

972468127

HOUSE BILL NO. 2807

Offered January 20, 1997

A BILL 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 46.2-1258, and to repeal § 46.2-1237 of the Code of Virginia, relating to parking for persons with disabilities; penalties.

Patrons—Behm, Almand, Barlow, Bennett, Brickley, Connally, Crittenden, Darner, Davies, Deeds, Diamonstein, Howell, Hull, Jones, D.C., Keating, McEachin, Moore, Moran, Phillips, Shuler, Stump, Tata, Tate, Thomas, Van Landingham, Van Yahres and Watts

Referred to Committee on Counties, Cities and Towns

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 46.2-1258, 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.

INTRODUCED

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60 "Commission" means the State Corporation Commission.

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

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

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

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

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

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

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

84 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
85 which will tend to conceal the identity of a vehicle.

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

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

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

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

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

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

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

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

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

121 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make

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

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

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

131 "Mobile home" means a structure, transportable in one or more sections, which in the traveling mode
 132 is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is
 133 320 or more square feet, and which is built on a permanent chassis and designed to be used as a
 134 dwelling with or without a permanent foundation when connected to the required utilities, and includes
 135 the plumbing, heating, air conditioning, and electrical systems contained therein.

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

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

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

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

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

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

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

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

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

176 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of
 177 an agreement for its conditional sale or lease with the right of purchase on performance of the
 178 conditions stated in the agreement and with an immediate right of possession vested in the conditional
 179 vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or
 180 lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent
 181 paid by the lessee includes charges for services of any nature or when the lease does not provide that
 182 title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner

183 of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to
184 vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
185 owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of
186 private carriers.

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

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

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

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

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

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

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

215 "Residence district" means the territory contiguous to a highway, not comprising a business district,
216 where seventy-five percent or more of the property contiguous to such highway, on either side of the
217 highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land
218 improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or
219 buildings in use for business purposes.

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

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

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

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

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

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

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

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

244 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter

245 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
246 below the rearmost axle of the power unit.

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

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

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

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

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

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

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

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

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

272 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer
273 which is the subject of a bona fide written lease for a term of one year or more to another person,
274 provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted
275 common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the
276 leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the
277 lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased
278 motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor;
279 and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

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

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

289 § 46.2-676. Golf carts.

290 A. No person shall be required to obtain the registration certificates, license plates or decals, or to
291 pay any registration fee, for any golf cart which is not operated on or over any public highway in the
292 Commonwealth for any other purpose other than operating it across a highway from one portion of a
293 golf course to another portion thereof or to another adjacent golf course. Nor shall any person be
294 required to obtain registration certificates, license plates or decals, or to pay any fees to operate a golf
295 cart across any highway if the person driving the golf cart has with him in the vehicle a valid special
296 parking placard issued to him under § 46.2-73146.2-1241.

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

303 C. No person shall be required to obtain registration certificates, license plates or decals, or to pay
304 any registration fee to operate a golf cart owned by the County of Halifax on the public highways if
305 such golf cart displays a slow-moving vehicle emblem in conformity with § 46.2-1081 and is being

306 operated on highways with speed limits of thirty-five miles per hour or less within the Town of Halifax
307 on official business of the maintenance department of the County of Halifax by an employee of that
308 Department who is a licensed driver.

309 § 46.2-731. Disabled parking license plates; owners of vehicles specially equipped and used to
310 transport persons with disabilities; fees.

311 On receipt of an application, the Commissioner shall issue appropriately designed disabled parking
312 license plates to persons with physical disabilities that limit or impair their ability to walk. The
313 Commissioner shall request that the application be accompanied by a certification of a licensed
314 physician that the applicant meets the definition of "person with a disability that limits or impairs his
315 ability to walk" contained in § ~~46.2-100~~ 46.2-1240. The issuance of a disabled parking license plate
316 shall not preclude the issuance of a permanent removable windshield placard.

317 On application of an organization, the Commissioner shall issue disabled parking license plates for
318 vehicles registered in the applicant's name if the vehicles are primarily used to transport persons with
319 disabilities. The application shall include a certification by the applicant, under criteria determined by
320 the Commissioner, that the vehicle is primarily used to transport persons with disabilities that limit or
321 impair their ability to walk, as defined in § ~~46.2-100~~ 46.2-1240.

