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HOUSE BILL 155

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Miguel P. Garcia

ENDORSED BY THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE MOTOR  
VEHICLE CODE TO PROVIDE FOR ADMINISTRATIVE AND REPLACEMENT FEES  
FOR PLACARDS FOR PERSONS WITH SIGNIFICANT MOBILITY LIMITATIONS  
AND TO PROVIDE FOR DISTRIBUTION TO THE DISABILITY FUND OF A  
PORTION OF ADMINISTRATIVE AND REPLACEMENT FEES FOR PLACARDS.

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

**SECTION 1.** Section 66-3-16 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 36, as amended) is amended to read:

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

A. The division shall issue distinctive  
registration plates for use on motor vehicles and motorcycles  
owned by a person with a significant mobility limitation who  
requests a distinctive registration plate and who proves

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1       satisfactorily to the division that the person meets the  
2       standard provided in Subsection [~~J~~] K of this section. No fee  
3       in addition to the regular registration fee, if any, applicable  
4       to the motor vehicle or motorcycle shall be collected for  
5       issuance of distinctive registration plates pursuant to this  
6       section.

7                B. No person shall falsely claim to have a  
8       significant mobility limitation so as to be eligible to be  
9       issued a distinctive registration plate or a parking placard  
10      pursuant to this section when the person does not in fact have  
11      a significant mobility limitation. Upon notice and opportunity  
12      to be heard, the division may revoke and demand return of any  
13      placard when:

14                       (1) it was issued in error or with false  
15      information;

16                       (2) the person receiving the placard is no  
17      longer eligible; or

18                       (3) the placard is being used by ineligible  
19      persons.

20                C. Upon written application to the division  
21      accompanied by a medical statement by a licensed physician  
22      attesting to the permanent significant mobility limitation, a  
23      resident of the state who has a significant mobility  
24      limitation, as provided in this section, may apply for and be  
25      issued no more than two parking placards for display upon a

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1 motor vehicle registered to the person or motor vehicle owned  
2 by another person who is transporting the person with a  
3 significant mobility limitation. The physician shall provide  
4 the division all information and records necessary to issue a  
5 permanent parking placard. Once approved for use of a  
6 permanent parking placard, a person with a significant mobility  
7 limitation shall not be required to furnish further medical  
8 information.

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

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

13 (1) a picture of the international symbol of  
14 access;

15 (2) a hologram to make duplication difficult;

16 (3) an imprinted expiration date; and

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

19 F. The division shall consult with the governor's  
20 commission on disability for continued issuance and format of  
21 the placard.

22 G. The division may issue an identification card  
23 containing a full-face photograph of the holder of the  
24 registration plate or parking placard and the number of the  
25 registration plate or parking placard issued to that person.

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1           H. Upon written application to the division  
2 accompanied by a medical statement from a licensed physician  
3 attesting to a temporary significant mobility limitation, a  
4 person may be issued a temporary placard for no more than one  
5 year. The physician shall provide the division all information  
6 and records necessary to issue a temporary placard.

7           I. Registration plates or parking placards issued  
8 to a person with a significant mobility limitation by another  
9 state or foreign jurisdiction shall be honored until the motor  
10 vehicle or motorcycle is registered or the parking placard  
11 holder establishes residency in this state.

12           J. The division shall charge a five-dollar (\$5.00)  
13 fee to a person applying for a new placard, to renew a placard  
14 or to replace a placard that has been lost or stolen or seized  
15 pursuant to Subsection C of Section 66-3-16.1 NMSA 1978. The  
16 division shall deposit the fees that it collects pursuant to  
17 this subsection to the state treasurer, who shall credit the  
18 fees to the motor vehicle suspense fund.

19           ~~[J.]~~ K. A person with a significant mobility  
20 limitation means a person who:

21                   (1) cannot walk one hundred feet without  
22 stopping to rest;

23                   (2) cannot walk without the use of a brace,  
24 cane or crutch or without assistance from another person, a  
25 prosthetic device, a wheelchair or other assistive device;

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1 (3) is restricted by lung disease to such an  
2 extent that the person's forced respiratory volume, when  
3 exhaling for one second, when measured by spirometry, is less  
4 than one liter or the arterial oxygen tension is less than  
5 sixty millimeters on room air at rest;

6 (4) uses portable oxygen;

7 (5) has a severe cardiac condition; or

8 (6) is so severely limited in the ability to  
9 walk due to an arthritic, neurologic or orthopedic condition  
10 that the person cannot ascend or descend more than ten stair  
11 steps."

