

1995 SESSION

LEGISLATION NOT PREPARED BY DLS INTRODUCED

LD9842000

HOUSE BILL NO. 2603

Offered January 23, 1995

A BILL to amend and reenact §§ 46.2-731 and 46.2-1237 of the Code of Virginia, relating to parking spaces reserved for certain disabled persons and license plates and other indicia related thereto; revocations of plates and indicia.

Patron—Grayson

Referred to Committee on Roads and Internal Navigation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-731 and 46.2-1237 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-731. Disabled parking license plates; organizational removable windshield placards; permanent removable windshield placards; temporary removable windshield placards for persons with disabilities that limit or impair their ability to walk and owners of vehicles specially equipped and used to transport persons with disabilities; fees.

On receipt of an application, the Commissioner shall issue appropriately designed disabled parking license plates to persons with physical disabilities that limit or impair their ability to walk. The Commissioner shall request that the application be accompanied by a certification of a licensed physician that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk" contained in § 46.2-100. The issuance of a disabled parking license plate shall not preclude the issuance of a permanent removable windshield placard.

On application of an organization, the Commissioner shall issue disabled parking license plates for vehicles registered in the applicant's name if the vehicles are primarily used to transport persons with disabilities. The application shall include a certification by the applicant, under criteria determined by the Commissioner, that the vehicle is primarily used to transport persons with disabilities that limit or impair their ability to walk, as defined in § 46.2-100.

The fee for the issuance of a disabled parking license plate under this section may not exceed the fee charged for a similar license plate for the same class vehicle.

Upon application of a person with a disability that limits or impairs his ability to walk, the Commissioner shall issue a permanent removable windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall request that the application be accompanied by a certification from a licensed physician 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" contained in § 46.2-100. The Commissioner shall provide for the renewal of such placards every five years as well as a reasonable fee to be charged for each placard, but no fee shall be charged any person exempted from fees in § 46.2-739. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-100.

Upon the application of a person with a disability that limits or impairs his ability to walk and whose disability is temporary in nature, the Commissioner shall issue a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a certification from a licensed physician 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 § 46.2-100 and shall also include the period of time that the physician determines the applicant will have the disability, not to exceed six months. The temporary removable windshield placard shall be valid for the period of time for which the physician has determined that the applicant will have the disability, not to exceed six months from the date of issuance. The Commissioner shall provide for a reasonable fee to be charged for the placard.

On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other institutions and organizations meeting criteria determined by the Commissioner removable organizational 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 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 organizational removable windshield placards.

The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled

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60 parking license plates, organizational removable windshield placards, permanent windshield placards, or
61 temporary removable windshield placards are issued or any person to whom disabled parking license
62 plates have been issued under § 46.2-739 shall be allowed to park the vehicle on which such license
63 plates or placards are displayed for up to four hours in parking zones restricted as to length of parking
64 time permitted and shall be exempted from paying parking meter fees of any county, city, or town. The
65 provisions of this subsection shall take precedence over any county, city, or town ordinance; however,
66 this subsection shall not apply to any local ordinance which creates zones where stopping, standing, or
67 parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to
68 any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or
69 where parking would clearly present a traffic hazard.

70 No person shall use or display an organizational removable windshield placard, permanent removable
71 windshield placard or temporary removable windshield placard beyond its expiration date. It shall be
72 unlawful for any person to willfully and falsely represent himself as having the qualifications to obtain
73 the special license plates or windshield placards or utilize the parking privilege accorded by this section
74 when not entitled thereto.

75 *Pursuant to § 46.2-1237, the Commissioner may revoke any disabled parking license plate or*
76 *disabled parking placard of individuals or organizations found guilty of misusing the privilege*
77 *pertaining to vehicles displaying such license plate or placard.*

78 § 46.2-1237. Parking in spaces reserved for persons with disabilities; issuance of summons by
79 law-enforcement personnel, other uniformed personnel and certain security guards; reciprocity; removal
80 of vehicle not displaying disabled parking license plates or placards.

81 No vehicles other than those displaying disabled parking license plates, organizational removable
82 windshield placards, permanent removable windshield placards, or temporary removable windshield
83 placards issued under § 46.2-731 or DV disabled parking license plates issued under subsection B of
84 § 46.2-739 shall park in any parking spaces reserved for persons with disabilities. *No person without a*
85 *disability that limits or impairs his ability to walk shall misuse a vehicle with disabled parking license*
86 *plates, organizational removable windshield placards, permanent removable windshield placards, or*
87 *temporary removable placards to park in a parking space reserved for persons with disabilities that*
88 *limit or impair their ability to walk.* A summons or parking ticket for the offense may be issued by
89 law-enforcement officers or uniformed law-enforcement department employees without the necessity of a
90 warrant's being obtained by the owner of any private parking area.

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

97 The governing body of any county, city, or town may by ordinance provide that it shall be unlawful
98 for a vehicle not displaying disabled parking license plates, an organizational removable windshield
99 placard, a permanent removable windshield placard, or a temporary removable windshield placard issued
100 under § 46.2-731 or DV disabled parking license plates issued under subsection B of § 46.2-739 to be
101 parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk
102 *or for a person who is not limited or impaired in his ability to walk to misuse a vehicle or parking*
103 *space so designated.* Any local governing body by ordinance may provide a penalty for its violation not
104 to exceed that prescribed for a Class 4 misdemeanor, notwithstanding any other provision of law. The
105 ordinance may further provide that a summons or parking ticket for the offense may be issued by
106 law-enforcement officers and other uniformed personnel employed by the county, city, or town to
107 enforce parking regulations without the necessity of a warrant's being obtained by the owner of the
108 private parking area.

109 The local governing bodies of Franklin County and the Cities of Danville and Martinsville may by
110 ordinance provide that, in privately owned parking areas open to the public, a summons for violation of
111 the ordinance promulgated under this section may be issued by private security guards licensed under
112 the provisions of Chapter 19 (§ 54.1-1900 et seq.) of Title 54.1 and deputized to issue a summons for
113 the offense by the chief law-enforcement officer of the county or city in which the private parking area
114 is located.

115 Parking spaces reserved for persons with disabilities that limit or impair their ability to walk shall be
116 identified in accordance with the provisions of § 36-99.11.

117 Disabled parking license plates, permanent removable windshield placards, temporary removable
118 windshield placards, and DV disabled parking license plates issued by other states and countries for the
119 purpose of identifying vehicles permitted to use parking spaces reserved for persons with disabilities that
120 limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles
121 displaying such devices in Virginia.

122 The owner or duly authorized agent of the owner of a parking space properly designated and clearly
123 marked as reserved for use by persons with disabilities that limit or impair their ability to walk may
124 have any vehicle not displaying disabled parking license plates, organizational removable windshield
125 placards, permanent removable windshield placards, temporary removable windshield placards, or DV
126 disabled parking license plates removed from the parking space and stored. The owner of a vehicle
127 which has been removed and stored may regain possession of his vehicle on payment to the person or
128 persons who removed and stored the vehicle all reasonable costs incidental to the removal and storage.
129 The owner of the vehicle, on notice to the owner or duly authorized agent of the owner of the parking
130 space, may also petition the general district court having jurisdiction over the location where the parking
131 occurred for an immediate determination as to whether the removal of the vehicle was lawful. If the
132 court finds that the removal was unlawful, the court shall direct the owner of the parking space to pay
133 the costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

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

140 *In any prosecution resulting in conviction pursuant to this section, the court shall transmit the*
141 *disabled license plate number or disabled parking placard number to the Department for investigation*
142 *for the purpose of possible revocation of such disabled parking license plate or disable parking placard.*