

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 274

Introduced by Holdcroft, 36; Brewer, 43; Clements, 2; DeKay, 40; Hansen, B., 16; Hardin, 48; Hughes, 24; Ibach, 44; Lippincott, 34; Lowe, 37; von Gillern, 4.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to handicapped parking; to amend sections
- 2 18-1736, 18-1737, 18-1741.01, 18-1741.03, 18-1741.04, 60-331.01, and
- 3 60-3,113.06, Reissue Revised Statutes of Nebraska, and section
- 4 60-3,124, Revised Statutes Cumulative Supplement, 2022; to change
- 5 provisions relating to handicapped parking; to provide for disabled
- 6 veterans to park in handicapped parking spaces as prescribed; to
- 7 redefine a term; to provide duties; to harmonize provisions; and to
- 8 repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1736, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-1736 (1) A city or village may designate parking spaces,
4 including access aisles, for the exclusive use of (a) handicapped or
5 disabled persons whose motor vehicles display the distinguishing license
6 plates issued to handicapped or disabled persons pursuant to section
7 60-3,113, (b) handicapped or disabled persons whose motor vehicles
8 display a distinguishing license plate issued to a handicapped or
9 disabled person by another state, (c) such other handicapped or disabled
10 persons or temporarily handicapped or disabled persons whose motor
11 vehicles display a handicapped or disabled parking permit, ~~and~~ (d) such
12 other motor vehicles which display a handicapped or disabled parking
13 permit, and (e) disabled veterans of the United States Armed Forces whose
14 motor vehicles display the distinguishing license plates issued to
15 disabled veterans pursuant to section 60-3,124.

16 (2) If a city or village so designates a parking space or access
17 aisle, it shall be indicated by posting aboveground and immediately
18 adjacent to and visible from each space or access aisle a sign as
19 described in section 18-1737. In addition to such sign, the space or
20 access aisle may also be indicated by blue paint on the curb or edge of
21 the paved portion of the street adjacent to the space or access aisle.

22 (3) For purposes of sections 18-1736 to 18-1741.07:

23 (a) Access aisle has the same meaning as in section 60-302.01;

24 (b) Handicapped or disabled parking permit has the same meaning as
25 in section 60-331.01;

26 (c) Handicapped or disabled person has the same meaning as in
27 section 60-331.02; and

28 (d) Temporarily handicapped or disabled person has the same meaning
29 as in section 60-352.01.

30 Sec. 2. Section 18-1737, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-1737 (1) Any city or village, any state agency, and any person in
2 lawful possession of any offstreet parking facility may designate stalls
3 or spaces, including access aisles, in such facility owned or operated by
4 the city, village, state agency, or person for the exclusive use of (a)
5 handicapped or disabled persons and (b) disabled veterans whose motor
6 vehicles display the distinguishing license plates issued to such
7 individuals pursuant to section 60-3,113 or 60-3,124, such other
8 handicapped or disabled persons or temporarily handicapped or disabled
9 persons whose motor vehicles display a handicapped or disabled parking
10 permit, and such other motor vehicles which display a handicapped or
11 disabled parking permit. Such designation shall be made by posting
12 aboveground and immediately adjacent to and visible from each stall or
13 space, including access aisles, a sign which is in conformance with the
14 Manual on Uniform Traffic Control Devices adopted pursuant to section
15 60-6,118 and the federal Americans with Disabilities Act of 1990 and the
16 federal regulations adopted in response to the act, as the act and the
17 regulations existed on January 1, 2011.

18 (2) The owner or person in lawful possession of an offstreet parking
19 facility, after notifying the police or sheriff's department, as the case
20 may be, and any city, village, or state agency providing onstreet parking
21 or owning, operating, or providing an offstreet parking facility may
22 cause the removal, from a stall or space, including access aisles,
23 designated exclusively for handicapped or disabled persons, ~~or~~
24 temporarily handicapped or disabled persons, ~~or~~ motor vehicles for the
25 transportation of handicapped or disabled persons or temporarily
26 handicapped or disabled persons, and disabled veterans, of any vehicle
27 not displaying the proper handicapped or disabled parking permit or the
28 distinguishing license plates specified in this section if there is
29 posted aboveground and immediately adjacent to and visible from such
30 stall or space, including access aisles, a sign which clearly and
31 conspicuously states the area so designated as a tow-in zone.