12 SECTION 2. Section 66-6-23 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 358, as amended) is amended to read:

14 "66-6-23. DISPOSITION OF FEES.--

15 A. After the necessary disbursements for refunds  
16 and other purposes have been made, the money remaining in the  
17 motor vehicle suspense fund, except for remittances received  
18 within the previous two months that are unidentified as to  
19 source or disposition, shall be distributed as follows:

20 (1) to each municipality, county or fee agent  
21 operating a motor vehicle field office:

22 (a) an amount equal to six dollars  
23 (\$6.00) per driver's license and five dollars (\$5.00) per  
24 identification card or motor vehicle or motorboat registration  
25 or title transaction performed;

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1 (b) for each such agent determined by  
2 the secretary pursuant to Section 66-2-16 NMSA 1978 to have  
3 performed ten thousand or more transactions in the preceding  
4 fiscal year, other than a class A county with a population  
5 exceeding three hundred thousand or a municipality with a  
6 population exceeding three hundred thousand that has been  
7 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,  
8 an amount equal to one dollar (\$1.00) in addition to the amount  
9 distributed pursuant to Subparagraph (a) of this paragraph for  
10 each driver's license, identification card, motor vehicle  
11 registration, motorboat registration or title transaction  
12 performed; and

13 (c) to each military installation  
14 designated as a fee agent pursuant to Section 66-2-14.1 NMSA  
15 1978, an amount equal to one dollar fifty cents (\$1.50) in  
16 addition to the amount distributed pursuant to Subparagraph (a)  
17 of this paragraph for each administrative service fee remitted  
18 by the military installation to the department pursuant to  
19 Subsection A of Section 66-2-16 NMSA 1978;

20 (2) to each municipality or county, other than  
21 a class A county with a population exceeding three hundred  
22 thousand or a municipality with a population exceeding three  
23 hundred thousand that has been designated as an agent pursuant  
24 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field  
25 office, an amount equal to one dollar fifty cents (\$1.50) for

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1 each administrative service fee remitted by that county or  
2 municipality to the department pursuant to the provisions of  
3 Subsection A of Section 66-2-16 NMSA 1978;

4 (3) to the state road fund:

5 (a) an amount equal to the fees  
6 collected pursuant to Sections 66-7-413 and 66-7-413.4 NMSA  
7 1978;

8 (b) an amount equal to the fee collected  
9 pursuant to Section 66-3-417 NMSA 1978;

10 (c) the remainder of each driver's  
11 license fee collected by the department employees from an  
12 applicant to whom a license is granted after deducting from the  
13 driver's license fee the amount of the distribution authorized  
14 in Paragraph (1) of this subsection with respect to that  
15 collected driver's license fee; and

16 (d) an amount equal to fifty percent of  
17 the fees collected pursuant to Section 66-6-19 NMSA 1978;

18 (4) to the local governments road fund, the  
19 amount of the fees collected pursuant to Subsection B of  
20 Section 66-5-33.1 NMSA 1978 and the remainder of the fees  
21 collected pursuant to Subsection A of Section 66-5-408 NMSA  
22 1978;

23 (5) to the department:

24 (a) any amounts reimbursed to the  
25 department pursuant to Subsection D of Section 66-2-14.1 NMSA

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1 1978;

2 (b) an amount equal to two dollars  
3 (\$.00) of each motorcycle registration fee collected pursuant  
4 to Section 66-6-1 NMSA 1978;

5 (c) an amount equal to the fees provided  
6 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E  
7 of Section 66-2-16 NMSA 1978, Subsections K and L of Section  
8 66-3-6 NMSA 1978 other than the administrative fee, Subsection  
9 C of Section 66-5-44 NMSA 1978 and Subsection B of Section  
10 66-5-408 NMSA 1978;

11 (d) the amounts due to the department  
12 for the manufacture and issuance of a special registration  
13 plate collected pursuant to the section of law authorizing the  
14 issuance of the specialty plate;

15 (e) an amount equal to the registration  
16 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the  
17 purposes of enforcing the provisions of the Mandatory Financial  
18 Responsibility Act and for creating and maintaining a  
19 multilanguage noncommercial driver's license testing program;  
20 and after those purposes are met, the balance of the  
21 registration fees shall be distributed to the department to  
22 defray the costs of operating the motor vehicle division;

23 (f) an amount equal to fifty cents  
24 (\$.50) for each administrative fee remitted to the department  
25 by a county or municipality operating a motor vehicle field

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1 office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

2 (g) an amount equal to one dollar  
3 twenty-five cents (\$1.25) for each administrative fee collected  
4 by the department or any of its agents other than a county or  
5 municipality operating a motor vehicle field office pursuant to  
6 Subsection A of Section 66-2-16 NMSA 1978; and

