

2014 -- S 2109

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND
PRIVILEGES

Introduced By: Senators P Fogarty, Metts, Nesselbush, Goodwin, and Lynch

Date Introduced: January 21, 2014

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking
2 Facilities and Privileges" is hereby amended to read as follows:

3 **31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement --**
4 **Designated parking spaces -- Violations. [Effective January 1, 2014.] --** (a)(1) Persons, as
5 defined in subsection (h) of this section, upon application and proof of permanent or long-term
6 disability to the division of motor vehicles, shall be issued one motor vehicle disability parking
7 privilege placard or in the case of a motorcycle, one motor vehicle sticker, of blue which shall be
8 imprinted with the white international symbol of access, certificate number, the words "Rhode
9 Island Disability Parking Permit" and shall bear the expiration date upon its face. A placard or
10 motorcycle sticker issued to a person whose disability is temporary shall be substantially similar
11 to that issued to a person with a permanent or long term disability. The temporary placard,
12 however, shall be a red placard with a white international symbol of access, certificate number,
13 the words "Rhode Island Disability Parking Permit" and shall bear the expiration dates upon its
14 face. A preliminary placard shall be similar to that issued to a person with a permanent, long-
15 term, or temporary disability. The preliminary placard shall be effective for twenty-one (21) days,
16 and may be issued by an applicant's licensed physician, if in the medical provider's opinion the
17 applicant's medical condition merits the issuance of a preliminary placard while the division
18 considers the applicant's qualifications for any type of disability parking permit. The preliminary

1 placard shall be an orange placard with a white international symbol of access, certificate number,
2 the words "Rhode Island Disability Parking Permit" and shall bear the expiration date upon its
3 face and shall be displayed on the dashboard of the vehicle in a manner that it is clearly visible
4 from the front. The division of motor vehicles shall promulgate rules governing the issuance and
5 use of preliminary placards. Applicants shall not be charged any fee associated with the issuance
6 of a preliminary placard. Physicians submitting false information to the division of motor vehicles
7 to obtain a preliminary placard on anyone's behalf may be subject to the penalties set forth in
8 section 11-18-1.3. Persons issued a placard or motorcycle sticker pursuant to this section shall be
9 entitled to the immunities of sections 31-28-4 and 31-28-6. The placard shall conform to the
10 Uniform Parking System for Disabled Drivers standard issued by the United States Department of
11 Transportation. If an application for a placard or motorcycle sticker is denied, the division of
12 motor vehicles shall promptly notify the applicant in writing, stating the specific reason(s) for the
13 denial, and advising the applicant of the procedures for requesting a hearing to appeal the denial.
14 Prior to the appeal hearing, the applicant shall be provided with any and all documents relied
15 upon by the division in denying the application. If an application contains a physician
16 certification that the applicant is sufficiently disabled to require a placard or motorcycle sticker,
17 and the division has not provided specific reasons in its denial letter to the applicant, the hearing
18 officer shall summarily order that a placard or motorcycle sticker be provided to the applicant. At
19 all other hearings of application denials where a physician certification has been provided, the
20 division shall bear the burden of proof that the individual is not entitled to a placard or
21 motorcycle sticker pursuant to this chapter.

22 (2) All permanent or long term disability, temporary, or preliminary placards shall
23 display a photo of the person issued said placard in order to prove the correct person is lawfully
24 using the placard.

25 (b) A placard issued pursuant to this section shall be portable and used only when the
26 person is being transported. The placard is to be hung from the rear view mirror so as to be seen
27 through the front or rear windshield of the motor vehicle. A placard may be issued to a person
28 with a disability who does not own a motor vehicle, to be used only when he or she is being
29 transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be
30 affixed to the rear plate of the motorcycle.

31 (c) (1) The certificate of entitlement to the placard or motorcycle sticker shall be
32 renewed every six (6) years for individuals with a long-term disability, as defined in subsection
33 (d) of this section, and the renewal application shall require a physician's certification that the
34 condition has not changed since the previous approval, and six (6) years for individuals with a

1 permanent disability as defined in subsection (h) of this section, in accordance with a schedule
2 prepared by the division of motor vehicles that uses the last name of an individual to determine
3 the month of renewal. If an application or subsequent renewal is accompanied by a physician's
4 certification that the applicant's condition is a chronic, permanent impairment and that application
5 is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit
6 from the applicant or applicant's, guardian or legal representative or a certificate from the
7 applicant's physician that his or her condition has not changed since the previous approval.