1 (3) A person who parks a vehicle in any onstreet parking space or
2 access aisle which has been designated exclusively for handicapped or
3 disabled persons, ~~or~~ temporarily handicapped or disabled persons, ~~or~~
4 motor vehicles for the transportation of handicapped or disabled persons
5 or temporarily handicapped or disabled persons, and disabled veterans, or
6 in any so exclusively designated parking space or access aisle in any
7 offstreet parking facility, without properly displaying the proper
8 license plates or handicapped or disabled parking permit or when the
9 handicapped or disabled person or disabled veteran to whom or for whom,
10 as the case may be, the license plate or permit is issued will not enter
11 or exit the vehicle while it is parked in the designated space or access
12 aisle shall be guilty of a handicapped parking infraction as defined in
13 section 18-1741.01 and shall be subject to the penalties and procedures
14 set forth in sections 18-1741.01 to 18-1741.07. The display on a motor
15 vehicle of a distinguishing license plate or permit issued to a
16 handicapped or disabled person or disabled veteran by and under the duly
17 constituted authority of another state shall constitute a full and
18 complete defense in any action for a handicapped parking infraction as
19 defined in section 18-1741.01. If the identity of the person who parked
20 the vehicle in violation of this section cannot be readily determined,
21 the owner or person in whose name the vehicle is registered shall be held
22 prima facie responsible for such violation and shall be guilty and
23 subject to the penalties and procedures described in this section. In the
24 case of a privately owned offstreet parking facility, a city or village
25 shall not require the owner or person in lawful possession of such
26 facility to inform the city or village of a violation of this section
27 prior to the city or village issuing the violator a handicapped parking
28 infraction citation.

29 (4) For purposes of this section and section 18-1741.01, state
30 agency means any division, department, board, bureau, commission, or
31 agency of the State of Nebraska created by the Constitution of Nebraska

1 or established by act of the Legislature, including the University of
2 Nebraska and the Nebraska state colleges, when the entity owns, leases,
3 controls, or manages property which includes offstreet parking
4 facilities.

5 Sec. 3. Section 18-1741.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-1741.01 (1) For purposes of sections 18-1741.01 to 18-1741.07,
8 handicapped parking infraction means the violation of any statute or
9 ordinance regulating (a) the use of parking spaces, including access
10 aisles, designated for use by (i) handicapped or disabled persons and
11 (ii) disabled veterans, (b) the unauthorized possession, use, or display
12 of handicapped or disabled parking permits, or (c) the obstruction of any
13 wheelchair ramps constructed or created in accordance and in conformity
14 with the federal Americans with Disabilities Act of 1990, as the act
15 existed on May 31, 2001.

16 (2) For any offense classified as a handicapped parking infraction,
17 a handicapped parking citation may be issued by any peace officer or by
18 any person designated by ordinance or resolution approved by a governing
19 board of a county, city, or village to exercise the authority to issue a
20 citation for any handicapped parking infraction. Such authorization shall
21 be carried out in the manner specified in sections 18-1741.03 and
22 18-1741.04.

23 (3) A state agency as defined in section 18-1737 which owns, leases,
24 controls, or manages state property on which public parking is allowed
25 may enter into an agreement with the governing board of the county, city,
26 or village in which the state property or any portion of it is located to
27 allow the political subdivision to enforce sections 18-1736 to 18-1741.07
28 on such state property.

29 Sec. 4. Section 18-1741.03, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 18-1741.03 To ensure uniformity, the Supreme Court may prescribe the

1 form of the handicapped parking citation to be used for handicapped
2 parking infractions. The handicapped parking citation shall include a
3 description of the handicapped parking infraction, the time and place at
4 which the person cited is to appear, a warning that failure to appear in
5 accordance with the command of the citation is a punishable offense, and
6 such other matter as the Supreme Court deems appropriate, but shall not
7 include a place for the cited person's social security number. The
8 handicapped parking citation shall provide space for an affidavit by a
9 peace officer certifying that the recipient of the citation is the lawful
10 possessor in his or her own right of (1) a handicapped or disabled
11 parking permit or (2) disabled veteran plates, and that the peace officer
12 has personally viewed the permit or disabled veteran plates. The Supreme
13 Court may provide that a copy of the handicapped parking citation
14 constitutes the complaint filed in the trial court.

15 Sec. 5. Section 18-1741.04, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-1741.04 When a handicapped parking citation is issued for a
18 handicapped parking infraction, the person issuing the handicapped
19 parking citation shall enter thereon all required information, including
20 the name and address of the cited person or, if not known, the license
21 number and description of the offending motor vehicle, the offense
22 charged, and the time and place the person cited is to appear in court.
23 Unless the person cited requests an earlier date, the time of appearance
24 shall be at least three days after the issuance of the handicapped
25 parking citation. One copy of the handicapped parking citation shall be
26 delivered to the person cited or attached to the offending motor vehicle.
27 At least twenty-four hours before the time set for the appearance of the
28 cited person, either the prosecuting attorney or other person authorized
29 by law to issue a complaint for the particular offense shall issue and
30 file a complaint charging such person with a handicapped parking
31 infraction or such person shall be released from the obligation to appear

1 as specified. A person cited for a handicapped parking violation may
2 waive his or her right to trial. For any handicapped parking citation
3 issued for a handicapped parking infraction by reason of the failure of a
4 vehicle to display (1) a handicapped or disabled parking permit or (2)
5 disabled veteran plates, the complaint shall be dismissed if, within
6 seven business days after the date of issuance of the citation, the
7 person cited files with the court the affidavit provided for in section
8 18-1741.03, signed by a peace officer certifying that the recipient is
9 the lawful possessor in his or her own right of a handicapped or disabled
10 parking permit or disabled veteran plates and that the peace officer has
11 personally viewed the permit or plates. The Supreme Court may prescribe
12 uniform rules for such waivers. Anyone may use a credit card authorized
13 by the court in which the person is cited as a means of payment of his or
14 her fine and costs.