7 (h) an amount equal to the royalties or  
8 other consideration paid by commercial users of databases of  
9 motor vehicle-related records of the department pursuant to  
10 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of  
11 defraying the costs of maintaining databases of motor vehicle-  
12 related records of the department; and after that purpose is  
13 met, the balance of the royalties and other consideration shall  
14 be distributed to the department to defray the costs of  
15 operating the motor vehicle division or for use pursuant to  
16 Subsection F of Section 66-6-13 NMSA 1978;

17 (6) to each New Mexico institution of higher  
18 education, an amount equal to that part of the fees distributed  
19 pursuant to Paragraph (2) of Subsection D of Section 66-3-416  
20 NMSA 1978 proportionate to the number of special registration  
21 plates issued in the name of the institution to all such  
22 special registration plates issued in the name of all  
23 institutions;

24 (7) to the armed forces veterans license fund,  
25 the amount to be distributed pursuant to Paragraph (2) of

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1 Subsection E of Section 66-3-419 NMSA 1978;

2 (8) to the children's trust fund, the amount  
3 to be distributed pursuant to Paragraph (2) of Subsection D of  
4 Section 66-3-420 NMSA 1978;

5 (9) to the department of transportation, an  
6 amount equal to the fees collected pursuant to Section 66-5-35  
7 NMSA 1978;

8 (10) to the state equalization guarantee  
9 distribution made annually pursuant to the general  
10 appropriation act, an amount equal to one hundred percent of  
11 the driver safety fee collected pursuant to Subsection D of  
12 Section 66-5-44 NMSA 1978;

13 (11) to the motorcycle training fund, two  
14 dollars (\$.00) of each motorcycle registration fee collected  
15 pursuant to Section 66-6-1 NMSA 1978;

16 (12) to the recycling and illegal dumping  
17 fund:

18 (a) fifty cents (\$.50) of the tire  
19 recycling fee collected pursuant to the provisions of Section  
20 66-6-1 NMSA 1978;

21 (b) fifty cents (\$.50) of each of the  
22 tire recycling fees collected pursuant to the provisions of  
23 Sections 66-6-2 and 66-6-4 NMSA 1978; and

24 (c) twenty-five cents (\$.25) of each of  
25 the tire recycling fees collected pursuant to Sections 66-6-5

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1 and 66-6-8 NMSA 1978;

2 (13) to the highway infrastructure fund:

3 (a) fifty cents (\$.50) of the tire  
4 recycling fee collected pursuant to the provisions of Section  
5 66-6-1 NMSA 1978;

6 (b) one dollar (\$1.00) of each of the  
7 tire recycling fees collected pursuant to the provisions of  
8 Sections 66-6-2 and 66-6-4 NMSA 1978; and

9 (c) twenty-five cents (\$.25) of each of  
10 the tire recycling fees collected pursuant to Sections 66-6-5  
11 and 66-6-8 NMSA 1978;

12 (14) to each county, an amount equal to fifty  
13 percent of the fees collected pursuant to Section 66-6-19 NMSA  
14 1978 multiplied by a fraction, the numerator of which is the  
15 total mileage of public roads maintained by the county and the  
16 denominator of which is the total mileage of public roads  
17 maintained by all counties in the state;

18 (15) to the litter control and beautification  
19 fund, an amount equal to the fees collected pursuant to Section  
20 66-6-6.2 NMSA 1978;

21 (16) to the local government division of the  
22 department of finance and administration, an amount equal to  
23 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for  
24 distribution to each county to support animal control spaying  
25 and neutering programs in an amount proportionate to the number

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1 of residents of that county who have purchased pet care special  
2 registration plates pursuant to Section 66-3-424.3 NMSA 1978;  
3 [~~and~~]

4 (17) to the Cumbres and Toltec scenic railroad  
5 commission, twenty-five dollars (\$25.00) collected pursuant to  
6 the Cumbres and Toltec scenic railroad special registration  
7 plate; and

8 (18) to the disability fund, an amount equal  
9 to three dollars (\$3.00) of each fee collected pursuant to  
10 Subsection J of Section 66-3-16 NMSA 1978.

11 B. The balance, exclusive of unidentified  
12 remittances, shall be distributed in accordance with Section  
13 66-6-23.1 NMSA 1978.

14 C. If any of the paragraphs, subsections or  
15 sections referred to in Subsection A of this section are  
16 recompiled or otherwise redesignated without a corresponding  
17 change to Subsection A of this section, the reference in  
18 Subsection A of this section shall be construed to be the  
19 recompiled or redesignated paragraph, subsection or section."