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DISABLED PARKING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill allows certain individuals with a disability to obtain a permanent disability special group license plate or removable windshield placard.

Highlighted Provisions:

This bill:

- ▶ allows a person with a permanent disability to obtain a disability special group license plate or removable windshield placard on a permanent basis;
- ▶ allows a person to establish parking spaces for a veteran or service member, including those with a disability; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-414, as last amended by Laws of Utah 2017, Chapter 41

41-1a-420, as last amended by Laws of Utah 2023, Chapter 67

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-414** is amended to read:

41-1a-414 . Parking privileges for persons with disabilities.

(1) As used in this section:

- (a) "Accessible parking space" means a parking space that is clearly identified as reserved for use by a person with a disability and includes:

- 29 (i) vertical signage, including the international symbol of accessibility, that is visible
30 from a passing vehicle; and
- 31 (ii) a clearly marked access aisle, if provided, that is adjacent to and considered part
32 of the parking space.
- 33 (b) "Temporary wheelchair user placard" means the same as that term is defined in
34 Section 41-1a-420.
- 35 (c) "Van accessible parking space" means an accessible parking space that is marked for
36 use by a qualifying person with a walking disability who has a temporary wheelchair
37 user placard or a wheelchair user placard and includes:
- 38 (i) vertical signage with the international symbol of accessibility and the words "van
39 accessible" that is visible from a passing vehicle; and
- 40 (ii) a clearly marked access aisle that is adjacent to and considered part of the parking
41 space.
- 42 (d) "Walking disability" means a physical disability that requires the use of a
43 walking-assistive device or wheelchair or similar low-powered motorized or
44 mechanically propelled vehicle that is specifically designed to assist a person who
45 has a limited or impaired ability to walk.
- 46 (e) "Wheelchair user placard" means the same as that term is defined in Section
47 41-1a-420.
- 48 (2) Except in parking areas designated for emergency use, a person with a disability,
49 qualifying under rules made in accordance with Section 41-1a-420, may park an
50 appropriately marked vehicle for reasonable periods without charge in metered parking
51 zones and restricted parking areas, in a manner that allows proper access to the vehicle
52 by the person with a disability.
- 53 (3) (a) Only those vehicles carrying a person with a disability special group license
54 plate, temporary removable windshield placard, or removable windshield placard and
55 transporting a qualifying person with a disability may park in an accessible parking
56 space.
- 57 (b) A violation of Subsection (3)(a) is a class C misdemeanor.
- 58 (c) A person described in Subsection (3)(a) is encouraged to avoid parking in a van
59 accessible parking space unless:
- 60 (i) the person has a walking disability and has a temporary wheelchair user placard;
61 (ii) the person has a wheelchair user placard; or
62 (iii) all other accessible parking spaces that are not van accessible parking spaces are

63 occupied.

64 (4) This section applies to and may be enforced on public property and on private property
65 that is used or intended for use by the public.

66 (5) The parking privileges granted by this section also apply to vehicles displaying a person
67 with a disability special group license plate, temporary removable windshield placard, or
68 removable windshield placard issued by another jurisdiction if displayed on a vehicle
69 being used by a person with a disability.

70 (6) In addition to required accessible parking spaces, a person may provide and designate
71 parking spaces for veterans and service members, including those with a disability.

72 Section 2. Section **41-1a-420** is amended to read:

73 **41-1a-420 . Disability special group license plates -- Application and**
74 **qualifications -- Rulemaking.**

75 (1) As used in this section:

76 (a) "Advanced practice registered nurse" means a person licensed to practice as an
77 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse
78 Practice Act.

79 (b) "Nurse practitioner" means an advanced practice registered nurse specializing as a
80 nurse practitioner.

81 (c) "Physician" means a person licensed to practice as a physician or osteopath in this
82 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,
83 Utah Osteopathic Medical Practice Act.

84 (d) "Physician assistant" means an individual licensed to practice as a physician assistant
85 in the state under Title 58, Chapter 70a, Utah Physician Assistant Act.

86 (e) "Temporary wheelchair user placard" means a temporary removable windshield
87 placard that is issued to a qualifying person, as provided in this section, who has a
88 walking disability that is not permanent.

89 (f) "Walking disability" means a physical disability that requires the use of a
90 walking-assistive device or wheelchair or similar low-powered motorized or
91 mechanically propelled vehicle that is designed to specifically assist a person who
92 has a limited or impaired ability to walk.

93 (g) "Wheelchair user placard" means a removable windshield placard that is issued to a
94 qualifying person, as provided in this section, who has a permanent walking
95 disability.

96 (2) (a) The division shall issue a disability special group license plate, a temporary

