

964492127

HOUSE JOINT RESOLUTION NO. 198
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 19, 1996)
 (Patron Prior to Substitute—Delegate Behm)

Establishing a joint subcommittee to examine the enforcement and abuse of laws regulating parking spaces for handicapped persons.

WHEREAS, Virginia law provides for the reservation of certain motor vehicle parking spaces for use by handicapped persons; and

WHEREAS, Virginia law further provides for issuance of special license plates, parking decals, and parking permits and placards to identify vehicles permitted to park in those spaces; and

WHEREAS, it is highly desirable to ensure that fair, clear, and uniform standards for issuance of these special license plates, decals, placards and permits be established and that parking spaces reserved for use by handicapped persons be clearly and uniformly identified; and

WHEREAS, it is also highly desirable that all state laws and local ordinances dealing with parking spaces reserved for the handicapped be appropriately and clearly crafted and rigorously and fairly enforced so that specially reserved parking spaces are available to those who genuinely need them; and

WHEREAS, the current statutory scheme, designed to permit accessible parking for persons with disabilities, particularly in metered spaces, is being abused by drivers and has resulted in (i) reduced parking available for persons with disabilities, (ii) reduced parking and access to businesses, as short-term metered parking spaces, so placed to encourage turnover, are increasingly occupied by vehicles with a handicapped parking placard, and (iii) reduced revenues to local governments from parking meters and parking tickets due to exemptions created for persons possessing handicapped parking placards; and

WHEREAS, although recent legislation and legislative studies have helped to initiate important reforms and to focus attention on the problem of handicapped parking abuse, drivers continue to abuse and thwart laws intended to provide parking spaces for the disabled; and

WHEREAS, further legislative study and reform are therefore needed to curb continued abuse and to ensure adequate parking spaces for persons with disabilities; and

WHEREAS, representatives of local government, advocates for the disabled and other concerned parties are interested in examining potential statutory solutions to this increasing problem and to enhance the enforcement of current Virginia law as it relates to handicapped parking; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the enforcement and abuse of laws regulating parking spaces reserved for handicapped persons.

The joint subcommittee shall consist of 14 members to be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House and three members of the Senate to be appointed by the Senate Committee on Privileges and Elections. The Speaker of the House of Delegates shall appoint the following citizen members: one representative of the Virginia Treasurer's Association; one representative of the Virginia Association of Chiefs of Police; and one representative of the Virginia Municipal League and one representative of the Virginia Association of Counties, one of whom shall be a member of a local or regional disabilities services board. The Senate Committee on Privileges and Elections shall appoint the following citizen members: one representative of the Department for Rights of Virginians with Disabilities and two representatives of the Department of Motor Vehicles, one of whom shall be a member of the Department of Motor Vehicles Medical Advisory Board. The chairman of the joint subcommittee shall be one of the legislative members as selected by the subcommittee.

The subcommittee shall also seek the assistance of representatives from the Virginia Medical Society and the Virginia Chamber of Commerce.

In its deliberations, the joint subcommittee is specifically requested to: (i) review the recommendations of the report of the Department for Rights of Virginians with Disabilities set forth in Senate Document Number 41 (1994) entitled "Study of Parking for Persons with Disabilities," (ii) consider proposals to allow persons with physical disabilities convenient access to dedicated handicapped parking spaces, (iii) address the merits of eliminating free parking for persons with disabilities, possibly on a local-option basis, in favor of establishing practical pre-paid options that do not establish undue physical or fiscal burdens upon persons with physical disabilities, (iv) consider the potential benefits of providing free parking to persons with severe mobility disabilities, but eliminating free parking privileges for the ambulatory and those who are temporarily disabled, (v) examine whether private citizens may place informative literature on the windshields of motor vehicles whose drivers are violating handicapped parking laws and ordinances, (vi) consider the merits of deputizing citizens on a

60 limited basis to distribute parking tickets to persons violating handicapped parking laws, (vii) review the
61 current status of the law relating to the parking of motor vehicles used to transport visually handicapped
62 persons, including the four-hour law, (viii) analyze whether periodic cross-referencing of death
63 certificates with records of persons having handicapped parking privileges could curb abuse by surviving
64 family members who continue to use their deceased family member's handicapped parking license,
65 permit, or placard following such person's death, (ix) consider the needs and concerns of persons who
66 are deaf or hard of hearing and their usage of handicapped parking spaces, (x) review the nature and
67 amounts of fees charged to persons obtaining handicapped parking placards, and (xi) any other issue
68 relevant to the enforcement and abuse of laws regulating parking spaces reserved for handicapped
69 persons.

70 The direct costs of this study shall not exceed \$7,750.

71 The Division of Legislative Services shall provide staff support for the study. All agencies of the
72 Commonwealth, including the Office of the Attorney General, shall provide assistance to the joint
73 subcommittee, upon request.

74 The joint subcommittee shall complete its work in time to submit its findings and recommendations
75 to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the
76 Division of Legislative Automated Systems for processing legislative documents.

77 Implementation of this resolution is subject to subsequent approval and certification by the Joint
78 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
79 study.