

1 HB140
2 189030-2
3 By Representative Johnson (K)
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 09-JAN-18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Section 32-6-233.1, Code of Alabama 1975, relating to disability access parking; to provide that if either the driver or a passenger of a vehicle lawfully holds a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard, the driver may park that vehicle in a disabled accessible parking place; and to provide that the amount of the fine for violating this law is not required to be displayed or attached to any sign designating a special access or disability parking place.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-233.1, Code of Alabama 1975, is amended to read as follows:

"§32-6-233.1.

"(a) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard as provided in Section 32-6-231, or who is not transporting a passenger who has a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard as provided in Section 32-6-231, to park a motor vehicle in a parking place designated for individuals with disabilities at any place of

1 public accommodation, any business or legal entity engaged in
2 interstate commerce or which is subject to any federal or
3 state laws requiring access by persons with disabilities, any
4 amusement facility or resort or any other place to which the
5 general public is invited or solicited, even though located on
6 private property, and upon conviction, notwithstanding any
7 other penalty provision which may be authorized or employed,
8 shall be fined a minimum of fifty dollars (\$50) for the first
9 offense, a minimum of two hundred dollars (\$200) for the
10 second offense, and a minimum of five hundred dollars (\$500)
11 for the third or any subsequent offense. In addition, for the
12 second or any subsequent offense under this section, the
13 person shall be ordered by the court to perform a minimum of
14 40 hours of either of the following forms of community
15 service:

16 "(1) Community service for a nonprofit organization
17 that serves the disabled community or serves persons who have
18 a disabling disease.

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

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

1 "(c) This section may be enforced by any law
2 enforcement officer who has successfully complied with the
3 minimum standards for police officers as set forth in Section
4 36-21-46, including, but not limited to, municipal law
5 enforcement officers, sheriffs, deputy sheriffs, and Alabama
6 State Troopers. Any law enforcement officer enforcing this
7 section may ask for verification that either the driver or a
8 passenger of the parked vehicle is the lawful holder of a
9 distinctive special long-term access or long-term disability
10 access license plate or placard or temporary disability
11 placard.

12 "(d) Any sign designating a ~~handicapped~~ special
13 access parking or disability parking place ~~shall~~ may contain
14 on the sign or attached to the sign the amount of the fine for
15 a parking violation on the first offense pursuant to
16 subsection (a).

17 "(e) If the law enforcement officer who issues the
18 special access parking or disability parking violation is
19 employed by a local law enforcement agency, 50 percent of the
20 fines collected pursuant to this section shall be paid to the
21 municipal or county general fund for the use of the law
22 enforcement agency by whom the arresting officer is employed,
23 with the remainder to be remitted to the State Treasury, to be
24 deposited in a separate fund to be distributed 50 percent to
25 the Administrative Office of Courts, to be expended for

1 support of the trial courts and 50 percent to the Department
2 of Mental Health, to be expended for the Individual and Family
3 Support Program for persons with developmental disabilities.

4 "If the law enforcement officer who issues the
5 special access parking or disability access parking violation
6 is employed by a state law enforcement agency, the fines
7 collected pursuant to this section shall be remitted to the
8 State Treasury, to be deposited in a separate fund to be
9 distributed 50 percent to the law enforcement agency by whom
10 the arresting officer is employed, 25 percent to the
11 Administrative Office of Courts, to be expended for support of
12 the trial courts and 25 percent to the Department of Mental
13 Health, to be expended for the Individual and Family Support
14 Program for persons with developmental disabilities.

15 "All funds deposited to a separate fund in the State
16 Treasury pursuant to this subsection to be expended by the
17 Department of Mental Health, the Administrative Office of
18 Courts and state law enforcement agencies shall be
19 appropriated by the Legislature, for the purposes stated in
20 this subsection. The expenditure of said sums so appropriated
21 shall be budgeted and allotted pursuant to the Budget
22 Management Act and Article 4 of Chapter 4 of Title 41. No
23 monies deposited to this fund shall revert to the State
24 General Fund at the end of any fiscal year. Prior to the
25 release of any monies to the Individual and Family Support

1 Program, such expenditures shall first be approved by the
2 Commissioner of the Department of Mental Health.

3 "(f) This section shall be held in pari materia with
4 all other provisions of law related to illegal special access
5 parking or disability access parking violations and all laws
6 or parts of laws which conflict with this section are
7 repealed.

8 "(g) Municipal law enforcement officers, sheriffs,
9 deputy sheriffs, and Alabama State Troopers, are authorized to
10 have vehicles illegally parked in accessible parking spaces
11 towed."

12 "(h) Municipal law enforcement officers, sheriffs,
13 deputy sheriffs, and Alabama State Troopers are authorized to
14 ticket vehicles parked on access aisles. "Access aisles" are
15 defined as the hash-marked or cross-striped space that is 5
16 feet or 8 feet wide that is directly next to the accessible
17 parking space. "Access aisle" also has the same definition as
18 contained within the 2010 Accessible Design Standards within
19 the ADA."

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

