

HB0210S01 compared with HB0210

~~{deleted text}~~ shows text that was in HB0210 but was deleted in HB0210S01.

inserted text shows text that was not in HB0210 but was inserted into HB0210S01.

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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 ~~{modifies parking requirements for accessible parking spaces for certain individuals}~~ 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:

- ▶ ~~{allows individuals with a disabled veteran}~~ defines a term;
- ▶ allows a veteran or service member with a disability to obtain a disability special group license plate or ~~{Purple Heart license plate to park in an accessible parking space without displaying an additional placard}~~ removable windshield placard on a permanent basis;
- ▶ requires a veteran or service member with a disability to verify that they meet the

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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

Utah Code Sections Affected:

AMENDS:

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

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

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:

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

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

~~{ (b) "Honor special group license plate" means a disabled veteran license plate or a Purple Heart license plate.~~

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

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

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(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.

~~ff(d)~~~~ff(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 propelled vehicle that is specifically designed to assist a person who has a limited or impaired ability to walk.

~~ff(e)~~~~ff(f)~~ "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) ~~ff~~ 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. ~~ff To park in an accessible parking space, the vehicle shall:~~

~~—— (i) display:~~

~~—— (A) a disability special group license plate;~~

~~—— (B) an honor special group license plate;~~

~~—— (C) a temporary removable windshield placard; or~~

~~—— (D) a removable windshield placard; and~~

~~—— (ii) be transporting a qualifying person with a disability. }~~

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

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

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

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

(iii) all other accessible parking spaces that are not van accessible parking spaces are

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occupied.

(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.

(6) In addition to required accessible parking spaces, a person may provide and designate parking spaces for veterans and service members, including those 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) "Physician assistant" means an individual licensed to practice as a physician assistant in the state under Title 58, Chapter 70a, Utah Physician Assistant Act.

(e) "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.

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

[(f)] (g) "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 designed to specifically assist a person who has a limited or impaired ability to walk.

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~~[(g)]~~ (h) "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:

(i) a qualifying person with a disability; or

(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.

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

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

~~[(i)]~~ (A) 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);

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

~~[(iii)]~~ (C) specifies the period of time that the physician, physician assistant, 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.

(ii) A veteran or service member with a disability shall ensure that the application includes verification from the United States Department of Veterans Affairs or a military

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department that the veteran or service member meets the definition of veteran or service member with a disability.

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

(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.

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

(g) 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

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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) When a vehicle is parked in a parking space reserved for persons with 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 plate, a temporary removable windshield placard, 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 plate;

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

(i) an identification number;

(ii) except for a veteran or service member with a disability, 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; [and]

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

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

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

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

Section ~~(2)~~3. **Effective date.**

This bill takes effect on May 1, 2024.