

1 HB449
2 128567-1
3 By Representative McClammy
4 RFD: Public Safety and Homeland Security
5 First Read: 05-APR-11

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8 SYNOPSIS: Existing law requires a person who uses
9 handicapped parking to have a disability.

10 This bill would further require the person
11 to have a disability that impedes mobility in order
12 for a person to use handicapped parking.

13 This bill would prohibit parking a motor
14 vehicle so as to restrict access to public
15 transportation under certain conditions.

16 This bill would allow municipalities to
17 deputize trained persons to issue parking tickets
18 to persons who illegally park in a handicapped
19 parking space.

20 This bill would authorize the use of
21 bollards in the access aisle next to a handicapped
22 parking space.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 32-6-231 and 32-6-233.1 of the
2 Code of Alabama 1975, relating to handicapped parking placards
3 and parking space signs; to further require that a person
4 using handicapped parking have a disability that impedes
5 mobility; to prohibit parking a motor vehicle so as to
6 restrict access to public transportation under certain
7 conditions; to allow municipalities to deputize trained
8 persons under certain conditions; and to authorize the use of
9 bollards.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 32-6-231 and 32-6-233.1 of the
12 Code of Alabama 1975, are amended to read as follows:

13 "§32-6-231.

14 "(a) Any person who submits to the license issuing
15 official a completed special access parking or disability
16 access parking application form approved by the Commissioner
17 of Revenue which includes the physician's certification that
18 he or she is an individual with a disability that impedes
19 mobility shall be issued one removable windshield placard
20 displaying the International Symbol of Access thereby
21 designating the driver of the vehicle or the passenger as
22 being an individual with a disability that impedes mobility.

23 "(1) The removable windshield placard shall be
24 prepared by the commissioner in conformity to Public Law
25 100-641 and rulemaking resulting therefrom.

26 "(2) a. The removable windshield placard issued to
27 the individual with a long-term disability shall expire after

1 a maximum period of five years or any period less than five
2 years to be designated by the commissioner. The placard shall
3 clearly reveal the expiration date and shall be designed in
4 accordance with Public Law 100-641 and rulemaking resulting
5 therefrom to hang from the front windshield rearview mirror
6 when the vehicle is parked in a parking space reserved for
7 persons with disabilities. If the vehicle lacks a rearview
8 mirror, the placard shall be placed on the dashboard with the
9 expiration date visible.

10 "b. The commissioner may require all persons with
11 long-term disabilities to be recertified by a licensed
12 physician before special access or disability access parking
13 removable windshield placards may be reissued.

14 "(3) In the event that an individual with a
15 disability does not have the distinctive special access or
16 disability access license plate as provided by Sections
17 40-12-300 to 40-12-302, inclusive, upon request, a second
18 placard may be issued.

19 "(b) The commissioner may make any rules or
20 regulations necessary to administer this division.

21 "(c) An individual with a temporary disability who
22 submits to the license issuing official a completed special
23 access or disability access application form approved by the
24 commissioner which includes the physician's certification that
25 he or she is a temporarily disabled individual, shall be
26 issued one temporary removable windshield placard for a period
27 valid up to six months.

1 "(d) Any special access or disability access placard
2 that is not in conformity with the federal system rule for
3 handicapped parking, Public Law 100-641 and subsequent Rule 23
4 CFR § 1235, shall not be recognized as a valid handicapped
5 parking credential.

6 "§32-6-233.1.

7 "(a) It shall be unlawful for any person who does
8 not have a distinctive special long-term access or long-term
9 disability access license plate or placard or temporary
10 disability placard as provided in Section 32-6-231, to park a
11 motor vehicle in a parking place designated for individuals
12 with disabilities at any place of public accommodation, any
13 business or legal entity engaged in interstate commerce or
14 which is subject to any federal or state laws requiring access
15 by persons with disabilities, any amusement or resort or any
16 other place to which the general public is invited or
17 solicited, even though located on private property, ~~and upon.~~
18 It shall also be unlawful and a violation of this section for
19 a person to park a vehicle and restrict access of a person
20 with disabilities to a public transportation bus stop or
21 shelter or the access aisle of a handicapped parking space.
22 Upon conviction, notwithstanding any other penalty provision
23 which may be authorized or employed, a person violating this
24 subsection shall be fined a minimum of fifty dollars (\$50) for
25 the first offense, a minimum of two hundred dollars (\$200) for
26 the second offense, and a minimum of five hundred dollars
27 (\$500) for the third or any subsequent offense. In addition,