- 97 removable windshield placard, or a removable windshield placard to an applicant
98 who is either:
- 99 (i) a qualifying person with a disability; or
100 (ii) the registered owner of a vehicle that an organization uses primarily for the
101 transportation of persons with disabilities that limit or impair the ability to walk.
- 102 (b) The division shall issue a temporary wheelchair user placard or a wheelchair user
103 placard to an applicant who is either:
- 104 (i) a qualifying person with a walking disability; or
105 (ii) the registered owner of a vehicle that an organization uses primarily for the
106 transportation of persons with walking disabilities.
- 107 (c) The division shall require that an applicant under Subsection (2)(b) certifies that the
108 person travels in a vehicle equipped with a wheelchair lift or a vehicle carrying the
109 person's walking-assistive device or wheelchair and requires a van accessible parking
110 space.
- 111 (3) (a) The person with a disability shall ensure that the initial application contains the
112 certification of a physician, physician assistant, or nurse practitioner that:
- 113 (i) the applicant meets the definition of a person with a disability that limits or
114 impairs the ability to walk as defined in the federal Uniform System for Parking
115 for Persons with Disabilities, 23 C.F.R. Ch. II, Subch. B, Pt. 1235.2 (1991);
116 (ii) if the person is applying for a temporary wheelchair user placard or a wheelchair
117 user placard, the applicant has a walking disability; and
118 (iii) specifies the period of time that the physician, physician assistant, or nurse
119 practitioner determines the applicant will have the disability, not to exceed six
120 months in the case of a temporary disability or a temporary walking disability.
- 121 (b) The division shall issue a disability special group license plate, a removable
122 windshield placard, or a wheelchair user placard, as applicable, to a person with a
123 permanent disability.
- 124 (c) The issuance of a person with a disability special group license plate does not
125 preclude the issuance to the same applicant of a removable windshield placard or
126 wheelchair user placard.
- 127 (d) (i) ~~On~~ Upon request of an applicant with a disability special group license plate,
128 and upon payment of any applicable fee, a temporary removable windshield
129 placard, or a removable windshield placard, the division shall issue one additional
130 placard.

- 131 (ii) [Øn] Upon request of a qualified applicant with a disability special group license
132 plate, and upon payment of any applicable fee, the division shall issue up to two
133 temporary wheelchair user placards or two wheelchair user placards.
- 134 (iii) [Øn] Upon request of a qualified applicant with a temporary wheelchair user
135 placard or a wheelchair user placard, and upon payment of any applicable fee, the
136 division shall issue one additional placard.
- 137 (e) The division shall ensure that a temporary wheelchair user placard and a wheelchair
138 user placard have the following visible features:
- 139 (i) a large "W" next to the internationally recognized disabled persons symbol; and
140 (ii) the words "Wheelchair User" printed on a portion of the placard.
- 141 (f) The division shall ensure that the following statement is included on a removable
142 windshield placard issued on or after January 1, 2024: "Under state law, a disability
143 placard may only be used by, or for the transportation of, the person to whom the
144 disability placard is issued. A person who misuses another person's disability placard
145 for parking privileges is guilty of a class C misdemeanor."
- 146 (g) A disability special group license plate, temporary removable windshield placard, or
147 removable windshield placard may be used to allow one motorcycle to share a
148 parking space reserved for persons with a disability if:
- 149 (i) the person with a disability:
- 150 (A) is using a motorcycle; and
151 (B) displays on the motorcycle a disability special group license plate, temporary
152 removable windshield placard, or a removable windshield placard;
- 153 (ii) the person who shares the parking space assists the person with a disability with
154 the parking accommodation; and
155 (iii) the parking space is sufficient size to accommodate both motorcycles without
156 interfering with other parking spaces or traffic movement.
- 157 (4) (a) When a vehicle is parked in a parking space reserved for persons with disabilities,
158 a temporary removable windshield placard, a removable windshield placard, a
159 temporary wheelchair user placard, or a wheelchair user placard shall be displayed so
160 that the placard is visible from the front of the vehicle.
- 161 (b) If a motorcycle is being used, the temporary removable windshield placard or
162 removable windshield placard shall be displayed in plain sight on or near the handle
163 bars of the motorcycle.
- 164 (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah

165 Administrative Rulemaking Act, to:

166 (a) establish qualifying criteria for persons to receive, renew, or surrender a disability
167 special group license plate, a temporary removable windshield placard, a removable
168 windshield placard, a temporary wheelchair user placard, or a wheelchair user
169 placard in accordance with this section;

170 (b) establish the maximum number of numerals or characters for a disability special
171 group license plate;

172 (c) require all temporary removable windshield placards~~[- removable windshield~~
173 ~~placards,] and~~ temporary wheelchair user placards~~[- and wheelchair user placards] to~~
174 include:

175 (i) an identification number;

176 (ii) an expiration date not to exceed~~[: (A)]~~ six months for a temporary removable
177 windshield placard; and

178 ~~[(B) two years for a removable windshield placard; and]~~

179 (iii) the seal or other identifying mark of the division; ~~[and]~~

180 (d) provide an individual who qualifies for a removable windshield placard or
181 wheelchair user placard to:

182 (i) pay a nominal administrative fee, not to exceed \$5, to obtain a removable
183 windshield placard or wheelchair user placard that is made of a durable material;
184 or

185 (ii) obtain a removable windshield placard or wheelchair user placard at no charge
186 and that is subject to free replacement if the placard is faded or damaged, if the
187 individual surrenders the damaged placard;

188 (e) establish the standards for each placard described in Subsection (5)(d), including the
189 seal or other identifying mark of the division; and

190 ~~[(d)]~~ (f) establish standards for the statement required in Subsection (3)(f).

191 (6) The commission shall insert the following on motor vehicle registration certificates:

192 "State law prohibits persons who do not lawfully possess a disability placard or disability
193 special group license plate from parking in an accessible parking space designated for persons
194 with disabilities. Persons who possess a disability placard or disability special group license
195 plate are discouraged from parking in an accessible parking space designated as van accessible
196 unless they have a temporary wheelchair user placard or a wheelchair user placard."

197 Section 3. **Effective date.**

198 This bill takes effect on July 1, 2024.