

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

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§32-6-233.1.

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

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

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

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

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

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

25 A person issued a long-term special access or
26 disability access placard or a temporary disability placard
27 must be the driver or a passenger in a vehicle parked in a

1 special access or disability parking place. Any law
2 enforcement officer enforcing this section may ask for
3 verification that the person issued the placard is the driver
4 or passenger in the parked vehicle.

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

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

22 "If the law enforcement officer who issues the
23 special access parking or disability access parking violation
24 is employed by a state law enforcement agency, the fines
25 collected pursuant to this section shall be remitted to the
26 State Treasury, to be deposited in a separate fund to be
27 distributed 50 percent to the law enforcement agency by whom

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

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

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

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 03-MAR-15

Read for the second time and placed
on the calendar 1 amendment 18-MAR-15

Read for the third time and passed
as amended..... 31-MAR-15

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk