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HOUSE BILL 557

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOHN A. HEATON

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE NMSA 1978
TO GRANT SPECIAL PLACARDS TO OWNERS OF VEHICLES TRANSPORTING
DISABLED PERSONS.

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. SPECIAL REGISTRATION PLATES-- DISABLED
PERSONS-- [~~DISPLAY DEVICE~~] PLACARDS. --

A. The division shall issue distinctive registration
plates to any disabled person who so requests and who proves
satisfactorily to the division that he has suffered the loss, or
the complete and total loss of use of, one or both legs at or
above the ankle or of one or both arms at or above the wrist for
use on motor vehicles owned by the person. No fee in addition

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1 to the regular registration fee, if any, applicable to the motor
2 vehicle shall be collected for issuance of special registration
3 plates pursuant to this section.

4 B. No person shall falsely represent himself to be
5 disabled so as to be eligible to be issued special registration
6 plates or [~~display devices~~] placards pursuant to this section
7 when he is in fact not disabled. Upon notice and opportunity to
8 be heard, the division may revoke and demand return of any
9 placard when:

10 (1) it was issued in error or with false
11 information;

12 (2) the person receiving the placard is no
13 longer eligible; or

14 (3) the placard is being used by ineligible
15 persons.

16 C. Upon written application to the division
17 accompanied by a medical statement by a licensed physician
18 attesting to the disability, a resident of the state who has a
19 disability that limits or impairs the ability to walk, as
20 provided in Subsection [~~G~~] H of this section, may apply for and
21 be granted the issuance of a placard for display upon a motor
22 vehicle registered to him or motor vehicle owned by another
23 person who is transporting him. The director may charge a
24 reasonable fee to cover the cost of the placard and of its
25 issuance. The fee shall be retained by the division and shall

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1 be appropriated to the division for expenditures incurred in the
2 implementation of the placard replacement program.

3 D. Upon written application to the division, the
4 resident owner of a motor vehicle that usually, and as its
5 primary use, transports persons with a disability, including a
6 temporary disability, that limits or impairs the ability to
7 walk, as provided for in Subsection H of this section, may apply
8 for and be granted the issuance of a placard for display upon
9 the motor vehicle registered to the owner. The director may
10 charge a reasonable fee to cover the cost of the placard and of
11 its issuance. The fee shall be retained by the division and
12 shall be appropriated to the division for expenditures incurred
13 in the implementation of the placard replacement program. For
14 purposes of this subsection, the resident owner applying for the
15 placard may be an individual or other legal entity. The
16 director may promulgate rules and regulations to establish the
17 application form and procedures and the standards necessary to
18 permit placard issuance under this subsection.

19 ~~[D-]~~ E. A placard issued pursuant to this section
20 shall expire in no more than two years.

21 ~~[E-]~~ F. The division shall issue two-sided
22 hanger-style placards with the following characteristics:

23 (1) the international symbol of access shall be
24 displayed on both sides of the placard and shall be at least
25 three inches in height, centered on the placard and white on a

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1 blue [~~shield~~] field;

2 (2) an identification number enabling the
3 division to identify the holder of each placard. The division
4 shall maintain this information in a readily retrievable format
5 and make it available on demand to any law enforcement agency;

6 (3) the date of expiration; and

7 (4) the division seal or other identification
8 of the issuing authority.

9 [~~F.-~~] G. Upon written application to the division
10 accompanied by a medical statement from a licensed physician
11 attesting to a temporary disability, a person who has a
12 temporary disability that limits or impairs the ability to walk
13 may be issued a temporary placard, which shall be
14 distinguishable in appearance from placards valid for two years.
15 The medical statement shall include the period of time that the
16 physician determines the applicant will have the disability. A
17 temporary placard issued pursuant to this section shall be valid
18 no more than six months.

19 [~~G.-~~] H. For the purpose of obtaining a placard, a
20 person with a "disability that limits or impairs the ability to
21 walk" means the person:

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

24 (2) cannot walk without the use of a brace, a
25 cane, a crutch, another person, a prosthetic device, a

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1 wheelchair or another assistive device;

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

7 (4) uses portable oxygen;

8 (5) has a severe cardiac condition; or

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

13 [~~H.~~] I. Special registration plates or placards
14 issued to the disabled person by another state or foreign
15 jurisdiction shall be granted reciprocity while the vehicle and
16 disabled operator are in this state for a period not to exceed
17 thirty days.

18 [~~H.~~] J. All placards shall be issued in accordance
19 with this section beginning on July 1, 1995. All placards
20 issued prior to July 1, 1995 shall expire on July 1, 1996."