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HOUSE BILL NO. 765

Offered January 22, 1996

A BILL to amend and reenact § 46.2-1237 of the Code of Virginia, relating to parking in spaces reserved for persons with disabilities.

Patron—Rhodes

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

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

§ 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 (i) disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under § 46.2-731 or, (ii) DV disabled parking license plates issued under subsection B of § 46.2-739, or (iii) special license plates for the deaf issued under § 46.2-732 shall park in any parking spaces reserved for persons with disabilities. No person without a disability that limits or impairs his ability to walk qualifies him to receive (i) disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under § 46.2-731, (ii) DV disabled parking license plates issued under subsection B of § 46.2-739, or (iii) special license plates for the deaf issued under § 46.2-732 shall park a vehicle with (i) disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards, (ii) DV disabled parking license plates issued under subsection B of § 46.2-739, or (iii) special license plates for the deaf issued under § 46.2-732 in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting such a disabled person in the vehicle. 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 by ordinance provide that it shall be unlawful for a vehicle not displaying (i) 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, (ii) DV disabled parking license plates issued under subsection B of § 46.2-739, or (iii) special license plates for the deaf issued under § 46.2-732 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 a person with a disability to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. Any local governing body by ordinance may assess and retain 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'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 Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 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 persons with disabilities that limit or impair their ability to walk shall be identified in accordance with the provisions of § 36-99.11.

Disabled parking license plates, permanent removable windshield placards, temporary removable

INTRODUCED

HB765

60 windshield placards, ~~and~~ DV disabled parking license plates, *and special license plates for the deaf*
61 issued by other states and countries for the purpose of identifying vehicles permitted to use parking
62 spaces reserved for persons with disabilities ~~that limit or impair their ability to walk~~ shall be accorded
63 all rights and privileges accorded vehicles displaying such devices in Virginia.

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

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

83 Upon the entry of a conviction under this section, or under any ordinance adopted pursuant to this
84 section, involving the misuse of the privilege pertaining to vehicles displaying a license plate or placard
85 issued pursuant to § 46.2-731, the court shall send notice of the conviction and of the number of the
86 license plate or placard involved to the Commissioner, who may revoke the license plate or placard if he
87 finds, after a hearing if requested by the person to whom the license plate or placard is issued, that such
88 person (i) is not a ~~person with a disability that limits or impairs his ability to walk~~ and is ~~not otherwise~~
89 eligible to be issued a license plate or a placard pursuant to § 46.2-731, or (ii) is authorized to have
90 such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so
91 that revocation appears appropriate to remedy the abuse or misuse.