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

324 Upon application of a person with a disability that limits or impairs his ability to walk, the
325 Commissioner shall issue a permanent removable windshield placard for use on a passenger car or
326 pickup or panel truck. The Commissioner shall request that the application be accompanied by a
327 certification from a licensed physician on forms prescribed by the Commissioner that the applicant meets
328 the definition of "person with a disability that limits or impairs his ability to walk" contained in
329 § 46.2-100. The Commissioner shall provide for the renewal of such placards every five years as well as
330 a reasonable fee to be charged for each placard, but no fee shall be charged any person exempted from
331 fees in § ~~46.2-739~~. The placards shall be of a design approved by the Commissioner pursuant to the
332 specifications and definitions contained in § ~~46.2-100~~.

333 Upon the application of a person with a disability that limits or impairs his ability to walk and
334 whose disability is temporary in nature, the Commissioner shall issue a temporary removable windshield
335 placard. The application for a temporary removable windshield placard shall be accompanied by a
336 certification from a licensed physician on forms prescribed by the Commissioner that the applicant meets
337 the definition of "person with a condition that limits or impairs his ability to walk" contained in
338 § ~~46.2-100~~ and shall also include the period of time that the physician determines the applicant will have
339 the disability, not to exceed six months. The temporary removable windshield placard shall be valid for
340 the period of time for which the physician has determined that the applicant will have the disability, not
341 to exceed six months from the date of issuance. The Commissioner shall provide for a reasonable fee to
342 be charged for the placard.

343 On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other
344 institutions and organizations meeting criteria determined by the Commissioner removable organizational
345 windshield placards, as provided for in the foregoing provisions of this section, for use by volunteers
346 when transporting disabled persons in passenger vehicles and pickup or panel trucks owned by such
347 volunteers. The provisions of this section relating to other windshield placards issued under this section
348 shall also apply, mutatis mutandis, to windshield placards issued to these institutions and organizations,
349 except that windshield placards issued to institutions and agencies, in addition to their expiration date,
350 shall bear the name of the institution or organization whose volunteers will be using the windshield
351 placards rather than the name, age, and sex of the person to whom issued organizational removable
352 windshield placards.

353 The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled
354 parking license plates, organizational removable windshield placards, permanent windshield placards, or
355 temporary removable windshield placards are issued or any person to whom disabled parking license
356 plates have been issued under § ~~46.2-739~~ shall be allowed to park the vehicle on which such license
357 plates or placards are displayed for up to four hours in parking zones restricted as to length of parking
358 time permitted and shall be exempted from paying parking meter fees of any county, city, or town. The
359 provisions of this subsection shall take precedence over any county, city, or town ordinance; however,
360 this subsection shall not apply to any local ordinance which creates zones where stopping, standing, or
361 parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to
362 any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or
363 where parking would clearly present a traffic hazard.

364 No person shall use or display an organizational removable windshield placard, permanent removable
365 windshield placard or temporary removable windshield placard beyond its expiration date. It shall be
366 unlawful for any person to willfully and falsely represent himself as having the qualifications to obtain
367 the special license plates or windshield placards or utilize the parking privilege accorded by this section

368 when not entitled thereto.

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

372 CHAPTER 12.1.

373 PARKING FOR PERSONS WITH DISABILITIES.

374 § 46.2-1240. Definitions.

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

379 "Organizational removable windshield placard" means a two-sided, hooked placard which includes
380 on each side: (i) the international symbol of access at least three inches in height, centered on the
381 placard, and shown in white on a green background; (ii) the name of the institution or organization;
382 (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month
383 and year hole-punch system designed by the Department; (v) a misuse hotline number designated by the
384 Department; (vi) a warning of the penalties for placard misuse; and (vii) the seal or identifying symbol
385 of the issuing authority. Clauses (ii) through (vi) of this definition shall be imprinted by machine on all
386 organizational removable windshield placards.

387 "Permanent removable windshield placard" means a two-sided, hooked placard which includes on
388 each side: (i) the international symbol of access at least three inches in height, centered on the placard,
389 and shown in white on a blue background; (ii) the name, age, and sex of the person to whom issued;
390 (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month
391 and year hole-punch system designed by the Department; (v) a misuse hotline number designated by the
392 Department; (vi) a warning of the penalties for placard misuse; and (vii) the seal or other identifying
393 symbol of the issuing authority. Clauses (ii) through (vi) of this definition shall be imprinted by machine
394 on all permanent removable windshield placards.

