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**SENATE BILL NO. 794**

Offered January 9, 2013

Prefiled December 19, 2012

*A BILL to amend and reenact §§ 46.2-1241 and 46.2-1242 of the Code of Virginia, relating to disabled parking placards.*

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 Patron—Garrett
 

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 Referred to Committee on Transportation
 

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**Be it enacted by the General Assembly of Virginia:**

- 1. That §§ 46.2-1241 and 46.2-1242 of the Code of Virginia are amended and reenacted as follows:**  
**§ 46.2-1241. Issuance of disabled parking placards.**

A. Upon application of a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking, the Commissioner shall issue a permanent removable windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require that each original application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed nurse practitioner, or licensed physician assistant on forms prescribed by the Commissioner that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" contained in § 46.2-1240.

1. The Commissioner shall provide for the renewal of such placards every five years. Applications for renewals may require the applicant to certify that his disability is a permanent disability, but renewal applications need not be accompanied by a physician's, podiatrist's, chiropractor's, nurse practitioner's, or physician assistant's certification of the applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for the Department to develop a definition of "permanent disability" as used in this subdivision. Notwithstanding any contrary provision of this chapter, no physician's, podiatrist's, chiropractor's, nurse practitioner's, or physician assistant's certification of an applicant's disability shall be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued under § 46.2-731.

2. The Commissioner shall charge a reasonable fee for each placard, but no fee shall be charged any person exempted from fees in § 46.2-739.

3. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

B. Upon the application of a person with a disability that limits or impairs his ability to walk and whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a certification signed by a licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor on forms prescribed by the Commissioner that the applicant meets the definition of "person with a condition that limits or impairs his ability to walk" contained in § 46.2-1240 and shall also include the period of time that the physician, podiatrist, or chiropractor determines the applicant will have the disability, not to exceed six months.

1. The temporary removable windshield placard shall be valid for the period of time for which the physician, podiatrist, or chiropractor has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

2. The Commissioner shall provide for a reasonable fee to be charged for the placard. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

C. On application, the Commissioner shall issue to licensed physicians temporary removable windshield placards. Such temporary removable windshield placards may be issued by a licensed physician to a person with a disability that limits or impairs his ability to walk and whose disability is temporary, provided that such person is being treated by such licensed physician. The temporary removable windshield placard shall include the period of time that the licensed physician determines that the person with a disability that limits or impairs his ability to walk will have the disability, not to exceed 90 days.

D. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other institutions and organizations meeting criteria determined by the Commissioner organizational removable windshield placards, as provided for in the foregoing provisions of this section, for use by volunteers when transporting disabled persons in passenger vehicles and pickup or panel trucks owned by such

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volunteers. The provisions of this section relating to other windshield placards issued under this section shall also apply, mutatis mutandis, to windshield placards issued to these institutions and organizations, except that windshield placards issued to institutions and agencies, in addition to their expiration date, shall bear the name of the institution or organization whose volunteers will be using the windshield placards rather than the name, age, and sex of the person to whom issued.

1. The Commissioner shall provide for the renewal of such placards every five years.

2. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

**D E.** No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date.

**E F.** Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion.

**§ 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.

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 F 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 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.