

1 HB481  
2 183936-2  
3 By Representative Johnson (K)  
4 RFD: State Government  
5 First Read: 06-APR-17

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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 in a special access or disability  
13 parking space. The amount of the fine for violating  
14 this law is required to be displayed on or attached  
15 to any sign designating a special access or  
16 disability parking space.

17 This bill would provide that the amount of  
18 the fine for illegally parking in a special access  
19 or disability parking space would not be required  
20 to be displayed or attached to any sign designating  
21 a special access or disability parking space.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

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

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9           "§32-6-233.1.

10           "(a) It shall be unlawful for any person who does  
11 not have a distinctive special long-term access or long-term  
12 disability access license plate or placard or temporary  
13 disability placard as provided in Section 32-6-231, to park a  
14 motor vehicle in a parking place designated for individuals  
15 with disabilities at any place of public accommodation, any  
16 business or legal entity engaged in interstate commerce or  
17 which is subject to any federal or state laws requiring access  
18 by persons with disabilities, any amusement or resort or any  
19 other place to which the general public is invited or  
20 solicited, even though located on private property, and upon  
21 conviction, notwithstanding any other penalty provision which  
22 may be authorized or employed, shall be fined a minimum of  
23 fifty dollars (\$50) for the first offense, a minimum of two  
24 hundred dollars (\$200) for the second offense, and a minimum  
25 of five hundred dollars (\$500) for the third or any subsequent  
26 offense. In addition, for the second or any subsequent offense  
27 under this section, the person shall be ordered by the court

1 to perform a minimum of 40 hours of either of the following  
2 forms of community service:

3 "(1) Community service for a nonprofit organization  
4 that serves the disabled community or serves persons who have  
5 a disabling disease.

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

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

12 "(c) This section may be enforced by any law  
13 enforcement officer who has successfully complied with the  
14 minimum standards for police officers as set forth in Section  
15 36-21-46, including, but not limited to, municipal law  
16 enforcement officers, sheriffs, deputy sheriffs, and Alabama  
17 State Troopers.

18 A person issued a long-term special access or  
19 disability access placard or a temporary disability placard  
20 must be the driver or a passenger in a vehicle parked in a  
21 special access or disability parking place. Any law  
22 enforcement officer enforcing this section may ask for  
23 verification that the person issued the placard is the driver  
24 or passenger in the parked vehicle.

25 "(d) Any sign designating a ~~handicapped~~ special  
26 access parking or disability parking place ~~shall~~ may contain  
27 on the sign or attached to the sign the amount of the fine for

1 a parking violation on the first offense pursuant to  
2 subsection (a).

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

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

26 "All funds deposited to a separate fund in the State  
27 Treasury pursuant to this subsection to be expended by the

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

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

17 "(g) Municipal law enforcement officers, sheriffs,  
18 deputy sheriffs, and Alabama State Troopers, are authorized to  
19 have vehicles illegally parked in accessible parking spaces  
20 towed."

21 (h) Municipal law enforcement officers, sheriffs,  
22 deputy sheriffs, and Alabama State Troopers are authorized to  
23 ticket vehicles parked on access aisles. "Access aisles" are  
24 defined as the hash-marked or cross-striped space that is 5  
25 feet or 8 feet wide that is directly next to the accessible  
26 parking space. "Access aisle" also has the same definition as

1 contained within the 2010 Accessible Design Standards within  
2 the ADA.

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