

1 SB157
2 115175-2
3 By Senator Dixon
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 12-JAN-10

1 SB157

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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 relating to the unauthorized parking of motor vehicles in
13 handicapped parking spaces; to provide that it shall be
14 unlawful for a person to park a motor vehicle used for
15 transporting disabled individuals in any parking place
16 designated for individuals with disabilities on public or
17 private property; to prohibit parking a motor vehicle so as to
18 block access to public transportation under certain
19 conditions; to provide that violations will be subject to
20 existing penalties; and in connection therewith would have as
21 its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official ReCompilation of the
25 Constitution of Alabama of 1901, as amended.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§32-6-233.1.

4 "(a) It shall be unlawful for any person ~~who does~~
5 ~~not have a distinctive special long-term access or long-term~~
6 ~~disability access license plate or placard or temporary~~
7 ~~disability placard as provided in Section 32-6-231,~~ to park a
8 motor vehicle on public or private property in a parking place
9 designated for individuals with disabilities ~~at any place of~~
10 ~~public accommodation, any business or legal entity engaged in~~
11 ~~interstate commerce or which is subject to any federal or~~
12 ~~state laws requiring access by persons with disabilities, any~~
13 ~~amusement or resort or any other place to which the general~~
14 ~~public is invited or solicited, even though located on private~~
15 ~~property, and upon conviction, notwithstanding~~ unless the
16 motor vehicle displays a distinctive long-term special access
17 or long-term disability access license plate or placard or
18 temporary disability placard issued pursuant to Section
19 32-6-231 and the motor vehicle is being parked in connection
20 with the transportation of a qualified disabled individual.

21 It shall also be unlawful and a violation of this
22 section for a person to park a vehicle and block access to a
23 public transportation bus stop if the parked vehicle prevents
24 access to public transportation by persons with disabilities
25 using mobility devices. ~~Notwithstanding~~ any other penalty
26 provision which may be authorized or employed, a person
27 violating this section shall be fined a minimum of fifty

1 dollars (\$50) for the first offense, a minimum of two hundred
2 dollars (\$200) for the second offense, and a minimum of five
3 hundred dollars (\$500) for the third or any subsequent
4 offense. In addition, for the second or any subsequent offense
5 under this section, the person shall be ordered by the court
6 to perform a minimum of 40 hours of either of the following
7 forms of community service:

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

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

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

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

23 "(d) Any sign designating a handicapped parking
24 place shall contain on the sign or attached to the sign the
25 amount of the fine for a parking violation on the first
26 offense pursuant to subsection (a).

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

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

26 "All funds deposited to a separate fund in the State
27 Treasury pursuant to this subsection to be expended by the

1 Department of Mental Health and Mental Retardation, the
2 Administrative Office of Courts and state law enforcement
3 agencies shall be appropriated by the Legislature, for the
4 purposes stated in this subsection. The expenditure of said
5 sums so appropriated shall be budgeted and allotted pursuant
6 to the Budget Management Act and Article 4 of Chapter 4 of
7 Title 41. No monies deposited to this fund shall revert to the
8 State General Fund at the end of any fiscal year. Prior to the
9 release of any monies to the Individual and Family Support
10 Program, such expenditures shall first be approved by the
11 Commissioner of the Department of Mental Health and Mental
12 Retardation.

13 "(f) This section shall be held in pari materia with
14 all other provisions of law related to illegal special access
15 parking or disability access parking violations and all laws
16 or parts of laws which conflict with this section are
17 repealed."

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. 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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Senate

Read for the first time and referred to the Senate
committee on Commerce, Transportation, and Utili-
ties 12-JAN-10

Read for the second time and placed on the calen-
dar 02-FEB-10

Read for the third time and passed as amended ... 18-FEB-10

Yeas 23
Nays 0

McDowell Lee
Secretary