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

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

409 "Temporary removable windshield placard" means a two-sided, hooked placard which includes on
410 each side: (i) the international symbol of access at least three inches in height, centered on the placard,
411 and shown in white on a red background; (ii) the name, age, and sex of the person to whom issued;
412 (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month
413 and year hole-punch system designed by the Department; (v) a misuse hotline number; (vi) a warning of
414 the penalties for placard misuse; and (vii) the seal or other identifying symbol of the issuing authority.
415 Clauses (ii) through (vi) of this definition shall be imprinted by machine on all temporary removable
416 windshield placards.

417 § 46.2-1241. Issuance of disabled parking placards.

418 A. Upon application of a person with a disability that limits or impairs his ability to walk, the
419 Commissioner shall issue a permanent removable windshield placard for use on a passenger car or
420 pickup or panel truck. The Commissioner shall require that the application be accompanied by a
421 certification from a licensed physician on forms prescribed by the Commissioner that the applicant
422 meets the definition of "person with a disability that limits or impairs his ability to walk" contained in
423 § 46.2-1240.

424 1. The Commissioner shall provide for the renewal of such placards every five years as well as a
425 reasonable fee to be charged for each placard, but no fee shall be charged any person exempted from
426 fees in § 46.2-739.

427 2. The placards shall be of a design approved by the Commissioner pursuant to the specifications
428 and definitions contained in § 46.2-1240.

429 *B. Upon the application of a person with a disability that limits or impairs his ability to walk and*
430 *whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard.*
431 *The application for a temporary removable windshield placard shall be accompanied by a certification*
432 *from a licensed physician on forms prescribed by the Commissioner that the applicant meets the*
433 *definition of "person with a condition that limits or impairs his ability to walk" contained in § 46.2-1240*
434 *and shall also include the period of time that the physician determines the applicant will have the*
435 *disability, not to exceed six months.*

436 *1. The temporary removable windshield placard shall be valid for the period of time for which the*
437 *physician has determined that the applicant will have the disability, not to exceed six months from the*
438 *date of issuance.*

439 *2. The Commissioner shall provide for a reasonable fee to be charged for the placard. The placards*
440 *shall be of a design approved by the Commissioner pursuant to the specifications and definitions*
441 *contained in § 46.2-1240.*

442 *C. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other*
443 *institutions and organizations meeting criteria determined by the Commissioner removable*
444 *organizational windshield placards, as provided for in the foregoing provisions of this section, for use*
445 *by volunteers when transporting disabled persons in passenger vehicles and pickup or panel trucks*
446 *owned by such volunteers. The provisions of this section relating to other windshield placards issued*
447 *under this section shall also apply, mutatis mutandis, to windshield placards issued to these institutions*
448 *and organizations, except that windshield placards issued to institutions and agencies, in addition to*
449 *their expiration date, shall bear the name of the institution or organization whose volunteers will be*
450 *using the windshield placards rather than the name, age, and sex of the person to whom issued*
451 *organizational removable windshield placards.*

452 *1. The Commissioner shall provide for the renewal of such placards every five years as well as a*
453 *reasonable fee to be charged for each placard.*

454 *2. The placards shall be of a design approved by the Commissioner pursuant to the specifications*
455 *and definitions contained in § 46.2-1240.*

456 *D. No person shall use or display an organizational removable windshield placard, permanent*
457 *removable windshield placard or temporary removable windshield placard beyond its expiration date.*

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

464 *§ 46.2-1242. Parking in spaces reserved for persons with disabilities; local ordinances; penalty.*

465 *A. No vehicles other than those displaying disabled parking license plates, organizational removable*
466 *windshield placards, permanent removable windshield placards, or temporary removable windshield*
467 *placards issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of*
468 *§ 46.2-739, shall park in any parking spaces reserved for persons with disabilities.*

469 *1. No person without a disability that limits or impairs his ability to walk shall park a vehicle with*
470 *disabled parking license plates, organizational removable windshield placards, permanent removable*
471 *windshield placards, temporary removable windshield placards, or DV disabled parking license plates*
472 *issued under subsection B of § 46.2-739 in a parking space reserved for persons with disabilities that*
473 *limit or impair their ability to walk except when transporting a disabled person in the vehicle.*

474 *2. A summons or parking ticket for the offense may be issued by law-enforcement officers, uniformed*
475 *law-enforcement department employees, or volunteers acting pursuant to § 46.2-1244 without the*
476 *necessity of a warrant's being obtained by the owner of any private parking area.*

477 *3. Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall*
478 *be punishable by a fine of not less than \$100 nor more than \$500. For purposes of this section, the*
479 *minimum fine of \$100 shall be considered a mandatory, minimum fine not subject to suspension by the*
480 *court.*

