

ACCESSIBLE PARKING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to accessible parking spaces.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes criteria for parking in certain accessible parking spaces;
- ▶ creates a windshield placard for use by a person with a disability that requires the use of a wheelchair; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-414, as last amended by Laws of Utah 2015, Chapter 412

41-1a-420, as last amended by Laws of Utah 2009, Chapter 66

41-1a-1306, as last amended by Laws of Utah 2014, Chapter 30

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



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

29 **41-1a-414. Parking privileges for persons with disabilities.**

30 (1) As used in this section[;]:

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

33 [~~(a)~~] (i) vertical signage, including the international symbol of accessibility, that is
34 visible from a passing vehicle; and

35 [~~(b)~~] (ii) a clearly marked access aisle, if provided, that is adjacent to and considered
36 part of the parking space.

37 (b) "Van accessible parking space" means an accessible parking space that is reserved
38 for use by a person with a walking disability who is traveling in a vehicle equipped with a
39 wheelchair lift, and includes:

40 (i) vertical signage with the international symbol of accessibility and the words "van
41 accessible" that is visible from a passing vehicle; and

42 (ii) a clearly marked access aisle that is adjacent to and considered part of the parking
43 space.

44 (c) "Walking disability" means a physical disability that requires the use of a
45 wheelchair or similar low-powered motorized or mechanically propelled vehicle that is
46 specifically designed to assist a person who has a limited or impaired ability to walk.

47 (2) Except in parking areas designated for emergency use, a person with a disability,
48 qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately
49 marked vehicle for reasonable periods without charge in metered parking zones and restricted
50 parking areas, in a manner that allows proper access to the vehicle by the person with a
51 disability.

52 (3) (a) Only those vehicles carrying a person with a disability special group license
53 plate, temporary removable windshield placard, or removable windshield placard and
54 transporting a qualifying person with a disability may park in an accessible parking space.

55 (b) Only those vehicles equipped with a wheelchair lift and transporting a qualifying
56 person with a walking disability and a wheelchair user placard, as defined in Section
57 41-1a-420, may park in a van accessible parking space.

58 [~~(b)~~] (c) (i) A violation of [~~Subsection~~] Subsections (3)(a) and (b) is a class C

59 misdemeanor.

60 (ii) (A) Except as provided in Subsection (3)(c)(ii)(B), the court shall impose a
61 minimum fine of \$125 on a person convicted of violating this section.

62 (B) A court may waive up to \$100 of the fine charged to a person for a violation of this
63 section if the operator of the vehicle presents evidence to the court that the individual had been
64 issued a disability special group license plate, temporary removable windshield placard,
65 removable windshield placard, or wheelchair user placard at the time of the violation.

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

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

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

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

83 (d) "Walking disability" means a physical disability that requires the use of a
84 wheelchair or similar low-powered motorized or mechanically propelled vehicle that is
85 designed to specifically assist a person who has a limited or impaired ability to walk.

86 (e) "Wheelchair user placard" means a removable windshield placard that is issued to a
87 qualifying person who:

88 (i) has a walking disability; and

89 (ii) travels in a vehicle equipped with a wheelchair lift.

90 (2) (a) The division shall issue a disability special group license plate, a temporary
91 removable windshield placard, or a removable windshield placard to an applicant who is either:

92 ~~[(a)]~~ (i) a qualifying person with a disability; or

93 ~~[(b)]~~ (ii) the registered owner of a vehicle that an organization uses primarily for the
94 transportation of persons with disabilities that limit or impair the ability to walk.

95 (b) The division shall issue a wheelchair user placard to an applicant who is either:

96 (i) a qualifying person with a walking disability; or

97 (ii) the registered owner of a vehicle that an organization uses primarily for the
98 transportation of persons with a walking disability.

99 (c) The division shall require that an applicant under Subsection (2)(b) certifies that the
100 applicant travels in a vehicle equipped with a wheelchair lift and requires a van accessible
101 parking space.

