

1 SB187
2 209258-2
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 04-FEB-21

8 SYNOPSIS: Existing law prohibits the use of disabled
9 access parking placards or license plates by
10 individuals who are not entitled to their use.

11 This bill would prohibit the duplication,
12 forgery, sale, or transfer of a disabled access
13 parking placard or license plate to an individual
14 not entitled to a distinctive license plate or
15 placard.

16 This bill would make nonsubstantive,
17 technical revisions to update the existing code
18 language to current style.

19 This bill would also establish criminal
20 penalties for violations.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, as amended by Amendment 890, now appearing
23 as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, prohibits a
25 general law whose purpose or effect would be to
26 require a new or increased expenditure of local
27 funds from becoming effective with regard to a

1 local governmental entity without enactment by a
2 2/3 vote unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in the amendment.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to disabled access parking placards and
20 license plates; to prohibit the duplication, forgery, sale, or
21 transfer of a disabled access parking placard or license
22 plate; to make nonsubstantive, technical revisions to update
23 the existing code language to current style; to establish
24 criminal penalties for violations; and in connection therewith
25 would have as its purpose or effect the requirement of a new
26 or increased expenditure of local funds within the meaning of
27 Amendment 621 of the Constitution of Alabama of 1901, as

1 amended by Amendment 890, now appearing as Section 111.05 of
2 the Official ReCompilation of the Constitution of Alabama of
3 1901.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 32-6-233, Code of Alabama 1975,
6 is amended to read as follows:

7 "§32-6-233.

8 ~~"(a) Any person who is not an individual with a
9 long-term or temporary disability, or who is not an owner of a
10 vehicle primarily transporting an individual with a
11 disability, and who willfully and falsely represents himself
12 or herself as an individual with a long-term or temporary
13 disability or as an owner of a vehicle primarily transporting
14 an individual with a disability to obtain the distinctive
15 special access or disability access license plates, or
16 removable windshield placards, or both, prescribed by this
17 division or Section 40-12-300, or who misuses or abuses the
18 parking privilege protected by this division, or owns a
19 vehicle bearing the distinctive special access or disability
20 access license plate and is not entitled to that plate, or is
21 using removable windshield placards and is not entitled to do
22 so under this division, to include use of an altered, or
23 stolen special access or disability access license plate or
24 removable windshield placard, shall be guilty of a Class B
25 misdemeanor and, upon conviction, shall be punished according
26 to law.~~

1 "(a) For the purposes of this section, the following
2 terms have the following meanings:

3 "(1) DISTINCTIVE ACCESS LICENSE PLATE OR PLACARD. A
4 distinctive special access or disability access license plate
5 or removable windshield placard authorized by this division or
6 Section 40-12-300, or both.

7 "(2) QUALIFIED DISABLED INDIVIDUAL. An individual
8 with a long-term or temporary disability who is lawfully
9 entitled under this division or Section 40-12-300 to obtain a
10 distinctive access license plate or placard.

11 "(b) Any individual who is not a qualified disabled
12 individual or who is not an owner of a vehicle primarily used
13 to transport a qualified disabled individual who does any of
14 the following shall be guilty of a Class B misdemeanor,
15 punishable by not more than six months imprisonment in the
16 county jail, as provided in Section 13A-5-7, a fine of not
17 more than three thousand dollars (\$3,000), as provided in
18 Section 13A-5-12, or both:

19 "(1) Willfully and falsely represents himself or
20 herself as a qualified disabled individual.

21 "(2) Willfully and falsely represents himself or
22 herself as the owner of a vehicle primarily used to transport
23 a qualified disabled individual.

24 "(3) Misuses or abuses the parking privilege
25 protected by this division.

1 "(4) Owns a vehicle bearing a distinctive access
2 license plate or placard, including the use of an altered or
3 stolen distinctive access license plate or placard.

4 "(c) Any individual who duplicates, forges, sells,
5 or transfers to another individual who is not a qualified
6 disabled individual or who falsifies information on an
7 application form for a distinctive access license plate or
8 placard shall be guilty of a Class B misdemeanor, punishable
9 by not more than six months imprisonment in the county jail,
10 as provided in Section 13A-5-7, a fine of not more than three
11 thousand dollars (\$3,000), as provided in Section 13A-5-12, or
12 both.

13 ~~"(b)~~ (d) Any ~~person~~ individual who misuses or abuses
14 the parking privileges protected by this division by parking
15 in designated special access parking or disability access
16 spaces with expired removable windshield placards shall be
17 guilty of a Class C misdemeanor and, upon conviction, shall be
18 punished according to law, punishable by not more than three
19 months imprisonment in the county jail, as provided in Section
20 13A-5-7, a fine of not more than five hundred dollars (\$500),
21 as provided in Section 13A-5-12, or both."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, as amended
26 by Amendment 890, now appearing as Section 111.05 of the
27 Official Recompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the
2 definition of an existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.