

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 866

An Act to amend and reenact §§ 46.2-100, 46.2-731, 46.2-739, and 46.2-1237 of the Code of Virginia and to repeal §§ 46.2-1236 and 46.2-1238 of the Code of Virginia, relating to parking privileges and special license plates for certain handicapped persons.

[S 564]

Approved April 20, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-731, 46.2-739, and 46.2-1237 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations which transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Business district" means the territory contiguous to a highway where seventy-five percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U. S. Veterans Administration. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of

which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

"Federal safety requirements" means applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act as amended (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle which is designed to transport persons playing golf and their equipment on a golf course.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also include city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752 through 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Mobile home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means a bicycle-like device with pedals and a helper motor which is rated at no more than two brake horsepower and which produces speeds up to a maximum of thirty miles per hour. For purposes of Chapter 8 of this title, a moped shall be a vehicle while operated on a highway.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section which is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle or a moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any vehicle included within the term "farm tractor" or "moped" as defined in this section.

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation which is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding sixty days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Organizational removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background; (ii) the name of the institution or organization; (iii) an identification number; (iv) an expiration date; and (v) the seal or identifying symbol of the issuing authority.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten persons including the driver.

"Permanent removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background; (ii) the name, age, and sex of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the issuing authority.

"Person with a disability that limits or impairs his ability to walk" means a person who, as determined by a licensed physician: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest; (iv) uses portable oxygen; (v) has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; (vi) is severely limited in his ability to walk due to an arthritic, neurological, or orthopedic condition; or (vii) has some other debilitating condition that, in the view of a licensed physician, limits or impairs his ability to walk.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts.

"Residence district" means the territory contiguous to a highway, not comprising a business district,

where seventy-five percent or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or parochial schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shoulder" means that part of a highway between the portion regularly travelled by vehicular traffic and the lateral curbline or ditch.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Specially constructed vehicle" means any vehicle which was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Temporary removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a red background; (ii) the name, age, and sex of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v) the seal or other identifying symbol of the issuing authority.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles which have come to rest in places where they cannot be operated.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer which is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 56-273; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 of this title, bicycles and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 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 ~~handicaps which disabilities that limit or impair their mobility~~ and to the owners of vehicles specially equipped and used for the transportation of groups of physically handicapped persons ~~ability to walk~~. The fee for license plates issued to the person shall be as provided in ~~§ 46.2-694~~. ~~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, the Commissioner shall also issue to any person with a temporary or permanent physical handicap which limits his mobility, a removable decal, to be used on any passenger car, pickup or panel truck operated by him, which decal shall allow him the same parking privileges as allowed by special license plates issued under this section. The decals shall be of a design determined by the Commissioner and shall be displayed in a manner determined by the Superintendent of State Police. Issuance of the decal shall be limited to physically handicapped persons for use in conjunction with passenger vehicles and pickup or panel trucks. A reasonable fee to be determined by the Commissioner shall be charged for each decal issued under this section, but no fee shall be charged any person exempted from fees by § 46.2-739. Decals issued to temporarily handicapped persons shall be valid for no more than one year and no less than three months. No decal issued hereunder shall be valid for more than five years. The Commissioner, in order to determine the period of validity of a temporary decal, may require any applicant for a decal to furnish a statement from a licensed physician as to the nature of the applicant's handicap and its likely duration. All decals shall bear the date of their expiration and the name, age, and sex of the person to whom issued.

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.

~~Until July 1, 1994,~~ On application, the Commissioner shall issue to hospitals, hospices, ~~and~~ nursing homes, ~~and other institutions and organizations meeting criteria determined by the Commissioner~~ removable ~~decals~~ organizational windshield placards, as provided for in the foregoing provisions of this

section, for use by volunteers when transporting ~~handicapped~~ *disabled* persons in passenger vehicles and pickup or panel trucks owned by such volunteers. The provisions of this section relating to other ~~decal~~ *windshield placards* issued under this section shall also apply, mutatis mutandis, to ~~decal~~ *windshield placards* issued to these institutions and organizations, except that ~~decal~~ *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 ~~decal~~ *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 ~~these special disabled parking~~ *license plates*, ~~or decal~~ *organizational removable windshield placards*, ~~permanent windshield placards, or temporary removable windshield placards~~ are issued or any person to whom ~~special disabled parking~~ *license plates* have been issued under § 46.2-739 shall be allowed to park the vehicle on which such license plates or ~~decal~~ *placards* are displayed for ~~unlimited periods of time up to four hours~~ in parking zones restricted as to length of parking time permitted and shall be exempted from paying parking meter fees of any county, city, or town. The provisions of this subsection shall take precedence over any county, city, or town ordinance; however, this subsection shall not apply to any local ordinance which creates zones where stopping, standing, or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or where parking would clearly present a traffic hazard.

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

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. ~~No annual registration fee shall be required for any one motor vehicle owned and used personally by any veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Veterans Administration. On receipt of an application, the Commissioner shall issue special license plates to applicants who are disabled veterans as defined in § 46.2-100. These vehicles license plates shall display be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a statement certification from the U. S. Veterans Administration that the veteran has been so designated or classified by the Veterans Administration as to meet the requirements of this section, and that his disability is service-connected. For the purposes of this section, a person shall be considered blind if he has a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.~~

B. ~~On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification from a licensed physician to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.~~

~~No annual registration fee shall be required for any one motor vehicle owned and used personally by any veteran, provided such vehicle displays license plates issued under this section.~~

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

~~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 § 46.2-731 or DV disabled parking license plates issued under subsection B of § 46.2-739 shall park in any parking spaces reserved for persons with disabilities. A summons or parking ticket for the offense may be issued by law-enforcement officers or uniformed law-enforcement department employees without the necessity of a warrant's being obtained by the owner of any private parking area.~~

~~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.

The governing body of any county, city, or town may ~~adopt an ordinance making it by ordinance~~ provide that it shall be unlawful for a vehicle not displaying a license plate, decal, or special parking permit, issued under §§ ~~46.2-731, 46.2-739 or § 46.2-1238~~, disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under § 46.2-731 or DV disabled parking license plates issued under subsection B of § 46.2-739 to be parked in a parking space reserved for the handicapped on public property or on privately owned parking areas open to the public persons with disabilities that limit or impair their ability to walk. Any local governing body by ordinance may provide a penalty for its violation not to exceed that prescribed for a Class 4 misdemeanor, notwithstanding any other provision of law. The ordinance may further provide that a summons or parking ticket for the offense may be issued by law-enforcement officers and other uniformed personnel employed by the county, city, or town to enforce parking regulations without the necessity of a ~~warrant~~ warrant's being obtained by the owner of the private parking area.

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

Parking spaces reserved for the handicapped persons with disabilities that limit or impair their ability to walk shall be identified in accordance with the provisions of ~~§ 36-99.10~~ § 36-99.11.

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

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

In any prosecution charging a violation of 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 the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

2. That §§ 46.2-1236 and 46.2-1238 of the Code of Virginia are repealed.