481 *B. The governing body of any county, city, or town may by ordinance provide that it shall be*
482 *unlawful for a vehicle not displaying disabled parking license plates, an organizational removable*
483 *windshield placard, a permanent removable windshield placard, or a temporary removable windshield*
484 *placard issued under § 46.2-1241, or DV disabled parking license plates issued under subsection B of*
485 *§ 46.2-739, to be parked in a parking space reserved for persons with disabilities that limit or impair*
486 *their ability to walk or for a person who is not limited or impaired in his ability to walk to park a*
487 *vehicle in a parking space so designated except when transporting a person with such a disability in the*
488 *vehicle.*

489 *1. Any local governing body, by such ordinance, may assess and retain a fine of not less than \$100*
490 *nor more than \$500 for its violation. All such ordinances shall specify that for purposes of the*

491 ordinance, the minimum fine of \$100 shall be considered a mandatory, minimum fine not subject to
 492 suspension by the court.

493 2. The ordinance may further provide that a summons or parking ticket for the offense may be
 494 issued by law-enforcement officers, volunteers serving in units established pursuant to § 46.2-1244, and
 495 other uniformed personnel employed by the locality to enforce parking regulations without the necessity
 496 of a warrant's being obtained by the owner of the private parking area.

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

503 D. No violation of this section or an ordinance adopted pursuant to this section shall be dismissed
 504 for a property owner's failure to comply strictly with the requirements for disabled parking signs set
 505 forth in § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for
 506 persons with disabilities that limit or impair their ability to walk.

507 § 46.2-1243. Enforcement by private security guards in certain localities.

508 The local governing bodies of Franklin County and the Cities of Danville and Martinsville may by
 509 ordinance provide that, in privately owned parking areas open to the public, a summons for violation of
 510 an ordinance promulgated under § 46.2-1242 may be issued by private security guards licensed under
 511 the provisions of Article 2.1 (§ 9-183.1 et seq.) of Chapter 27 of Title 9 and deputized to issue a
 512 summons for the offense by the chief law-enforcement officer of the county or city in which the private
 513 parking area is located.

514 § 46.2-1244. Volunteer disabled parking enforcement units.

515 A. The governing body of any county, city, or town may by ordinance provide that its
 516 law-enforcement agency establish and supervise volunteers to enforce violations of § 46.2-1242 and
 517 §§ 46.2-1247 through 46.2-1253.

518 B. Excluding § 46.2-1242 and §§ 46.2-1247 through 46.2-1253, volunteers acting pursuant to this
 519 section shall not have the power or duty to enforce any other traffic or criminal laws of the state or any
 520 county, city, or town.

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

523 § 46.2-1245. Four hours' free parking in time-restricted or metered spaces; local option.

524 A. The disabled person, vehicle owner, or volunteer for an institution or organization to which
 525 disabled parking license plates, organizational removable windshield placards, permanent windshield
 526 placards, or temporary removable windshield placards are issued or any person to whom disabled
 527 parking license plates have been issued under subsection B of § 46.2-739 shall be allowed to park the
 528 vehicle on which such license plates or placards are displayed for up to four hours in metered or
 529 unmetered parking zones restricted as to length of parking time permitted and shall be exempted from
 530 paying parking meter fees of any county, city, or town.

531 B. This section shall not apply to any local ordinance which creates zones where stopping, standing,
 532 or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply
 533 to any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours,
 534 or where parking would clearly present a traffic hazard.

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

539 § 46.2-1246. Towing of unauthorized vehicles.

540 A. The owner or duly authorized agent of the owner of a parking space properly designated and
 541 clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk
 542 may have any vehicle not displaying disabled parking license plates, organizational removable
 543 windshield placards, permanent removable windshield placards, temporary removable windshield
 544 placards, or DV disabled parking license plates removed from the parking space and stored.

545 B. The owner of a vehicle which has been removed and stored may regain possession of his vehicle
 546 on payment to the person or persons who removed and stored the vehicle all reasonable costs incidental
 547 to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent
 548 of the owner of the parking space, may also petition the general district court having jurisdiction over
 549 the location where the parking occurred for an immediate determination as to whether the removal of
 550 the vehicle was lawful. If the court finds that the removal was unlawful, the court shall direct the owner
 551 of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the

552 *vehicle to its owner.*

553 *§ 46.2-1247. Counterfeiting disabled parking license plates or placards; penalty.*

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

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

560 *§ 46.2-1248. Use of counterfeit disabled parking license plates or placards; penalty.*

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

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

568 *§ 46.2-1249. Alteration of disabled parking license plates or placards; penalty.*