15 Sec. 6. Section 60-331.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-331.01 Handicapped or disabled parking permit means a permit
18 issued by the department that authorizes the use of parking spaces and
19 access aisles that have been designated for the exclusive use of (1)
20 handicapped or disabled persons and (2) disabled veterans.

21 Sec. 7. Section 60-3,113.06, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 60-3,113.06 A handicapped or disabled parking permit shall not be
24 transferable and shall be used only by the party to whom issued or for
25 the motor vehicle for which issued and only for the purpose for which the
26 permit is issued. A handicapped or disabled parking permit shall be
27 displayed by hanging the permit from the motor vehicle's rearview mirror
28 so as to be clearly visible through the front windshield. A handicapped
29 or disabled parking permit shall be displayed on the dashboard only when
30 there is no rearview mirror. No person shall alter or reproduce in any
31 manner a handicapped or disabled parking permit. No person shall

1 knowingly hold more than the allowed number of handicapped or disabled
2 parking permits. No person shall display a handicapped or disabled
3 parking permit issued under section 60-3,113.02 and park in a space or
4 access aisle designated for the exclusive use of (1) a handicapped or
5 disabled persons and (2) disabled veterans ~~person~~ unless the holder of
6 the permit will enter or exit the motor vehicle while it is parked in a
7 designated space or access aisle. No person shall display a handicapped
8 or disabled parking permit issued under section 60-3,113.03 and park in a
9 space or access aisle designated for the exclusive use of a handicapped
10 or disabled persons and disabled veterans ~~person~~ unless the person
11 displaying the permit is driving the motor vehicle for which the permit
12 was issued and a handicapped or disabled person will enter or exit the
13 motor vehicle while it is parked in a designated space or access aisle.
14 Any violation of this section shall constitute a handicapped parking
15 infraction as defined in section 18-1741.01 and shall be subject to the
16 penalties and procedures set forth in sections 18-1741.01 to 18-1741.07.

17 Sec. 8. Section 60-3,124, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 60-3,124 (1) Any person who is a veteran of the United States Armed
20 Forces, who was discharged or otherwise separated with a characterization
21 of honorable or general (under honorable conditions), and who is
22 classified by the United States Department of Veterans Affairs as one
23 hundred percent service-connected disabled may, in addition to the
24 application required in section 60-385, apply to the Department of Motor
25 Vehicles for license plates designed by the department to indicate that
26 the applicant is a disabled veteran. The inscription on the license
27 plates shall be D.A.V. immediately below the license plate number to
28 indicate that the holder of the license plates is a disabled veteran.

29 (2) In order to be eligible for license plates under this section, a
30 person shall register with the Department of Veterans' Affairs pursuant
31 to section 80-414. The plates shall be issued upon the applicant paying

1 the license plate fee as provided in subsection (3) of this section and
2 verification by the Department of Motor Vehicles of an applicant's
3 eligibility using the registry established by the Department of Veterans'
4 Affairs pursuant to section 80-414. Any number of motor vehicles,
5 trailers, or semitrailers owned by the applicant may be so licensed at
6 any one time. Motor vehicles and trailers registered under section
7 60-3,198 shall not be so licensed.

8 (3) No license plate fee shall be required for license plates under
9 this section.

10 (4) If the license plates issued under this section are lost,
11 stolen, or mutilated, the recipient of the plates shall be issued
12 replacement license plates as provided in section 60-3,157.

13 (5) License plates issued under this section shall not require the
14 payment of any additional license plate fees and shall be permanently
15 attached to the vehicle to which the plates are registered as long as the
16 vehicle is properly registered by the applicant annually.

17 (6) The county treasurer or the department may issue temporary
18 license stickers to the applicant under this section for the applicant to
19 lawfully operate the vehicle pending receipt of the license plates. No
20 charge in addition to the registration fee shall be made for the issuance
21 of a temporary license sticker under this subsection. The department
22 shall furnish temporary license stickers for issuance by the county
23 treasurer at no cost to the counties. The department may adopt and
24 promulgate rules and regulations regarding the design and issuance of
25 temporary license stickers.

26 (7) A person issued license plates under this section may park the
27 motor vehicle for which such plates were issued in a space or access
28 aisle designated for the exclusive use of (a) handicapped or disabled
29 persons and (b) disabled veterans if such plates are affixed to the motor
30 vehicle for which such plates were issued and only when the disabled
31 veteran to whom the plates were issued will enter or exit the motor

1 vehicle while it is parked in such designated parking space or access
2 aisle.

3 (8) In issuing any license plates under this section, the department
4 shall include a notice to the registered owner of the motor vehicle or
5 the applicant. The notice shall contain information listing the legal
6 uses for parking as described in subsection (7) of this section.

7 Sec. 9. Original sections 18-1736, 18-1737, 18-1741.01, 18-1741.03,
8 18-1741.04, 60-331.01, and 60-3,113.06, Reissue Revised Statutes of
9 Nebraska, and section 60-3,124, Revised Statutes Cumulative Supplement,
10 2022, are repealed.