

HB0056S01 compared with HB0056

~~text~~ shows text that was in HB0056 but was deleted in HB0056S01.

Inserted text shows text that was not in HB0056 but was inserted into HB0056S01.

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Representative Keven J. Stratton proposes the following substitute bill:

ACCESSIBLE PARKING AMENDMENTS

2017 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 or other walking-assistive device; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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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

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 walking-assistive device or 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

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

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

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

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

(B) driving either a van equipped with a wheelchair lift or a vehicle carrying the person's walking-assistive device or wheelchair.

(ii) In a parking lot in which 50% or more of the total accessible and van accessible parking spaces are designated as van accessible parking spaces, a person may not park in a van accessible parking space unless the person is transporting a qualifying person with a disability and has a:

(A) disability special group license plate;

(B) temporary removable windshield placard;

(C) removable windshield placard;

(D) temporary wheelchair user placard; or

(E) wheelchair user placard.

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

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

(iii) Until January 1, ~~2019~~2020, a peace officer shall issue a warning instead of a citation to an individual for a violation of Subsection (3)(b)(i) if the individual:

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

(e) "Walking disability" means a physical disability that requires the use of a walking-assistive device or wheelchair or similar low-powered motorized or mechanically

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propelled vehicle that is designed to specifically assist a person who has a limited or impaired ability to walk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the person with a disability:

(A) is using a motorcycle; and

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

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

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

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

(4)(a) When a vehicle is parked in a parking space reserved for persons with

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disabilities, a temporary removable windshield placard, a removable windshield placard, a temporary wheelchair user placard, or a wheelchair user placard shall be displayed so that the placard is visible from the front of the vehicle.

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

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

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

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

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

- (i) an identification number;
- (ii) an expiration date not to exceed:
 - (A) six months for a temporary removable windshield placard; and
 - (B) two years for a removable windshield placard; and
- (iii) the seal or other identifying mark of the division.

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

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

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

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

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

Section 4. **Effective date.**

This bill takes effect on January 1, ~~2017~~2018.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~