

1 HB451
2 135438-1
3 By Representative Todd
4 RFD: Public Safety and Homeland Security
5 First Read: 01-MAR-12

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8 SYNOPSIS: Under existing law, it is illegal for a
9 person to park in a special access or disability
10 parking space unless he or she has a special access
11 or disability parking decal or placard. Law
12 enforcement officials may issue citations to
13 violators of this law. The amount of the fine for
14 violating this law must be displayed on or attached
15 to any sign designating a special access or
16 disability parking space.

17 This bill would allow local authorities to
18 authorize disabled individuals to issue citations
19 to violators.

20 This bill would provide that the amount of
21 the fine for violating this law is not required to
22 be displayed or attached to any sign designating a
23 special access or disability parking space.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Section 32-6-233.1, Code of Alabama 1975, to allow local authorities to authorize disabled individuals to issue citations to violators of special access or disability parking spaces; and to provide that the amount of the fine for violating this law is not required to be displayed or attached to any sign designating a special access or disability parking space.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-6-233.1.

"(a) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard with identifying information on the placard, or a temporary disability placard as provided in Section 32-6-231, to park a motor vehicle in a parking place designated for individuals with disabilities at any place of public accommodation, any business or legal entity engaged in interstate commerce or which is subject to any federal or state laws requiring access by persons with disabilities, any amusement or resort or any other place to which the general public is invited or solicited, even though located on private property, and upon conviction, notwithstanding any other penalty provision which may be authorized or employed, shall be fined a minimum of fifty dollars (\$50) for the first offense, a minimum of two hundred

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

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

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

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

16 "(c) (1) This section may be enforced by any law
17 enforcement officer who has successfully complied with the
18 minimum standards for police officers as set forth in Section
19 36-21-46, including, but not limited to, municipal law
20 enforcement officers, sheriffs, deputy sheriffs, and Alabama
21 State Troopers.

22 "(2) Counties and municipalities, by ordinance or
23 resolution, may authorize, within their respective
24 jurisdictions, disabled individuals to issue citations to
25 persons or vehicles for violations of subsection (a). The form
26 of the citation and procedures for its issuance shall be
27 prescribed by the county or municipality.

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

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

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

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

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

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

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