8 (2) The certificate of entitlement to the placard or motorcycle sticker shall be covered
9 with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker
10 bearing the expiration date of the certificate of entitlement to be affixed across the expiration date
11 of the disability parking privilege placard or in the case of a motorcycle the applicant shall
12 receive a new motorcycle sticker. The division of motor vehicles shall establish rules and
13 regulations allowing for the renewal of the certificates of entitlement by mail.

14 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew
15 the certificate of entitlement for noncompliance with the requirements of this section or for
16 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before
17 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor
18 vehicles shall bear the burden of proof that the individual is not entitled to the placard or
19 motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards
20 or motorcycle sticker. The division of motor vehicles shall be authorized to issue a temporary
21 disability parking privilege placard or motorcycle sticker immediately upon receipt of an
22 application for individuals with a temporary impairment, as defined in subsection (h) of this
23 section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date
24 of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year
25 or less, as determined by the medical advisory board upon application if the disability persists.
26 The division of motor vehicles shall subsequently review the applications in accordance with the
27 procedures currently in effect as to applications from persons whose disability is long term. Any
28 issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and
29 notice of the revocation shall be sent to the applicant.

30 (d) A person, other than a person with a disability, who for his or her own purposes uses
31 the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A
32 person issued a special placard who uses the placard after expiration, or who shall allow
33 unauthorized use of the disability parking placard or sticker, may be subject to immediate
34 revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five

1 hundred dollars (\$500).

2 (e) Disability parking spaces shall be designated and identified by the posting of signs
3 above ground level incorporating the international symbol of access of white on blue, and the
4 words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking"
5 at each space, at both ends of a row or series of adjacent disability parking spaces, or at the
6 entrance to a parking lot restricted to only disability parking.

7 (f) A person, other than a person issued a special placard or motorcycle sticker pursuant
8 to this section, who parks a vehicle in a parking space designated for persons with disabilities,
9 shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred seventy-five
10 dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars (\$325) for a third
11 or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided
12 further, that it shall not be unlawful for a person to park a vehicle in a space designated for person
13 with disabilities if that person is transporting a person who has been issued a special placard and
14 is properly displaying the placard on the vehicle.

15 (g) Enforcement of the parking provisions of this section shall be enforced by the local
16 or state authorities on public or private property when the location of the parking spaces is within
17 the purview of the State Building Code, chapter 27.3 of title 23.

18 (h) Definitions. - For the purpose of this section:

19 (1) "Disabled" or "disability" means a permanent or long-term impairment which
20 prevents or impedes walking, which shall include but not be limited to: (i) an impairment which
21 prevents walking and requires use of a wheelchair; (ii) an impairment which involuntarily causes
22 difficulty or insecurity in walking or climbing stairs with or without the need to use braces,
23 crutches, canes or artificial support; (iii) an impairment caused by amputation, arthritis, blindness
24 (including legally blind), or orthopedic condition; (iv) an impairment in respiratory, circulatory,
25 or neurological health which limits the person's walking capability; or (v) disabled veteran,
26 pursuant to section 31-6-8 after certification of eligibility from the Veterans' Administration or
27 other satisfactory documentation of eligibility is presented. Persons with disabilities may be
28 capable of working or may be presently working.

29 (2) "Long-term disability" means an impairment which is potentially reversible or may
30 improve with appropriate medical treatment. At the time of application and or renewal, the
31 impairment should not be expected to improve prior to the expiration of the certification, to a
32 point where the individual does not meet the provisions of subdivision (1) of this subsection.

33 (3) "Permanent disability" means an impairment which is non-reversible.

34 (4) "Temporary impairment" means an impairment which is expected to improve to a

1 point where the individual does not meet the provisions of subdivision (1) of this subsection,
2 within two (2) years of the application.

3 (i) The department of revenue shall inform each licensed driver of the certificate
4 procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6, and a
5 facsimile of the portable placards and motorcycle stickers issued under this section shall be sent
6 to the enforcing authority of each state, and each enforcing authority shall be informed of the
7 parking restrictions of this section and sections 31-28-4 and 31-28-6. Recipients of disability
8 parking privilege placards shall also receive instructions on their use and the penalties for misuse,
9 when the placard is initially issued.

10 (j) Any person who makes, manufactures, offers for sale or knowingly uses a counterfeit
11 parking privilege placard shall be fined up to five hundred dollars (\$500) and/or forty (40) hours
12 of community restitution.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would require the Division of Motor Vehicles to place on all placards for persons
- 2 with disabilities the person's photo.
- 3 This act would take effect upon passage.

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