

Representative Jeffrey D. Stenquist proposes the following substitute bill:

ACCESSIBLE PARKING SPACES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses parking privileges for persons with disabilities.

Highlighted Provisions:

This bill:

- ▶ requires the Motor Vehicle Division to include a statement on removable windshield placards describing certain prohibitions;
 - ▶ requires the State Tax Commission to establish standards for the statement in rule;
- 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-420, as last amended by Laws of Utah 2019, Chapter 349

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



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

27 **41-1a-420. Disability special group license plates -- Application and qualifications**
28 **-- Rulemaking.**

29 (1) As used in this section:

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

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

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

37 (d) "Physician assistant" means an individual licensed to practice as a physician
38 assistant in the state under Title 58, Chapter 70a, Utah Physician Assistant Act.

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

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

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

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

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

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

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

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

56 (ii) the registered owner of a vehicle that an organization uses primarily for the

57 transportation of persons with walking disabilities.

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

61 (3) (a) The person with a disability shall ensure that the initial application contains the
62 certification of a physician, physician assistant, or nurse practitioner that:

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

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

68 (iii) specifies the period of time that the physician, physician assistant, or nurse
69 practitioner determines the applicant will have the disability, not to exceed six months in the
70 case of a temporary disability or a temporary walking disability.

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

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

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

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

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

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

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

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

89 (f) The division shall ensure that the following statement is included on a removable
90 windshield placard issued on or after January 1, 2024: "Under state law, a disability placard
91 may only be used by, or for the transportation of, the person to whom the disability placard is
92 issued. A person who misuses another person's disability placard for parking privileges is guilty
93 of a class C misdemeanor."

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

97 (i) the person with a disability:

98 (A) is using a motorcycle; and

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

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

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

105 (4) (a) When a vehicle is parked in a parking space reserved for persons with
106 disabilities, a temporary removable windshield placard, a removable windshield placard, a
107 temporary wheelchair user placard, or a wheelchair user placard shall be displayed so that the
108 placard is visible from the front of the vehicle.

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

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

114 (a) establish qualifying criteria for persons to receive, renew, or surrender a disability
115 special group license plate, a temporary removable windshield placard, a removable windshield
116 placard, a temporary wheelchair user placard, or a wheelchair user placard in accordance with
117 this section;

118 (b) establish the maximum number of numerals or characters for a disability special

119 group license plate;

120 (c) require all temporary removable windshield placards, removable windshield
121 placards, temporary wheelchair user placards, and wheelchair user placards to include:

122 (i) an identification number;

123 (ii) an expiration date not to exceed:

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

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

126 (iii) the seal or other identifying mark of the division[-]; and

127 (d) establish standards for the statement required in Subsection (3)(f).

128 (6) The commission shall insert the following on motor vehicle registration certificates:

129 "State law prohibits persons who do not lawfully possess a disability placard or
130 disability special group license plate from parking in an accessible parking space designated for
131 persons with disabilities. Persons who possess a disability placard or disability special group
132 license plate are discouraged from parking in an accessible parking space designated as van
133 accessible unless they have a temporary wheelchair user placard or a wheelchair user placard."

134 Section 2. **Effective date.**

135 This bill takes effect on January 1, 2024.