

1 HB25
2 156934-3
3 By Representative Johnson (K)
4 RFD: Public Safety and Homeland Security
5 First Read: 03-MAR-15
6 PFD: 02/18/2015

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ENROLLED, An Act,

To amend Section 32-6-233.1, Code of Alabama 1975, relating to disability access parking; to provide that the amount of the fine for violating this law is not required to be displayed or attached to any sign designating a special access or disability parking space.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-6-233.1.

"(a) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard as provided in Section 32-6-231, to park a motor vehicle in a parking place designated for individuals with disabilities at any place of public accommodation, any business or legal entity engaged in interstate commerce or which is subject to any federal or state laws requiring access by persons with disabilities, any amusement or resort or any other place to which the general public is invited or solicited, even though located on private property, and upon conviction, notwithstanding any other penalty provision which may be authorized or employed, shall be fined a minimum of fifty dollars (\$50) for the first offense, a minimum of two

1 hundred dollars (\$200) for the second offense, and a minimum
2 of five hundred dollars (\$500) for the third or any subsequent
3 offense. In addition, for the second or any subsequent offense
4 under this section, the person shall be ordered by the court
5 to perform a minimum of 40 hours of either of the following
6 forms of community service:

7 "(1) Community service for a nonprofit organization
8 that serves the disabled community or serves persons who have
9 a disabling disease.

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

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

16 "(c) This section may be enforced by any law
17 enforcement officer who has successfully complied with the
18 minimum standards for police officers as set forth in Section
19 36-21-46, including, but not limited to, municipal law
20 enforcement officers, sheriffs, deputy sheriffs, and Alabama
21 State Troopers.

22 A person issued a long-term special access or
23 disability access placard or a temporary disability placard
24 must be the driver or a passenger in a vehicle parked in a
25 special access or disability parking place. Any law

1 enforcement officer enforcing this section may ask for
2 verification that the person issued the placard is the driver
3 or passenger in the parked vehicle.

4 "(d) Any sign designating a ~~handicapped~~ special
5 access parking or disability parking place ~~shall~~ may contain
6 on the sign or attached to the sign the amount of the fine for
7 a parking violation on the first offense pursuant to
8 subsection (a).

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

21 "If the law enforcement officer who issues the
22 special access parking or disability access parking violation
23 is employed by a state law enforcement agency, the fines
24 collected pursuant to this section shall be remitted to the
25 State Treasury, to be deposited in a separate fund to be

1 distributed 50 percent to the law enforcement agency by whom
2 the arresting officer is employed, 25 percent to the
3 Administrative Office of Courts, to be expended for support of
4 the trial courts and 25 percent to the Department of Mental
5 Health, to be expended for the Individual and Family Support
6 Program for persons with developmental disabilities.

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

20 "(f) This section shall be held in pari materia with
21 all other provisions of law related to illegal special access
22 parking or disability access parking violations and all laws
23 or parts of laws which conflict with this section are
24 repealed."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 31-MAR-15, as amended.

Jeff Woodard
Clerk

Senate

19-MAY-15

Passed