

Compliance – Resource Bulletin

NEW MEXICO – State Specific Signs

ADA Parking Signs

Overview:

All states must comply with The Americans with Disabilities Act of 1990. It is a federal wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. The 2010 ADA Standards for Accessible Design (ADAAG) stipulates design standards for accessible parking spaces. Section 502.6 of ADAAG and The Department of Transportation Standard for Highway Signs (MUTCD) both address design standards for the required signs.

Resources:

2010 ADAAG Standards: (Free)

http://www.ada.gov/2010ADASTandards_index.htm

MUTCD Standard for Highway Signs: (Free)

https://mutcd.fhwa.dot.gov/SHSe/shs_2004_2012_sup.pdf

Design of Parking Signs:

- Accessible parking spaces must have a sign that includes the international symbol of accessibility and state “RESERVED PARKING.” Spaces designed for van parking must also have a sign stating “VAN ACCESSIBLE.” (ADAAG 502.6), (MUTCD R7-8)
- The sign should be 12”W x 18”H with green lettering and border on a white background. The symbol of accessibility should be 4”H and be white on a blue background. The symbol is a depiction of a person in a wheel chair. (MUTCD R7-8), (ADAAG 703.7.2.1)
- If required, the van accessible sign should be 12”W x 6”H and have green lettering and border on a white background or white lettering and border on a blue background. (MUTCD R7-8a, R&-8b)
- Signs should be mounted at least 60 inches above the parking surface so as to not be obstructed by any parked vehicles.
- Signs should be constructed to withstand the elements. An aluminum substrate with a reflective surface using UV stable ink is recommended. An anti-graffiti laminate surface might also be considered.
- Of note: Federal accessibility signs avoid the use of the text “handicapped” or “disabled” as a result of the Department of Justice’s efforts to make use of up-to-date accepted terminology and avoid stereotyping of individuals. (28CFR35.104)
- As of 9/1/2019 we are not aware of any additional ADA parking sign requirements in New Mexico other than those specified by the federal government in the 2010 ADAAG.

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New Mexico No Smoking Signs

Overview:

The State of New Mexico prohibits smoking in public transportation, all enclosed public places, and workplaces, including restaurants and bars. The law also forbids smoking within a reasonable distance of these facilities. Exemptions to the state law include designated hotel/motel rooms, Native American religious and cultural activities, retail tobacco stores, cigar bars, and casinos. The Dee Johnson Clean Indoor Air Act became effective on 6/1/ 2007 and requires the posting of signs enforcing the law at various locations. The law is administered by the New Mexico Department of Health. (N.M. Stat Ann 24-16-3 & 4)

Resources:

- New Mexico Clean Indoor Air Act:** (Free) <https://law.justia.com/codes/new-mexico/2013/chapter-24/article-16/section-24-16-4/>
- Smoke Free New Mexico Website:** (Free) <https://www.smokefreenm.com/>

Design of No Smoking Signs:

- The law defines an enclosed public place as a place where the public is invited or a place of work. The person having jurisdiction over the facility where smoking is prohibited must post at each entrance, a “No Smoking” sign which may also contain the international no smoking symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. (N.M. Stat Ann 24-16-7A{1})
- For facilities or areas where smoking is allowed, the person having jurisdiction over the facility must post a sign stating “Smoking Permitted” at each entrance to the area. (N.M. Stat Ann 24-16-7A{2})
- The owner of a facility may choose to prohibit smoking in all or part of a facility where smoking is otherwise permitted by posting the appropriate sign. (N.M. Stat Ann 24-16-7A{2})
- Recommended “No Smoking” signs are viewable at the Smoke Free New Mexico website.

Swimming Pool Signs

Overview:

The New Mexico Environment Department stipulates the rules governing the use of public swimming pools and spas. The code became effective on 3/31/2010 and requires the posting of signs at these facilities. (Sec. 7.18.4)

Resources:

- New Mexico Regulation:** (Free) http://www.nmenv.state.nm.us/fod/Swim_Pools/pdfs/7.18.4%20NMAC_Final.pdf
- NSP Foundation:** (Free) http://nspf.org/en/Resources/News_StateCodes.aspx

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(Swimming Pool Signs Continued)

Design of Swimming Pool Signs:

Below are the required New Mexico swimming pool and spa signs. See the New Mexico regulation for more specific posting and design information.

