

1 HB570
2 118444-1
3 By Representative Sherer
4 RFD: Public Safety
5 First Read: 16-FEB-10

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8 SYNOPSIS: Existing law provides for the issuance of
9 removable windshield placards to individuals who
10 are disabled.

11 This bill would authorize the Commissioner
12 of the Department of Revenue to require the
13 removable windshield placard to have printed on it
14 the driver's license number or a photograph of the
15 person to whom the placard was issued.

16 Existing law requires signs designating a
17 handicapped parking place to contain on the sign or
18 attached to the sign the amount of the fine for a
19 parking violation on the first offense.

20 This bill would make it optional to include
21 the amount of the fine on the sign or attached to
22 the sign.

23 This bill would authorize the use of
24 bollards in the access aisle next to a handicapped
25 parking space.

26 This bill would allow municipalities to
27 deputize trained persons to issue parking tickets

1 to persons who illegally park in a handicapped
2 parking space.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Sections 32-6-231 and 32-6-233.1 of the
9 Code of Alabama 1975, relating to handicapped parking placards
10 and parking space signs; to authorize the Commissioner of the
11 Department of Revenue to require the removable windshield
12 placard to have printed on it the driver's license number or a
13 photograph of the person to whom the placard was issued; to
14 make it optional to include the amount of the fine on a sign
15 or attached to a sign designating a handicapped parking place;
16 to authorize the use of bollards; and to allow municipalities
17 to deputize trained persons under certain conditions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§32-6-231.

22 "(a) Any person who submits to the license issuing
23 official a completed special access parking or disability
24 access parking application form approved by the Commissioner
25 of Revenue which includes the physician's certification that
26 he or she is an individual with a disability shall be issued
27 one removable windshield placard displaying the International

1 Symbol of Access thereby designating the driver of the vehicle
2 or the passenger as being an individual with a disability.

3 "(1) The removable windshield placard shall be
4 prepared by the commissioner in conformity to Public Law
5 100-641 and rulemaking resulting therefrom. The commissioner,
6 by rule, may require the removable windshield placard to have
7 printed on it the driver's license number or a photograph of
8 the person to whom the placard was issued.

9 "(2) a. The removable windshield placard issued to
10 the individual with a long-term disability shall expire after
11 a maximum period of five years or any period less than five
12 years to be designated by the commissioner. The placard shall
13 clearly reveal the expiration date and shall be designed in
14 accordance with Public Law 100-641 and rulemaking resulting
15 therefrom to hang from the front windshield rearview mirror
16 when the vehicle is parked in a parking space reserved for
17 persons with disabilities. If the vehicle lacks a rearview
18 mirror, the placard shall be placed on the dashboard.

19 "b. The commissioner may require all persons with
20 long-term disabilities to be recertified by a licensed
21 physician before special access or disability access parking
22 removable windshield placards may be reissued.

23 "(3) In the event that an individual with a
24 disability does not have the distinctive special access or
25 disability access license plate as provided by Sections
26 40-12-300 to 40-12-302, inclusive, upon request, a second
27 placard may be issued.

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

3 "(c) An individual with a temporary disability who
4 submits to the license issuing official a completed special
5 access or disability access application form approved by the
6 commissioner which includes the physician's certification that
7 he or she is a temporarily disabled individual, shall be
8 issued one temporary removable windshield placard for a period
9 valid up to six months.

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

15 "§32-6-233.1.

16 "(a) It shall be unlawful for any person who does
17 not have a distinctive special long-term access or long-term
18 disability access license plate or placard or temporary
19 disability placard as provided in Section 32-6-231, to park a
20 motor vehicle in a parking place designated for individuals
21 with disabilities at any place of public accommodation, any
22 business or legal entity engaged in interstate commerce or
23 which is subject to any federal or state laws requiring access
24 by persons with disabilities, any amusement or resort or any
25 other place to which the general public is invited or
26 solicited, even though located on private property, and upon
27 conviction, notwithstanding any other penalty provision which

1 may be authorized or employed, shall be fined a minimum of
2 fifty dollars (\$50) for the first offense, a minimum of two
3 hundred dollars (\$200) for the second offense, and a minimum
4 of five hundred dollars (\$500) for the third or any subsequent
5 offense. In addition, for the second or any subsequent offense
6 under this section, the person shall be ordered by the court
7 to perform a minimum of 40 hours of either of the following
8 forms of community service:

9 "(1) Community service for a nonprofit organization
10 that serves the disabled community or serves persons who have
11 a disabling disease.

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

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

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

24 "(d) A municipality may deputize a trained person to
25 issue parking tickets to persons who violate this section. The
26 training of the person authorized to issue the tickets shall
27 be determined by the municipality.

1 "~~(d)~~ (e) Any sign designating a handicapped parking
2 place ~~shall~~ may contain on the sign or attached to the sign
3 the amount of the fine for a parking violation on the first
4 offense pursuant to subsection (a).

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

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

1 "All funds deposited to a separate fund in the State
2 Treasury pursuant to this subsection to be expended by the
3 Department of Mental Health, the Administrative Office of
4 Courts and state law enforcement agencies shall be
5 appropriated by the Legislature, for the purposes stated in
6 this subsection. The expenditure of said sums so appropriated
7 shall be budgeted and allotted pursuant to the Budget
8 Management Act and Article 4 of Chapter 4 of Title 41. No
9 monies deposited to this fund shall revert to the State
10 General Fund at the end of any fiscal year. Prior to the
11 release of any monies to the Individual and Family Support
12 Program, such expenditures shall first be approved by the
13 Commissioner of the Department of Mental Health.

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

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

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