

# VIRGINIA ACTS OF ASSEMBLY -- 1997 RECONVENED SESSION

## CHAPTER 783

*An Act to amend and reenact §§ 36-99.11, 46.2-100, 46.2-676 and 46.2-731 of the Code of Virginia, to amend the Code of Virginia by adding in Title 46.2 a chapter numbered 12.1, consisting of sections numbered 46.2-1240 through 46.2-1259, and to repeal § 46.2-1237 of the Code of Virginia, relating to parking for persons with disabilities; penalties.*

[S 845]

Approved April 2, 1997

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

**1. That §§ 36-99.11, 46.2-100, 46.2-676 and 46.2-731 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 46.2 a chapter numbered 12.1, consisting of sections numbered 46.2-1240 through 46.2-1259, as follows:**

§ 36-99.11. Identification of disabled parking spaces by above grade signage.

A. All parking spaces reserved for the use of ~~handicapped~~ persons *with disabilities* shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular space was reserved for the use of ~~handicapped~~ persons *with disabilities*. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the ~~handicapped~~ *disabled* within the meaning of this section.

B. All above grade ~~handicapped~~ *disabled* parking space signs shall have the bottom edge of the sign no lower than four feet nor higher than seven feet above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of the Uniform Statewide Building Code.

C. Building owners shall install above grade signs identifying all parking spaces reserved for the use of ~~handicapped~~ persons *with disabilities* in accordance with this section and the applicable provisions of the Uniform Statewide Building Code by January 1, 1993.

*D. Effective July 1, 1998, all disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.*

§ 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.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693(a) (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"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 § 46.2-2000; (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.

#### § 46.2-676. Golf carts.

A. No person shall be required to obtain the registration certificates, license plates or decals, or to pay any registration fee, for any golf cart which is not operated on or over any public highway in the Commonwealth for any other purpose other than operating it across a highway from one portion of a golf course to another portion thereof or to another adjacent golf course. Nor shall any person be required to obtain registration certificates, license plates or decals, or to pay any fees to operate a golf cart across any highway if the person driving the golf cart has with him in the vehicle a valid special parking placard issued to him under ~~§ 46.2-731~~ 46.2-1241.

B. No person shall be required to obtain registration certificates, license plates or decals, or to pay any registration fee to operate a golf cart along a road between his home and golf course if: (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than thirty-five miles per hour, and (iii) the driver of the vehicle is at least sixteen years old, and (iv) while operating along a highway the vehicle displays a slow-moving vehicle emblem in conformity with § 46.2-1081.

C. No person shall be required to obtain registration certificates, license plates or decals, or to pay any registration fee to operate a golf cart owned by the County of Halifax on the public highways if such golf cart displays a slow-moving vehicle emblem in conformity with § 46.2-1081 and is being operated on highways with speed limits of thirty-five miles per hour or less within the Town of Halifax on official business of the maintenance department of the County of Halifax by an employee of that Department who is a licensed driver.

§ 46.2-731. Disabled parking license plates; 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~~ 46.2-1240. 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 46.2-1240.

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 parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under § 46.2-739 shall be allowed to park the vehicle on which such license plates or placards are displayed for 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 an organizational removable windshield placard, permanent removable windshield placard or temporary 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 windshield placards or utilize the parking privilege accorded by this section when not entitled thereto.

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

#### CHAPTER 12.1.

#### PARKING FOR PERSONS WITH DISABILITIES.

##### § 46.2-1240. Definitions.

"Disabled parking sign" means any sign used to identify parking spaces for use by vehicles bearing valid organizational, permanent, or temporary removable windshield placards, disabled parking license plates, or disabled parking license plates issued under § 46.2-739. All disabled parking signs shall be erected and maintained in accordance with signage requirements specified in § 36-99.11.

"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 imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) the

seal or identifying symbol of the issuing authority.

"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 imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) 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 when at rest, his arterial oxygen tension is less than sixty millimeters of mercury on room air; (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.

Any physician certifying an applicant's disability under clause (vii) of this definition shall specify, in a space provided on the certification form, the medical condition which limits or impairs his patient's ability to walk.

"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 imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline number; (vi) a warning of the penalties for placard misuse; and (vii) the seal or other identifying symbol of the issuing authority.

#### § 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, 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 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 § 46.2-1240.

1. 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.

2. 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 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 § 46.2-1240 and shall also include the period of time that the physician 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 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 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 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.

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. 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. 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 park 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.

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.

§ 46.2-1243. Enforcement by private security guards in certain localities.

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 an ordinance promulgated under § 46.2-1242 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.

§ 46.2-1244. Volunteer disabled parking enforcement units.

A. The governing body of any county, city, or town may by ordinance provide that its law-enforcement agency establish and supervise volunteers to enforce violations of § 46.2-1242.

B. Excluding § 46.2-1242, volunteers acting pursuant to this section shall not have the power or duty to enforce any other traffic or criminal laws of the state or any county, city, or town.

C. No volunteer acting pursuant to this section shall carry a firearm or other weapon during the course of his volunteer enforcement duties.



*§ 46.2-1245. Four hours' free parking in time-restricted or metered spaces; local option.*

A. The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under subsection B of § 46.2-739 shall be allowed to park the vehicle on which such license plates or placards are displayed for up to four hours in metered or unmetered 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.

B. This section 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.

C. The governing body of any county, city, or town may by ordinance provide that this section shall not apply within the boundaries of such county, city, or town. Any county, city, or town adopting an ordinance pursuant to this subsection shall indicate by signs or other reasonable notice that the provisions of this section do not apply in such county, city, or town.