- A sign stating pool rules. (7.18.4.12E{1-7})
- A sign stating spa rules. (7.18.4.26D{1-4})
- A sign stating emergency contact information located at the phone used for emergency calls. (7.18.4.25A)
- A sign displaying the American Red Cross resuscitation chart. (7.18.4.26A)
- A sign stating the bathing capacity of the pool. (7.18.4.26B)
- A sign posted where no lifeguards are provided stating “Warning - No Lifeguard Service is Provided,” “All Children Under the Age of 14 Must Be Accompanied by An Observer 18 Years or Older,” and “In Case of Emergency, Contact_____.” (7.18.4.26C)
- A sign stating water slide rules. (7.18.4.26F{1-4})

Concealed Weapon Signs

Overview:

The State of New Mexico allows its residents to carry a concealed firearm (CCW) provided they have been issued a permit granted by the State Police District Office through the local law enforcement agency where they reside. Among the requirements for issuing a permit are; an applicant must be at least 21 years old and has completed an approved handgun training program. There are certain places such as schools, courtrooms, taverns, airport security zones, state parks, and public transportation where CCW is forbidden even with a permit. New Mexico honors the CCW permits of a number of other states. (10.8.2) (30-7-2.2)

Resources:

New Mexico Regulation: (Free) https://www.dps.nm.gov/templates/g5_hydrogen/custom/PDFs/Concealed%20Carry%20License/nmac%20book%202016%20--%20rr.pdf

Handgunlaw.com/New Mexico: (Free) <http://www.handgunlaw.us/states/newmexico.pdf>

Design of Concealed Weapons Signs:

- The owner of a private business may forbid CCW in their establishment by posting a conspicuous sign stating that weapons are forbidden in the facility. (10.8.2.6)

Cell Phone Signs

Overview:

As of 7/1/2014 New Mexico banned texting by drivers of motorized vehicles. Students under 18 and drivers of the state vehicles have limits on their mobile communications. Consult your municipality for any local regulations.

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(Cell Phone Signs Continued)

Resources:

New Mexico Regulation: (Free) <https://www.nmlegis.gov/Sessions/14%20Regular/final/SB0019.pdf>

Handsfreeinfo.com: (Free) <http://handsfreeinfo.com/new-mexico-cell-phone-laws-legislation>

Design of Cell Phone Signs:

- As of 9/1/2019 we are unaware of any mandatory “no cell phone” sign postings required in New Mexico.
- An efficient way to remind both commercial and private drivers of cell phone bans is to apply a “No Cell Phone Use While Driving” safety label or window decal to cars, taxi cabs, trucks, and buses.
- Of note: Because cell phones can be distracting by nature, it is common to see signs regulating cell phone use in public buildings such as theaters, airports, courtrooms, hospitals, buses, schools and school traffic zones.

Baby Surrender Signs

Overview:

Since the first baby surrender (safe-haven) law was enacted in Texas in 1999, all U.S. states, as well as the District of Columbia, have passed safe-haven legislation. The laws allow an unharmed infant to be relinquished to the proper authorities.

Resources:

New Mexico Regulation: (Free) http://www.nationalsafehavenalliance.org/maps/New_Mexico_Safe_Haven_Law.pdf

NSH Alliance: (Free) <https://www.nationalsafehavenalliance.org/>

Design of Baby Surrender Signs:

- The New Mexico Safe Haven for Infants Act allows for the relinquishing of a new born infant (90 days old or less) by a parent who no longer wishes to have custody of the child. The infant may be relinquished at any hospital or medical clinic as defined by the statute. As of 9/1/2019 we are unaware of any requirement in the law for the posting of signs. (24-22-1)

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