes a section to increase handicap violations to align with Section 66-7-352.5 NMSA 1978 but increases the flat \$75 fee to \$100 and provides for a different distribution plan for the receipts of fines.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Penalties assessed for violations related to handicap parking will not be standardized. Handicapped individuals may experience difficulty in finding parking in Albuquerque.

MA/mt