102 (3) (a) The ~~[initial application of a]~~ person with a disability shall ~~[be accompanied by]~~
103 ensure that the initial application contains the certification of a physician or nurse practitioner
104 that:

105 (i) ~~[that]~~ the applicant meets the definition of a person with a disability that limits or
106 impairs the ability to walk as defined in the federal Uniform System for Parking for Persons
107 with Disabilities, 23 C.F.R. Ch. II, Subch. B, Pt. 1235.2 (1991); ~~[and]~~

108 (ii) if the person is applying for a wheelchair user placard, the applicant has a walking
109 disability; and

110 ~~[(ii) specifying]~~ (iii) specifies the period of time that the physician or nurse practitioner
111 determines the applicant will have the disability, not to exceed six months in the case of a
112 temporary disability.

113 (b) The division shall issue a disability special group license plate ~~[or]~~, a removable
114 windshield placard, or a wheelchair user placard, as applicable, to a person with a permanent
115 disability.

116 (c) The issuance of a person with a disability special group license plate does not
117 preclude the issuance to the same applicant of a removable windshield placard or wheelchair
118 user placard.

119 (d) On request of an applicant with a disability special group license plate, temporary
120 removable windshield placard, ~~[or a]~~ removable windshield placard, or wheelchair user

121 placard, the division shall issue one additional placard.

122 (e) A disability special group license plate, temporary removable windshield placard,
123 or removable windshield placard may be used to allow one motorcycle to share a parking space
124 reserved for persons with a disability if:

125 (i) the person with a disability:

126 (A) is using a motorcycle; and

127 (B) displays on the motorcycle a disability special group license plate, temporary
128 removable windshield placard, or a removable windshield placard;

129 (ii) the person who shares the parking space assists the person with a disability with the
130 parking accommodation; and

131 (iii) the parking space is sufficient size to accommodate both motorcycles without
132 interfering with other parking spaces or traffic movement.

133 ~~[(4) (a) The temporary removable windshield placard or removable windshield placard
134 shall be hung from the front windshield rearview mirror when the vehicle is parked in a
135 parking space reserved for persons with disabilities so that it is visible from the front and rear
136 of the vehicle.]~~

137 (4) (a) When a vehicle is parked in a parking space reserved for persons with
138 disabilities, the temporary removable windshield placard, removable windshield placard, or
139 wheelchair user placard shall be hung from the front windshield rearview mirror so that the
140 placard is visible from the front and rear of the vehicle.

141 (b) If a motorcycle is being used, the temporary removable windshield placard or
142 removable windshield placard shall be displayed in plain sight on or near the handle bars of the
143 motorcycle.

144 (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
145 Administrative Rulemaking Act, to:

146 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
147 license plates, a temporary removable windshield placard, ~~[or]~~ a removable windshield placard,
148 or a wheelchair user placard, in accordance with this section;

149 (b) establish the maximum number of numerals or characters for disability special
150 group license plates; ~~[and]~~

151 (c) require all temporary removable windshield placards ~~[and]~~, removable windshield

152 placards, and wheelchair user placards to include:

- 153 (i) an identification number;
- 154 (ii) an expiration date not to exceed:
 - 155 (A) six months for a temporary removable windshield placard; and
 - 156 (B) two years for a removable windshield placard; and
- 157 (iii) the seal or other identifying mark of the division[-]; and
- 158 (d) distinguish a wheelchair user placard from other windshield placards described in

159 Subsection (5)(c) by including the following features:

- 160 (i) a unique color;
- 161 (ii) a large "W" next to the internationally recognized disabled persons symbol; and
- 162 (iii) the words "Wheelchair User" printed on a portion of the placard.

163 Section 3. Section **41-1a-1306** is amended to read:

164 **41-1a-1306. Abuse of persons with disabilities parking privileges -- Revocation of**
165 **special plate or transferable ID card -- Fine.**

166 [(+) A person with a disability who abuses the rights and privileges conferred under
167 Section **41-1a-414** or allows an individual who is not a person with a disability to use those
168 parking privileges may have the person's disability special group license plate, temporary
169 removable windshield placard, [or] removable windshield placard, or wheelchair user placard
170 revoked by the division.

171 [~~(2) (a) Except as provided in Subsection (2)(b), a person who violates Section~~
172 ~~**41-1a-414** shall pay a minimum fine of \$125.~~]

173 [~~(b) A court may waive up to \$100 of the fine charged to a person for a violation of~~
174 ~~Section **41-1a-414** under Subsection (2)(a) if the operator of the vehicle presents evidence to~~
175 ~~the court that the individual had been issued a disability special group license plate, temporary~~
176 ~~removable windshield placard, or removable windshield placard at the time of the violation.]~~