

Representative Ashlee Matthews proposes the following substitute bill:

DISABLED 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 individuals with a disability to obtain a permanent disability special group license plate or removable windshield placard.

Highlighted Provisions:

This bill:

- ▶ allows a person with a permanent disability to obtain a disability special group license plate or removable windshield placard on a permanent basis;
- ▶ allows a person to establish parking spaces for a veteran or service member, including those with a disability; 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 2017, Chapter 41

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



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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:

(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) "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 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:

(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 [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.

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

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

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

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

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

65 (iii) all other accessible parking spaces that are not van accessible parking spaces are
66 occupied.

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

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

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

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

76 **41-1a-420. Disability special group license plates -- Application and qualifications**
77 **-- Rulemaking.**

78 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 (iii) specifies the period of time that the physician, physician assistant, or nurse
118 practitioner determines the applicant will have the disability, not to exceed six months in the

119 case of a temporary disability or a temporary walking disability.

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

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

126 (d) (i) ~~On~~ Upon request of an applicant with a disability special group license plate,
127 and upon payment of any applicable fee, a temporary removable windshield placard, or a
128 removable windshield placard, the division shall issue one additional placard.

129 (ii) ~~On~~ Upon request of a qualified applicant with a disability special group license
130 plate, and upon payment of any applicable fee, the division shall issue up to two temporary
131 wheelchair user placards or two wheelchair user placards.

132 (iii) ~~On~~ Upon request of a qualified applicant with a temporary wheelchair user
133 placard or a wheelchair user placard, and upon payment of any applicable fee, the division shall
134 issue one additional placard.

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

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

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

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

144 (g) A disability special group license plate, temporary removable windshield placard,
145 or removable windshield placard may be used to allow one motorcycle to share a parking space
146 reserved for persons with a disability if:

147 (i) the person with a disability:

148 (A) is using a motorcycle; and

149 (B) displays on the motorcycle a disability special group license plate, temporary

150 removable windshield placard, or a removable windshield placard;

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

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

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

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

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

164 (a) establish qualifying criteria for persons to receive, renew, or surrender a disability
165 special group license plate, a temporary removable windshield placard, a removable windshield
166 placard, a temporary wheelchair user placard, or a wheelchair user placard in accordance with
167 this section;

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

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

172 (i) an identification number;

173 (ii) an expiration date not to exceed[:]

174 [~~(A)~~] six months for a temporary removable windshield placard; and

175 [~~(B)~~] ~~two years for a removable windshield placard; and~~

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

177 (d) provide an individual who qualifies for a removable windshield placard or
178 wheelchair user placard to:

179 (i) pay a nominal administrative fee, not to exceed \$5, to obtain a removable
180 windshield placard or wheelchair user placard that is made of a durable material; or

181 (ii) obtain a removable windshield placard or wheelchair user placard at no charge and
182 that is subject to free replacement if the placard is faded or damaged, if the individual
183 surrenders the damaged placard;

184 (e) establish the standards for each placard described in Subsection (5)(d), including
185 the seal or other identifying mark of the division; and

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

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

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

193 Section 3. **Effective date.**

194 This bill takes effect on July 1, 2024.