

1 SB401  
2 139034-2  
3 By Senators Bedford, Ward, and Irons  
4 RFD: Judiciary  
5 First Read: 15-MAR-12

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Section 32-6-233.1, Code of Alabama 1975,  
12 to allow local authorities to authorize disabled individuals  
13 to issue citations to violators of special access or  
14 disability parking spaces; and to provide that the amount of  
15 the fine for violating this law is not required to be  
16 displayed or attached to any sign designating a special access  
17 or disability parking space.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 32-6-233.1, Code of Alabama 1975,  
20 is amended to read as follows:

21 "§32-6-233.1.

22 "(a) It shall be unlawful for any person who does  
23 not have a distinctive special long-term access or long-term  
24 disability access license plate or placard with identifying  
25 information on the placard, or a temporary disability placard  
26 as provided in Section 32-6-231, to park a motor vehicle in a  
27 parking place designated for individuals with disabilities at

1 any place of public accommodation, any business or legal  
2 entity engaged in interstate commerce or which is subject to  
3 any federal or state laws requiring access by persons with  
4 disabilities, any amusement or resort or any other place to  
5 which the general public is invited or solicited, even though  
6 located on private property, and upon conviction,  
7 notwithstanding any other penalty provision which may be  
8 authorized or employed, shall be fined a minimum of fifty  
9 dollars (\$50) for the first offense, a minimum of two hundred  
10 dollars (\$200) for the second offense, and a minimum of five  
11 hundred dollars (\$500) for the third or any subsequent  
12 offense. In addition, for the second or any subsequent offense  
13 under this section, the person shall be ordered by the court  
14 to perform a minimum of 40 hours of either of the following  
15 forms of community service:

16 "(1) Community service for a nonprofit organization  
17 that serves the disabled community or serves persons who have  
18 a disabling disease.

19 "(2) Any other community service that may sensitize  
20 the persons to the needs and obstacles faced daily by persons  
21 who have disabilities.

22 "(b) Any authorized municipal, county, or state law  
23 enforcement officer may go on private property to enforce this  
24 section.

25 "(c) (1) This section may be enforced by any law  
26 enforcement officer who has successfully complied with the  
27 minimum standards for police officers as set forth in Section

1 36-21-46, including, but not limited to, municipal law  
2 enforcement officers, sheriffs, deputy sheriffs, and Alabama  
3 State Troopers.

4 "(2) Counties and municipalities, by ordinance or  
5 resolution, may authorize, within their respective  
6 jurisdictions, disabled individuals to issue citations to  
7 persons or vehicles for violations of subsection (a). The form  
8 of the citation and procedures for its issuance shall be  
9 prescribed by the county or municipality.

10 "(d) Any sign designating a ~~handicapped~~ special  
11 access parking or disability parking place ~~shall~~ may contain  
12 on the sign or attached to the sign the amount of the fine for  
13 a parking violation on the first offense pursuant to  
14 subsection (a).

15 "(e) If the law enforcement officer who issues the  
16 special access parking or disability parking violation is  
17 employed by a local law enforcement agency, 50 percent of the  
18 fines collected pursuant to this section shall be paid to the  
19 municipal or county general fund for the use of the law  
20 enforcement agency by whom the arresting officer is employed,  
21 with the remainder to be remitted to the State Treasury, to be  
22 deposited in a separate fund to be distributed 50 percent to  
23 the Administrative Office of Courts, to be expended for  
24 support of the trial courts and 50 percent to the Department  
25 of Mental Health, to be expended for the Individual and Family  
26 Support Program for persons with developmental disabilities.

1            "If the law enforcement officer who issues the  
2 special access parking or disability access parking violation  
3 is employed by a state law enforcement agency, the fines  
4 collected pursuant to this section shall be remitted to the  
5 State Treasury, to be deposited in a separate fund to be  
6 distributed 50 percent to the law enforcement agency by whom  
7 the arresting officer is employed, 25 percent to the  
8 Administrative Office of Courts, to be expended for support of  
9 the trial courts and 25 percent to the Department of Mental  
10 Health, to be expended for the Individual and Family Support  
11 Program for persons with developmental disabilities. If the  
12 special access parking or disability parking violation is  
13 issued by an individual, 50 percent of the fines collected  
14 pursuant to this section shall be paid to the municipal  
15 government with the remainder to be remitted to the State  
16 Treasury, to be deposited in a separate fund to be distributed  
17 50 percent to the Administrative Office of Courts, to be  
18 expended for support of the trial courts and 50 percent to the  
19 Department of Mental Health, to be expended for the Individual  
20 and Family Support Program for persons with developmental  
21 disabilities.

22            "All funds deposited to a separate fund in the State  
23 Treasury pursuant to this subsection to be expended by the  
24 Department of Mental Health, the Administrative Office of  
25 Courts and state law enforcement agencies shall be  
26 appropriated by the Legislature, for the purposes stated in  
27 this subsection. The expenditure of said sums so appropriated

1 shall be budgeted and allotted pursuant to the Budget  
2 Management Act and Article 4 of Chapter 4 of Title 41. No  
3 monies deposited to this fund shall revert to the State  
4 General Fund at the end of any fiscal year. Prior to the  
5 release of any monies to the Individual and Family Support  
6 Program, such expenditures shall first be approved by the  
7 Commissioner of the Department of Mental Health.

8 "(f) This section shall be held in pari materia with  
9 all other provisions of law related to illegal special access  
10 parking or disability access parking violations and all laws  
11 or parts of laws which conflict with this section are  
12 repealed."

13 Section 2. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	15-MAR-12
Read for the second time and placed on the calen- dar 1 amendment.....	12-APR-12
Read for the third time and passed as amended ....	03-MAY-12

Yeas 29  
Nays 0

Patrick Harris  
Secretary