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

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

575 *§ 46.2-1250. Unauthorized use of disabled parking license plates or placards; penalty.*

576 *A. Any person who parks in a space reserved for persons with disabilities that limit or impair their*
577 *ability to walk or attempts to use the parking privileges afforded by § 46.2-1245 and displays a disabled*
578 *parking license plate, DV disabled parking license plate which has been issued under subsection B of*
579 *§ 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or*
580 *temporary removable windshield placard which has been issued to another person, and is not*
581 *transporting a person with a disability which limits or impairs his ability to walk, shall be guilty of a*
582 *Class 2 misdemeanor.*

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

585 *§ 46.2-1251. Fraudulently obtaining a disabled parking license plate or placard; penalty.*

586 *A. Any person who makes a false statement of material fact to obtain or assist an individual in*
587 *obtaining a disabled parking license plate, DV disabled parking license plate which has been issued*
588 *under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable*
589 *windshield placard, or temporary removable windshield placard shall be guilty of a Class 2*
590 *misdemeanor.*

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

593 *§ 46.2-1252. Selling or exchanging a disabled parking license plate or placard; penalty.*

594 *A. Any person who sells or exchanges for consideration any valid, altered, or counterfeit disabled*
595 *parking license plate, DV disabled parking license plate which has been issued under subsection B of*
596 *§ 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or*
597 *temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.*

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

600 *§ 46.2-1253. Providing a disabled parking license plate or placard; penalty.*

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

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

608 *§ 46.2-1254. Photo identification.*

609 *Any law-enforcement officer, private security guard acting pursuant to § 46.2-1243, or volunteer*
610 *acting pursuant to § 46.2-1244 may request to examine the driver's license, state identification card, or*
611 *other form of photo identification of any person using disabled parking privileges afforded by this*
612 *chapter.*

613 *§ 46.2-1255. Confiscation of disabled parking placards.*

614 A. Any law-enforcement officer, private security guard acting pursuant to § 46.2-1243, or volunteer
 615 acting pursuant to § 46.2-1244 who issues a summons to or arrests an individual for any violation of
 616 §§ 46.2-1247 through 46.2-1253 may confiscate the defendant's permanent, temporary, or organizational
 617 removable windshield placard and shall notify the Department of Motor Vehicles of such confiscation.

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

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

627 § 46.2-1256. Notice of convictions; revocation of disabled parking placards and license plates.

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

632 B. Upon receiving notice pursuant to subsection A of this section, the Commissioner may revoke any
 633 disabled parking license plate, DV disabled parking license plate, organizational, permanent, or
 634 temporary placard of an individual or organization found guilty under §§ 46.2-1247 through 46.2-1253
 635 if he finds, after a hearing if requested by the person to whom the license plate or placard is issued,
 636 that such person (i) is not a person with a disability that limits or impairs his ability to walk and is not
 637 otherwise eligible to be issued a license plate or a placard pursuant to §§ 46.2-731, 46.2-739, or
 638 46.2-1241, or (ii) is authorized to have such license plate or placard but has allowed the abuse or
 639 misuse of the privilege granted thereby so that revocation appears appropriate to remedy the abuse or
 640 misuse.

641 § 46.2-1257. Invalidation and re-issuance of organizational and permanent removable windshield
 642 placards.

643 A. Effective October 1, 1998, the Department shall notify each organizational and permanent
 644 removable windshield placard holder to return such placard to the Department in exchange for a
 645 placard meeting the specifications set forth in § 46.2-1240. The Department shall conduct the exchange
 646 during a three-month period commencing October 1, 1998, and ceasing January 1, 1999.

647 B. Placard holders shall return their placards to the Department by mail or in person and upon such
 648 return, the Department shall issue a placard meeting the specifications set forth § 46.2-1240. The
 649 Department shall not require placard holders to obtain certification that they have a disability that
 650 limits or impairs their ability to walk in order to complete the placard exchange.

651 C. All placards issued by the Department pursuant to this section shall bear the valid expiration date
 652 of the placard which was returned to the Department.

653 D. Effective January 1, 1999, any organizational removable windshield placard or permanent
 654 removable windshield placard not meeting the specifications set forth under § 46.2-1240 shall be invalid.
 655 Any person attempting to use the disabled parking privileges provided by this chapter and displaying an
 656 invalid organizational or permanent removable windshield placard may be charged with a violation of
 657 § 46.2-1242, and any invalid placard shall be subject to confiscation pursuant to § 46.2-1255.

658 § 46.2-1258. Reciprocity.

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

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