1 for the second or any subsequent offense under this section,
2 the person shall be ordered by the court to perform a minimum
3 of 40 hours of either of the following forms of community
4 service:

5 "(1) Community service for a nonprofit organization
6 that serves the disabled community or serves persons who have
7 a disabling disease.

8 "(2) Any other community service that may sensitize
9 the persons to the needs and obstacles faced daily by persons
10 who have disabilities.

11 "(b) Any authorized municipal, county, or state law
12 enforcement officer may go on private property to enforce this
13 section.

14 "(c) This section may be enforced by any law
15 enforcement officer who has successfully complied with the
16 minimum standards for police officers as set forth in Section
17 36-21-46, including, but not limited to, municipal law
18 enforcement officers, sheriffs, deputy sheriffs, and Alabama
19 State Troopers.

20 "(d) A municipality may deputize a trained person to
21 issue parking tickets to persons who violate this section. The
22 training of the person authorized to issue the tickets shall
23 be determined by the municipality.

24 "~~(d)~~ (e) Any sign designating a handicapped parking
25 place shall contain on the sign or attached to the sign the
26 amount of the fine for a parking violation on the first
27 offense pursuant to subsection (a).

1 "~~(e)~~ (f) If the law enforcement officer who issues
2 the special access parking or disability parking violation is
3 employed by a local law enforcement agency, 50 percent of the
4 fines collected pursuant to this section shall be paid to the
5 municipal or county general fund for the use of the law
6 enforcement agency by whom the arresting officer is employed,
7 with the remainder to be remitted to the State Treasury, to be
8 deposited in a separate fund to be distributed 50 percent to
9 the Administrative Office of Courts, to be expended for
10 support of the trial courts and 50 percent to the Department
11 of Mental Health, to be expended for the Individual and Family
12 Support Program for persons with developmental disabilities.

13 "If the law enforcement officer who issues the
14 special access parking or disability access parking violation
15 is employed by a state law enforcement agency, the fines
16 collected pursuant to this section shall be remitted to the
17 State Treasury, to be deposited in a separate fund to be
18 distributed 50 percent to the law enforcement agency by whom
19 the arresting officer is employed, 25 percent to the
20 Administrative Office of Courts, to be expended for support of
21 the trial courts and 25 percent to the Department of Mental
22 Health, to be expended for the Individual and Family Support
23 Program for persons with developmental disabilities.

24 "All funds deposited to a separate fund in the State
25 Treasury pursuant to this subsection to be expended by the
26 Department of Mental Health, the Administrative Office of
27 Courts and state law enforcement agencies shall be

1 appropriated by the Legislature, for the purposes stated in
2 this subsection. The expenditure of said sums so appropriated
3 shall be budgeted and allotted pursuant to the Budget
4 Management Act and Article 4 of Chapter 4 of Title 41. No
5 monies deposited to this fund shall revert to the State
6 General Fund at the end of any fiscal year. Prior to the
7 release of any monies to the Individual and Family Support
8 Program, such expenditures shall first be approved by the
9 Commissioner of the Department of Mental Health.

10 "(g) A bollard may be placed in the middle of the
11 access aisle next to a handicapped parking space to prevent
12 motor vehicles from parking in the access aisle. The bollard
13 shall be painted yellow and spaced so as to allow a wheelchair
14 user access around the bollard. For the purposes of this
15 subsection, the term "bollard" means a short vertical post
16 used to obstruct the passage of motor vehicles.

17 ~~"(f)~~ (h) This section shall be held in pari materia
18 with all other provisions of law related to illegal special
19 access parking or disability access parking violations and all
20 laws or parts of laws which conflict with this section are
21 repealed."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.