

Representative Keven J. Stratton proposes the following substitute bill:

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:

This bill provides a special effective date.

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



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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:

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

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

(b) "Temporary wheelchair user placard" means the same as that term is defined in Section 41-1a-420.

(c) "Van accessible parking space" means an accessible parking space that is reserved for use by a qualifying person with a walking disability who has a temporary wheelchair user placard or a wheelchair user placard and includes:

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

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

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

(e) "Wheelchair user placard" means the same as that term is defined in Section 41-1a-420.

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

(3) (a) Only those vehicles carrying a person with a disability special group license

57 plate, temporary removable windshield placard, or removable windshield placard and
58 transporting a qualifying person with a disability may park in an accessible parking space.

59 ~~[(b) A violation of Subsection (3)(a) is a class C misdemeanor.]~~

60 (b) (i) Except as provided in Subsection (3)(b)(ii), a person may not park in a van
61 accessible parking space unless the person is:

62 (A) transporting a qualifying person with a walking disability who has a temporary
63 wheelchair user placard or a wheelchair user placard; and

64 (B) driving either a van equipped with a wheelchair lift or a vehicle carrying the
65 person's wheelchair.

66 (ii) In a parking lot with 200 or fewer parking spaces, a person may not park in a van
67 accessible parking space unless the person is transporting a qualifying person with a disability
68 and has a:

69 (A) disability special group license plate;

70 (B) temporary removable windshield placard;

71 (C) removable windshield placard;

72 (D) temporary wheelchair user placard; or

73 (E) wheelchair user placard.

74 (c) (i) A violation of Subsection (3)(a) is a class C misdemeanor.

75 (ii) Except as provided in Subsection (3)(c)(iii), a violation of Subsection (3)(b) is a
76 class C misdemeanor.

77 (iii) Until January 1, 2019, a peace officer shall issue a warning instead of a citation to
78 an individual for a violation of Subsection (3)(b)(i) if the individual:

79 (A) has not previously been warned for a violation of Subsection (3)(b)(i); and

80 (B) is transporting a person with a disability who has a disability special group license
81 plate, a temporary removable windshield placard, or a removable windshield placard.

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

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

88 placard at the time of the violation.

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

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

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

96 **41-1a-420. Disability special group license plates -- Application and qualifications**
97 **-- Rulemaking.**

98 (1) As used in this section:

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

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

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

106 (d) "Temporary wheelchair user placard" means a removeable windshield placard that
107 is issued to a qualifying person, as provided in this section, who has a walking disability that is
108 not permanent.

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

112 (f) "Wheelchair user placard" means a removeable windshield placard that is issued to
113 a qualifying person, as provided in this section, who has a walking disability.

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

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

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

119 (b) The division shall issue a temporary wheelchair user placard or a wheelchair user
120 placard to an applicant who is either:

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

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

124 (c) The division shall require that an applicant under Subsection (2)(b) certifies that the
125 person travels in a vehicle equipped with a wheelchair lift or a vehicle carrying the person's
126 wheelchair and requires a van accessible parking space.

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

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

133 (ii) if the person is applying for a temporary wheelchair user placard or a wheelchair
134 user placard, the applicant has a walking disability; and

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

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

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

144 (d) (i) On request of an applicant with a disability special group license plate, a
145 temporary removable windshield placard, or a removable windshield placard, the division shall
146 issue one additional placard.

147 (ii) On request of a qualified applicant with a disability special group license plate, the
148 division shall issue up to two temporary wheelchair user placards or two wheelchair user
149 placards.

150 (iii) On request of a qualified applicant with a temporary wheelchair user placard or a
151 wheelchair user placard, the division shall issue one additional placard.

152 (e) The division shall ensure that a temporary wheelchair user placard and a wheelchair
153 user placard have the following visible features:

154 (i) a large "W" next to the internationally recognized disabled persons symbol; and

155 (ii) the words "Wheelchair User" printed on a portion of the placard.

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

159 (i) the person with a disability:

160 (A) is using a motorcycle; and

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

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

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

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

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

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

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

180 (a) establish qualifying criteria for persons to receive, renew, or surrender special group

181 license plates, a temporary removable windshield placard, ~~[or]~~ a removable windshield placard,
182 a temporary wheelchair user placard, or a wheelchair user placard in accordance with this
183 section;

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

186 (c) require all temporary removable windshield placards ~~[and]~~, removable windshield
187 placards, temporary wheelchair user placards, and wheelchair user placards to include:

188 (i) an identification number;

189 (ii) an expiration date not to exceed:

190 (A) six months for a temporary removable windshield placard; and

191 (B) two years for a removable windshield placard; and

192 (iii) the seal or other identifying mark of the division.

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

194 **41-1a-1306. Abuse of persons with disabilities parking privileges -- Revocation of**
195 **special plate or transferable ID card -- Fine.**

196 ~~[(1)]~~ A person with a disability who abuses the rights and privileges conferred under
197 Section ~~41-1a-414~~ or allows an individual who is not a person with a disability to use those
198 parking privileges may have the person's disability special group license plate, temporary
199 removable windshield placard, ~~[or]~~ removable windshield placard, or wheelchair user placard
200 revoked by the division.

201 ~~[(2)(a) Except as provided in Subsection (2)(b), a person who violates Section~~
202 ~~41-1a-414 shall pay a minimum fine of \$125.]~~

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

207 Section 4. **Effective date.**

208 This bill takes effect on January 1, 2017.