

1 HB92
2 189390-1
3 By Representative Moore (B)
4 RFD: Military and Veterans Affairs
5 First Read: 09-JAN-18
6 PFD: 01/08/2018

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8 SYNOPSIS: Under existing law, a distinctive permanent
9 license plate is issued to certain residents who
10 are recipients of certain military honors and to
11 certain residents who are recognized as former
12 prisoners of war.

13 This bill would provide for the issuance of
14 a removable windshield placard to certain residents
15 who are recipients of certain military honors and
16 to certain residents who are recognized as former
17 prisoners of war.

18 This bill would provide that it is unlawful
19 for a person to park a motor vehicle at any place
20 of public accommodation that is designated for an
21 individual who has received a specific military
22 honor or for an individual with a specific veteran
23 status who does not have the corresponding
24 distinctive license plate or removable windshield
25 placard.

26 This bill would provide for an affirmative
27 defense to a prosecution of the bill for an

1 individual who is in fact a recipient of the
2 designated military honor or who is in fact
3 recognized as a former prisoner of war.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment. However,
20 the bill does not require approval of a local
21 governmental entity or enactment by a 2/3 vote to
22 become effective because it comes within one of the
23 specified exceptions contained in the amendment.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to license tags and plates; to provide for
3 the issuance of a removable windshield placard to certain
4 recipients of certain military honors or who are recognized as
5 having a certain veteran status; to provide that it is
6 unlawful to park in certain parking spaces designated for
7 recipients of a certain military honor or for individuals with
8 a specific veteran status under certain conditions; to provide
9 for an affirmative defense; to provide for criminal penalties;
10 and in connection therewith would have as its purpose or
11 effect the requirement of a new or increased expenditure of
12 local funds within the meaning of Amendment 621 of the
13 Constitution of Alabama of 1901, now appearing as Section
14 111.05 of the Official Recompilation of the Constitution of
15 Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) Any person who submits to the
18 Department of Veterans Affairs an application which includes
19 satisfactory proof that he or she is a recipient of the Medal
20 of Honor, the Purple Heart Medal, the Army Distinguished
21 Service Cross, the Navy Cross, the Air Force Cross, the Silver
22 Star, or the Bronze Star, or satisfactory proof that he or she
23 was a duly recognized former prisoner of war, shall be issued
24 a removable windshield placard displaying the appropriate
25 military honor or veteran status. The application shall be on
26 a form approved by the Department of Veterans Affairs. There
27 shall be no fee for the removable windshield placard.

1 (b) The removable windshield placard shall be
2 prepared by the Department of Veterans Affairs in cooperation
3 with the Department of Revenue.

4 (c) The removable windshield placard shall be
5 designed to hang from the front windshield rearview mirror
6 when the vehicle is parked in a parking space reserved for
7 persons with the corresponding military honor or veteran
8 status. If the vehicle lacks a rearview mirror, the placard
9 shall be placed on the dashboard.

10 (d) The Commissioner of the Department of Veterans
11 Affairs may adopt rules necessary to implement and administer
12 this act.

13 Section 2. (a) It shall be unlawful for any person
14 to park a motor vehicle in a parking place at any place of
15 public accommodation that is designated for an individual who
16 has received a specific military honor or for an individual
17 with a specific veteran status who does not have the
18 corresponding distinctive license plate as provided in Section
19 32-6-250, Code of Alabama 1975, or the corresponding removable
20 windshield placard as provided in Section 1.

21 (b) A violation of this section results in a fine of
22 twenty-five dollars (\$25) for a first offense, fifty dollars
23 (\$50) for a second offense, and one hundred dollars (\$100) for
24 a third or subsequent offense.

25 (c) It shall be an affirmative defense to a
26 prosecution under this section if the defendant is in fact a
27 recipient of the military honor or has the veteran status that

1 was designated at the parking place at which the alleged
2 violation occurred.

3 (d) Any authorized municipal, county, or state law
4 enforcement officer may enter upon private property to enforce
5 this section.

6 (e) This section may be enforced by any law
7 enforcement officer who has successfully complied with the
8 minimum standards for police officers as set forth in Section
9 36-21-46, Code of Alabama 1975, including, but not limited to,
10 municipal law enforcement officers, sheriffs, deputy sheriffs,
11 and Alabama State Troopers.

12 (f) (1) If the law enforcement officer who issues the
13 parking violation under this section is employed by a local
14 law enforcement agency, 50 percent of the fine collected under
15 this section shall be paid to the municipal or county general
16 fund for the use of the law enforcement agency by which the
17 arresting officer is employed. The remainder shall be remitted
18 to the State Treasury, to be deposited in a separate fund, to
19 be distributed as follows:

20 a. Fifty percent to the Administrative Office of
21 Courts.

22 b. Fifty percent to the Department of Veterans
23 Affairs.

24 (2) If the law enforcement officer who issues the
25 parking violation is employed by a state law enforcement
26 agency, the fine collected under this section shall be

1 remitted to the State Treasury, to be deposited in a separate
2 fund and distributed as follows:

3 a. Fifty percent to the law enforcement agency of
4 the arresting officer.

5 b. Twenty-five percent to the Administrative Office
6 of Courts.

7 c. Twenty-five percent to the Department of Veterans
8 Affairs.

9 (3) All funds remitted to the State Treasury and
10 deposited into a separate fund under this subsection shall be
11 budgeted and allotted in accordance with Sections 41-4-80
12 through 41-4-96 and Sections 41-19-1 through 41-19-12, Code of
13 Alabama 1975.

14 Section 3. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.