

1 HB140
2 189030-1
3 By Representative Johnson (K)
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, it is unlawful for any
9 driver who does not hold a distinctive special
10 long-term access or long-term disability access
11 license plate or placard or temporary disability
12 placard to park in a disabled accessible parking
13 place. The amount of the fine for violating this
14 law is required to be displayed on or attached to
15 any sign designating a special access or disability
16 parking place.

17 This bill would provide that if either the
18 driver or a passenger of a vehicle lawfully holds a
19 distinctive special long-term access or long-term
20 disability access license plate or placard or
21 temporary disability placard, the driver may park
22 that vehicle in a disabled accessible parking
23 place.

24 This bill would also provide that the amount
25 of the fine for illegally parking in a special
26 access or disability parking place would not be
27 required to be displayed or attached to any sign

1 designating a special access or disability parking
2 place.

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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 if
10 either the driver or a passenger of a vehicle lawfully holds a
11 distinctive special long-term access or long-term disability
12 access license plate or placard or temporary disability
13 placard, the driver may park that vehicle in a disabled
14 accessible parking place; and to provide that the amount of
15 the fine for violating this law is not required to be
16 displayed or attached to any sign designating a special access
17 or disability parking place.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§32-6-233.1.

22 "(a) It shall be unlawful for any person who does
23 not have a distinctive special long-term access or long-term
24 disability access license plate or placard or temporary
25 disability placard as provided in Section 32-6-231, or who is
26 not transporting a passenger who has a distinctive special
27 long-term access or long-term disability access license plate

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

19 "(1) Community service for a nonprofit organization
20 that serves the disabled community or serves persons who have
21 a disabling disease.

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

25 "(b) Any authorized municipal, county, or state law
26 enforcement officer may go on private property to enforce this
27 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. Any law enforcement officer enforcing this
7 section may ask for verification that either the driver or a
8 passenger of the parked vehicle is the lawful holder of a
9 distinctive special long-term access or long-term disability
10 access license plate or placard or temporary disability
11 placard.

12 "(d) Any sign designating a ~~handicapped~~ special
13 access parking or disability parking place ~~shall~~ may contain
14 on the sign or attached to the sign the amount of the fine for
15 a parking violation on the first offense pursuant to
16 subsection (a).

17 "(e) If the law enforcement officer who issues the
18 special access parking or disability parking violation is
19 employed by a local law enforcement agency, 50 percent of the
20 fines collected pursuant to this section shall be paid to the
21 municipal or county general fund for the use of the law
22 enforcement agency by whom the arresting officer is employed,
23 with the remainder to be remitted to the State Treasury, to be
24 deposited in a separate fund to be distributed 50 percent to
25 the Administrative Office of Courts, to be expended for
26 support of the trial courts and 50 percent to the Department

1 of Mental Health, to be expended for the Individual and Family
2 Support Program for persons with developmental disabilities.

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

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

1 "(f) This section shall be held in pari materia with
2 all other provisions of law related to illegal special access
3 parking or disability access parking violations and all laws
4 or parts of laws which conflict with this section are
5 repealed.

6 "(g) Municipal law enforcement officers, sheriffs,
7 deputy sheriffs, and Alabama State Troopers, are authorized to
8 have vehicles illegally parked in accessible parking spaces
9 towed."

10 "(h) Municipal law enforcement officers, sheriffs,
11 deputy sheriffs, and Alabama State Troopers are authorized to
12 ticket vehicles parked on access aisles. "Access aisles" are
13 defined as the hash-marked or cross-striped space that is 5
14 feet or 8 feet wide that is directly next to the accessible
15 parking space. "Access aisle" also has the same definition as
16 contained within the 2010 Accessible Design Standards within
17 the ADA."

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