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HOUSE BILL NO. 1677

Offered January 12, 2011

Prefiled January 10, 2011

A BILL to amend and reenact § 46.2-1242 of the Code of Virginia, relating to parking in spaces reserved for persons with disabilities; penalty.

Patron—Englin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1242 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1242. Parking in spaces reserved for persons with disabilities; local ordinances; penalty.

A. No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of § 46.2-739, shall be parked in any parking spaces reserved for persons with disabilities.

1. No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of § 46.2-739 in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

2. A summons or parking ticket for the offense may be issued by law-enforcement officers, uniformed law-enforcement department employees, or volunteers acting pursuant to § 46.2-1244 without the necessity of a warrant's being obtained by the owner of any private parking area.

3. Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of not less than \$100 nor more than ~~\$500~~ \$750.

B. The governing body of any county, city, or town may, by ordinance, provide that it shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of § 46.2-739, to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. If there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not displayed as required pursuant to subsection E of § 46.2-1241, such ordinance may provide for a fine less than that imposed under this section.

1. Any local governing body, by such ordinance, may assess and retain a fine of not less than \$100 nor more than ~~\$500~~ \$750 for its violation.

2. The ordinance may further provide that a summons or parking ticket for the offense may be issued by law-enforcement officers, volunteers serving in units established pursuant to § 46.2-1244, and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant's being obtained by the owner of the private parking area.

C. In any prosecution charging a violation of this section or an ordinance adopted pursuant to this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section or the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

D. No violation of this section or an ordinance adopted pursuant to this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

INTRODUCED

HB1677