

1 SB32
2 127233-3
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/10/2011

1 SB32

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 32-6-231 and 32-6-233.1 of the
12 Code of Alabama 1975, relating to handicapped parking placards
13 and parking space signs; to further require that a person
14 using handicapped parking have a disability that impedes
15 mobility; to prohibit parking a motor vehicle so as to
16 restrict access to public transportation under certain
17 conditions; to allow municipalities to deputize trained
18 persons under certain conditions; and to authorize the use of
19 bollards.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 32-6-231 and 32-6-233.1 of the
22 Code of Alabama 1975, are amended to read as follows:

23 "§32-6-231.

24 "(a) Any person who submits to the license issuing
25 official a completed special access parking or disability
26 access parking application form approved by the Commissioner

1 of Revenue which includes the physician's certification that
2 he or she is an individual with a disability that impedes
3 mobility shall be issued one removable windshield placard
4 displaying the International Symbol of Access thereby
5 designating the driver of the vehicle or the passenger as
6 being an individual with a disability that impedes mobility.

7 "(1) The removable windshield placard shall be
8 prepared by the commissioner in conformity to Public Law
9 100-641 and rulemaking resulting therefrom.

10 "(2) a. The removable windshield placard issued to
11 the individual with a long-term disability shall expire after
12 a maximum period of five years or any period less than five
13 years to be designated by the commissioner. The placard shall
14 clearly reveal the expiration date and shall be designed in
15 accordance with Public Law 100-641 and rulemaking resulting
16 therefrom to hang from the front windshield rearview mirror
17 when the vehicle is parked in a parking space reserved for
18 persons with disabilities. If the vehicle lacks a rearview
19 mirror, the placard shall be placed on the dashboard with the
20 expiration date visible.

21 "b. The commissioner may require all persons with
22 long-term disabilities to be recertified by a licensed
23 physician before special access or disability access parking
24 removable windshield placards may be reissued.

25 "(3) In the event that an individual with a
26 disability does not have the distinctive special access or

1 disability access license plate as provided by Sections
2 40-12-300 to 40-12-302, inclusive, upon request, a second
3 placard may be issued.

4 "(b) The commissioner may make any rules or
5 regulations necessary to administer this division.

6 "(c) An individual with a temporary disability who
7 submits to the license issuing official a completed special
8 access or disability access application form approved by the
9 commissioner which includes the physician's certification that
10 he or she is a temporarily disabled individual, shall be
11 issued one temporary removable windshield placard for a period
12 valid up to six months.

13 "(d) Any special access or disability access placard
14 that is not in conformity with the federal system rule for
15 handicapped parking, Public Law 100-641 and subsequent Rule 23
16 CFR § 1235, shall not be recognized as a valid handicapped
17 parking credential.

18 "§32-6-233.1.

19 "(a) It shall be unlawful for any person who does
20 not have a distinctive special long-term access or long-term
21 disability access license plate or placard or temporary
22 disability placard as provided in Section 32-6-231, to park a
23 motor vehicle in a parking place designated for individuals
24 with disabilities at any place of public accommodation, any
25 business or legal entity engaged in interstate commerce or
26 which is subject to any federal or state laws requiring access

1 by persons with disabilities, any amusement or resort or any
2 other place to which the general public is invited or
3 solicited, even though located on private property, ~~and upon.~~
4 It shall also be unlawful and a violation of this section for
5 a person to park a vehicle and restrict access of a person
6 with disabilities to a public transportation bus stop or
7 shelter or the access aisle of a handicapped parking space.
8 Upon conviction, notwithstanding any other penalty provision
9 which may be authorized or employed, a person violating this
10 subsection shall be fined a minimum of fifty dollars (\$50) for
11 the first offense, a minimum of two hundred dollars (\$200) for
12 the second offense, and a minimum of five hundred dollars
13 (\$500) for the third or any subsequent offense. In addition,
14 for the second or any subsequent offense under this section,
15 the person shall be ordered by the court to perform a minimum
16 of 40 hours of either of the following forms of community
17 service:

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

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

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

1 "(c) This section may be enforced by any law
2 enforcement officer who has successfully complied with the
3 minimum standards for police officers as set forth in Section
4 36-21-46, including, but not limited to, municipal law
5 enforcement officers, sheriffs, deputy sheriffs, and Alabama
6 State Troopers.

7 "(d) A municipality may deputize a trained person to
8 issue parking tickets to persons who violate this section. The
9 training of the person authorized to issue the tickets shall
10 be determined by the municipality.

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

15 "~~(e)~~ (f) If the law enforcement officer who issues
16 the 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.

12 "All funds deposited to a separate fund in the State
13 Treasury pursuant to this subsection to be expended by the
14 Department of Mental Health, the Administrative Office of
15 Courts and state law enforcement agencies shall be
16 appropriated by the Legislature, for the purposes stated in
17 this subsection. The expenditure of said sums so appropriated
18 shall be budgeted and allotted pursuant to the Budget
19 Management Act and Article 4 of Chapter 4 of Title 41. No
20 monies deposited to this fund shall revert to the State
21 General Fund at the end of any fiscal year. Prior to the
22 release of any monies to the Individual and Family Support
23 Program, such expenditures shall first be approved by the
24 Commissioner of the Department of Mental Health.

25 "(g) A bollard may be placed in the middle of the
26 access aisle next to a handicapped parking space to prevent

1 motor vehicles from parking in the access aisle. The bollard
2 shall be painted yellow and spaced so as to allow a wheelchair
3 user access around the bollard. For the purposes of this
4 subsection, the term "bollard" means a short vertical post
5 used to obstruct the passage of motor vehicles.

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

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 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..... 01-MAR-11

Read for the second time and placed on the calen-
dar with 1 substitute and..... 24-MAR-11

Read for the third time and passed as amended 31-MAR-11

Yeas 29
Nays 0
Abstaining 1

Patrick Harris
Secretary