

1 SB32  
2 125519-1  
3 By Senator Coleman  
4 RFD: Judiciary  
5 First Read: 01-MAR-11  
6 PFD: 02/10/2011

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8 SYNOPSIS: Existing law requires a person who uses  
9 handicapped parking to have a disability.

10 This bill would further require the person  
11 to have a physical disability that impedes mobility  
12 in order for a person to use handicapped parking.

13 Existing law provides for the issuance of  
14 removable windshield placards to individuals who  
15 are disabled.

16 This bill would authorize the Commissioner  
17 of the Department of Revenue to require the  
18 removable windshield placard to have printed on it  
19 a photograph of the person to whom the placard was  
20 issued.

21 This bill would authorize the commissioner  
22 to implement a fee for the cost of a photo placard.

23 This bill would prohibit parking a motor  
24 vehicle so as to restrict access to public  
25 transportation under certain conditions.

26 This bill would allow municipalities to  
27 deputize trained persons to issue parking tickets

1 to persons who illegally park in a handicapped  
2 parking space.

3 This bill would authorize the use of  
4 bollards in the access aisle next to a handicapped  
5 parking space.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
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 physical disability that  
15 impedes mobility; to authorize the Commissioner of the  
16 Department of Revenue to require the removable windshield  
17 placard to have printed on it a photograph of the person to  
18 whom the placard was issued; to authorize the commissioner to  
19 implement a fee for the cost of a photo placard; to prohibit  
20 parking a motor vehicle so as to restrict access to public  
21 transportation under certain conditions; to allow  
22 municipalities to deputize trained persons under certain  
23 conditions; and to authorize the use of bollards.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§32-6-231.

1           "(a) Any person who submits to the license issuing  
2 official a completed special access parking or disability  
3 access parking application form approved by the Commissioner  
4 of Revenue which includes the physician's certification that  
5 he or she is an individual with a physical disability that  
6 impedes mobility shall be issued one removable windshield  
7 placard displaying the International Symbol of Access thereby  
8 designating the driver of the vehicle or the passenger as  
9 being an individual with a physical disability that impedes  
10 mobility.

11           "(1) The removable windshield placard shall be  
12 prepared by the commissioner in conformity to Public Law  
13 100-641 and rulemaking resulting therefrom. The commissioner,  
14 by rule, may require the removable windshield placard to have  
15 printed on it a photograph of the person to whom the placard  
16 was issued.

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

1            "b. The commissioner may require all persons with  
2 long-term disabilities to be recertified by a licensed  
3 physician before special access or disability access parking  
4 removable windshield placards may be reissued.

5            "(3) In the event that an individual with a  
6 disability does not have the distinctive special access or  
7 disability access license plate as provided by Sections  
8 40-12-300 to 40-12-302, inclusive, upon request, a second  
9 placard may be issued.

10            "(b) The commissioner may make any rules or  
11 regulations necessary to administer this division including  
12 authorizing a fee for the cost of a photo placard.

13            "(c) An individual with a temporary disability who  
14 submits to the license issuing official a completed special  
15 access or disability access application form approved by the  
16 commissioner which includes the physician's certification that  
17 he or she is a temporarily disabled individual, shall be  
18 issued one temporary removable windshield placard for a period  
19 valid up to six months.

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

25            "§32-6-233.1.

26            "(a) It shall be unlawful for any person who does  
27 not have a distinctive special long-term access or long-term

1 disability access license plate or placard or temporary  
2 disability placard as provided in Section 32-6-231, to park a  
3 motor vehicle in a parking place designated for individuals  
4 with disabilities at any place of public accommodation, any  
5 business or legal entity engaged in interstate commerce or  
6 which is subject to any federal or state laws requiring access  
7 by persons with disabilities, any amusement or resort or any  
8 other place to which the general public is invited or  
9 solicited, even though located on private property, ~~and upon.~~  
10 It shall also be unlawful and a violation of this section for  
11 a person to park a vehicle and restrict access of a person  
12 with disabilities to a public transportation bus stop or  
13 shelter or the access aisle of a handicapped parking space.  
14 Upon conviction, notwithstanding any other penalty provision  
15 which may be authorized or employed, a person violating this  
16 subsection shall be fined a minimum of fifty dollars (\$50) for  
17 the first offense, a minimum of two hundred dollars (\$200) for  
18 the second offense, and a minimum of five hundred dollars  
19 (\$500) for the third or any subsequent offense. In addition,  
20 for the second or any subsequent offense under this section,  
21 the person shall be ordered by the court to perform a minimum  
22 of 40 hours of either of the following forms of community  
23 service:

24 "(1) Community service for a nonprofit organization  
25 that serves the disabled community or serves persons who have  
26 a disabling disease.

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

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

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

13           "(d) A municipality may deputize a trained person to  
14 issue parking tickets to persons who violate this section. The  
15 training of the person authorized to issue the tickets shall  
16 be determined by the municipality.

17           "~~(d)~~ (e) Any sign designating a handicapped parking  
18 place shall contain on the sign or attached to the sign the  
19 amount of the fine for a parking violation on the first  
20 offense pursuant to subsection (a).

21           "~~(e)~~ (f) If the law enforcement officer who issues  
22 the special access parking or disability parking violation is  
23 employed by a local law enforcement agency, 50 percent of the  
24 fines collected pursuant to this section shall be paid to the  
25 municipal or county general fund for the use of the law  
26 enforcement agency by whom the arresting officer is employed,  
27 with the remainder to be remitted to the State Treasury, to be

1 deposited in a separate fund to be distributed 50 percent to  
2 the Administrative Office of Courts, to be expended for  
3 support of the trial courts and 50 percent to the Department  
4 of Mental Health, to be expended for the Individual and Family  
5 Support Program for persons with developmental disabilities.

6 "If the law enforcement officer who issues the  
7 special access parking or disability access parking violation  
8 is employed by a state law enforcement agency, the fines  
9 collected pursuant to this section shall be remitted to the  
10 State Treasury, to be deposited in a separate fund to be  
11 distributed 50 percent to the law enforcement agency by whom  
12 the arresting officer is employed, 25 percent to the  
13 Administrative Office of Courts, to be expended for support of  
14 the trial courts and 25 percent to the Department of Mental  
15 Health, to be expended for the Individual and Family Support  
16 Program for persons with developmental disabilities.

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



1 Program, such expenditures shall first be approved by the  
2 Commissioner of the Department of Mental Health.

3 "(g) A bollard may be placed in the middle of the  
4 access aisle next to a handicapped parking space to prevent  
5 motor vehicles from parking in the access aisle. The bollard  
6 shall be painted yellow and spaced so as to allow a wheelchair  
7 user access around the bollard. For the purposes of this  
8 subsection, the term "bollard" means a short vertical post  
9 used to obstruct the passage of motor vehicles.

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

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