

Representative Ashlee Matthews proposes the following substitute bill:

DISABLED VETERAN PARKING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill allows certain veterans or service members with a disability to qualify for a disability special group license plate or removable windshield placard.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ allows a veteran or service member with a disability to obtain a disability special group license plate or removable windshield placard on a permanent basis;
- ▶ requires a veteran or service member with a disability to verify that they meet the relevant criteria as part of the application for a disability special group license plate or removable windshield placard;
- ▶ allows a person to establish parking spaces for a veteran or service member with a disability; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-1a-414**, as last amended by Laws of Utah 2017, Chapter 41

29 **41-1a-420**, as last amended by Laws of Utah 2023, Chapter 67

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

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

33 **41-1a-414. Parking privileges for persons with disabilities.**

34 (1) As used in this section:

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

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

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

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

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

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

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

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

54 (e) "Wheelchair user placard" means the same as that term is defined in Section
55 **41-1a-420**.

56 (2) Except in parking areas designated for emergency use, a person with a disability,

57 qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately
58 marked vehicle for reasonable periods without charge in metered parking zones and restricted
59 parking areas, in a manner that allows proper access to the vehicle by the person with a
60 disability.

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

64 (b) A violation of Subsection (3)(a) is a class C misdemeanor.

65 (c) A person described in Subsection (3)(a) is encouraged to avoid parking in a van
66 accessible parking space unless:

67 (i) the person has a walking disability and has a temporary wheelchair user placard;

68 (ii) the person has a wheelchair user placard; or

69 (iii) all other accessible parking spaces that are not van accessible parking spaces are
70 occupied.

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

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

77 (6) In addition to required accessible parking spaces, a person may provide and
78 designate parking spaces for veterans and service members, including those with a disability.

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

80 **41-1a-420. Disability special group license plates -- Application and qualifications**
81 **-- Rulemaking.**

82 (1) As used in this section:

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

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

87 (c) "Physician" means a person licensed to practice as a physician or osteopath in this

88 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
89 Osteopathic Medical Practice Act.

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

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

95 (f) "Veteran or service member with a disability" means the same as the term
96 "individual with a disability" is defined in Section 71A-2-101.

97 ~~[(f)]~~ (g) "Walking disability" means a physical disability that requires the use of a
98 walking-assistive device or wheelchair or similar low-powered motorized or mechanically
99 propelled vehicle that is designed to specifically assist a person who has a limited or impaired
100 ability to walk.

101 ~~[(g)]~~ (h) "Wheelchair user placard" means a removable windshield placard that is
102 issued to a qualifying person, as provided in this section, who has a walking disability.

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

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

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

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

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

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

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

116 (d) If the veteran or service member with a disability satisfies the requirements
117 established by the commission under Subsection (4)(d), the division shall issue a disability
118 special group license plate or a removable windshield placard to a veteran or service member

119 with a disability.

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

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

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

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

130 (ii) A veteran or service member with a disability shall ensure that the application
131 includes verification from the United States Department of Veterans Affairs or a military
132 department that the veteran or service member meets the definition of veteran or service
133 member with a disability.

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

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

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

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

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

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

- 150 (i) a large "W" next to the internationally recognized disabled persons symbol; and
151 (ii) the words "Wheelchair User" printed on a portion of the placard.
- 152 (f) The division shall ensure that the following statement is included on a removable
153 windshield placard issued on or after January 1, 2024: "Under state law, a disability placard
154 may only be used by, or for the transportation of, the person to whom the disability placard is
155 issued. A person who misuses another person's disability placard for parking privileges is guilty
156 of a class C misdemeanor."
- 157 (g) A disability special group license plate, temporary removable windshield placard,
158 or removable windshield placard may be used to allow one motorcycle to share a parking space
159 reserved for persons with a disability if:
- 160 (i) the person with a disability:
161 (A) is using a motorcycle; and
162 (B) displays on the motorcycle a disability special group license plate, temporary
163 removable windshield placard, or a removable windshield placard;
- 164 (ii) the person who shares the parking space assists the person with a disability with the
165 parking accommodation; and
- 166 (iii) the parking space is sufficient size to accommodate both motorcycles without
167 interfering with other parking spaces or traffic movement.
- 168 (4) (a) When a vehicle is parked in a parking space reserved for persons with
169 disabilities, a temporary removable windshield placard, a removable windshield placard, a
170 temporary wheelchair user placard, or a wheelchair user placard shall be displayed so that the
171 placard is visible from the front of the vehicle.
- 172 (b) If a motorcycle is being used, the temporary removable windshield placard or
173 removable windshield placard shall be displayed in plain sight on or near the handle bars of the
174 motorcycle.
- 175 (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
176 Administrative Rulemaking Act, to:
- 177 (a) establish qualifying criteria for persons to receive, renew, or surrender a disability
178 special group license plate, a temporary removable windshield placard, a removable windshield
179 placard, a temporary wheelchair user placard, or a wheelchair user placard in accordance with
180 this section;

181 (b) establish the maximum number of numerals or characters for a disability special
182 group license plate;

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

185 (i) an identification number;

186 (ii) except for a veteran or service member with a disability, an expiration date not to
187 exceed:

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

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

190 (iii) the seal or other identifying mark of the division; [~~and~~]

191 (d) establish criteria for a veteran or service member with a disability to qualify for and
192 receive a removable placard without an expiration date; and

193 [~~(d)~~] (e) establish standards for the statement required in Subsection (3)(f).

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

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

200 Section 3. **Effective date.**

201 This bill takes effect on May 1, 2024.