

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

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8 SYNOPSIS: Under existing law, it is unlawful for any
9 person who does not have a distinctive special
10 long-term access or long-term disability access
11 license plate or placard or temporary disability
12 placard to park a motor vehicle in a parking place
13 designated for individuals with disabilities at any
14 place of public accommodation, any business or
15 legal entity engaged in interstate commerce or
16 which is subject to any federal or state laws
17 requiring access by persons with disabilities, any
18 amusement or resort or any other place to which the
19 general public is invited or solicited.

20 This bill would provide that it would be
21 unlawful for a person to park a motor vehicle in
22 any parking place on public or private property
23 designated for individuals with disabilities unless
24 the vehicle is displaying a handicapped license
25 plate or placard and the motor vehicle is being
26 parked in connection with the transportation of a
27 qualified disabled individual.

1 Any violation of this law as amended would
2 be subject to existing penalties.

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

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

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 32-6-233.1, Code of Alabama 1975,
2 relating to the unauthorized parking of motor vehicles in
3 handicapped parking spaces; to provide that it shall be
4 unlawful for a person to park a motor vehicle used for
5 transporting disabled individuals in any parking place
6 designated for individuals with disabilities on public or
7 private property; to provide that violations will be subject
8 to existing penalties; and in connection therewith would have
9 as its purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§32-6-233.1.

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

1 ~~public is invited or solicited, even though located on private~~
2 ~~property, and upon conviction, notwithstanding unless the~~
3 ~~motor vehicle displays a distinctive long-term special access~~
4 ~~or long-term disability access license plate or placard or~~
5 ~~temporary disability placard issued pursuant to Section~~
6 ~~32-6-231 and the motor vehicle is being parked in connection~~
7 ~~with the transportation of a qualified disabled individual.~~
8 Notwithstanding any other penalty provision which may be
9 authorized or employed, a person violating this section shall
10 be fined a minimum of fifty dollars (\$50) for the first
11 offense, a minimum of two hundred dollars (\$200) for the
12 second offense, and a minimum of five hundred dollars (\$500)
13 for the third or any subsequent offense. In addition, for the
14 second or any subsequent offense under this section, the
15 person shall be ordered by the court to perform a minimum of
16 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) Any sign designating a handicapped parking
8 place shall contain on the sign or attached to the sign the
9 amount of the fine for a parking violation on the first
10 offense pursuant to subsection (a).

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

24 "If the law enforcement officer who issues the
25 special access parking or disability access parking violation
26 is employed by a state law enforcement agency, the fines
27 collected pursuant to this section shall be remitted to the

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

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

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

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

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