*§ 46.2-1246. Towing of unauthorized vehicles.*

A. 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.

B. 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.

*§ 46.2-1247. Counterfeiting disabled parking license plates or placards; penalty.*

A. Any person who creates a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

*§ 46.2-1248. Use of counterfeit disabled parking license plates or placards; penalty.*

A. Any person who displays a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard and parks in a disabled parking space or attempts to use the parking privileges afforded by § 46.2-1245, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

*§ 46.2-1249. Alteration of disabled parking license plates or placards; penalty.*

A. Any person who alters a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

*§ 46.2-1250. Unauthorized use of disabled parking license plates or placards; penalty.*

A. Any person who parks in a space reserved for persons with disabilities that limit or impair their ability to walk or attempts to use the parking privileges afforded by § 46.2-1245 and displays a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard which has been issued to another person, and is not transporting a person with a disability which limits or impairs his ability to walk, shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

*§ 46.2-1251. Fraudulently obtaining a disabled parking license plate or placard; penalty.*

A. Any person who makes a false statement of material fact to obtain or assist an individual in

obtaining a disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1252. Selling or exchanging a disabled parking license plate or placard; penalty.

A. Any person who sells or exchanges for consideration any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1253. Providing a disabled parking license plate or placard; penalty.

A. Any person who knowingly provides to another person, without sale or exchange of consideration, any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, permanent removable windshield placard, temporary removable windshield placard, or organizational removable windshield placard, shall be guilty of a Class 3 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1254. Photo identification.

Any law-enforcement officer or private security guard acting pursuant to § 46.2-1243 may request to examine the driver's license, state identification card, or other form of photo identification of any person using disabled parking privileges afforded by this chapter.

§ 46.2-1255. Confiscation of disabled parking placards.

A. Any law-enforcement officer or private security guard acting pursuant to § 46.2-1243 who issues a summons to or arrests an individual for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253 may confiscate the defendant's permanent, temporary, or organizational removable windshield placard and shall notify, by mail or facsimile, the Department of Motor Vehicles of such confiscation and the number of the placard involved.

B. After receiving notice specified in subsection A of this section, the Department may prohibit the issuance of any form of disabled parking license plate or placard to the defendant until the defendant's charge under §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253 reaches final disposition, including appeals.

C. Upon the defendant's acquittal for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard shall return the confiscated placard to the defendant and the court shall notify the Department of such acquittal by electronic or other means. Upon the defendant's conviction for any violation of §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard shall send the confiscated placard to the Department and the court shall notify the Department pursuant to § 46.2-1256.

§ 46.2-1256. Notice of convictions; revocation of disabled parking placards and license plates.

A. Upon the entry of a conviction under §§ 46.2-1247 through 46.2-1253, or under any ordinance which incorporates any of those sections by reference, the court shall send notice of the conviction and the number of the license plate or placard involved to the Commissioner. Such notice may be transmitted by electronic means.

B. Upon receiving notice pursuant to subsection A of this section, the Commissioner may revoke any disabled parking license plate, DV disabled parking license plate, organizational, permanent, or temporary placard of an individual or organization found guilty under §§ 46.2-1247 through 46.2-1253 if he finds, after a hearing if requested by the person to whom the license plate or placard is issued, that such person (i) is not a person with a disability that limits or impairs his ability to walk and is not otherwise eligible to be issued a license plate or a placard pursuant to §§ 46.2-731, 46.2-739, or § 46.2-1241, or (ii) is authorized to have such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so that revocation appears appropriate to remedy the abuse or misuse.

§ 46.2-1257. Invalidation and reissuance of organizational and permanent removable windshield placards.

A. Effective October 1, 1998, the Department shall mail a placard meeting the specifications set forth in §§ 46.2-1240 and 46.2-1259 to each organizational and permanent removable windshield placard holder. The Department shall instruct each organizational and permanent removable windshield placard holder to return by mail their existing placard to the Department by January 1, 1999. The Department shall conduct the exchange during a three-month period commencing October 1, 1998, and ceasing January 1, 1999.

*B. The Department shall not require valid placard holders to obtain certification that they have a disability that limits or impairs their ability to walk in order to receive a placard meeting the specifications set forth in §§ 46.2-1240 and 46.2-1259.*

*C. All placards issued by the Department pursuant to this section shall bear the valid expiration date of the placard which is replaced by the Department.*

*D. Effective January 1, 1999, any organizational removable windshield placard or permanent removable windshield placard not meeting the specifications set forth under § 46.2-1240 shall be invalid. Any person attempting to use the disabled parking privileges provided by this chapter and displaying an invalid organizational or permanent removable windshield placard may be charged with a violation of § 46.2-1242, and any invalid placard shall be subject to confiscation pursuant to § 46.2-1255.*

*§ 46.2-1258. Reciprocity.*

*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 issued in Virginia.*

*§ 46.2-1259. Placard issuance; additional requirements.*

*In developing and issuing organizational, permanent, and temporary removable windshield placards pursuant to the requirements of § 46.2-1240, the Commissioner shall, in consultation with representatives of law-enforcement and Disability Services Boards, develop and issue placards that are (i) resistant to tampering, alteration, and counterfeiting, (ii) clear and legible, and (iii) protective of the privacy rights of the placard user to the extent the requirements of § 46.2-1240 allow. The Commissioner shall begin issuing placards meeting the requirements of this section and § 46.2-1240 on July 1, 1997.*

**2. That § 46.2-1237 of the Code of Virginia is repealed.**