

2010 -- H 7279

LC00590

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES

Introduced By: Representative Lisa Baldelli-Hunt

Date Introduced: January 28, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking
2 Facilities and Privileges" is hereby amended to read as follows:

3 **31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement --**
4 **Designated parking spaces -- Violations. --** (a) Persons, as defined in subsection (h) of this
5 section, upon application and proof of permanent or long-term disability to the division of motor
6 vehicles, shall be issued one motor vehicle disability parking privilege placard or in the case of a
7 motorcycle, one motor vehicle sticker, of blue which shall be imprinted with the white
8 international symbol of access, certificate number, the words "Rhode Island Disability Parking
9 Permit" and shall bear the expiration date and a photograph of the person to whom it is issued
10 upon its face. A placard or motorcycle sticker issued to a person whose disability is temporary
11 shall be substantially similar to that issued to a person with a permanent or long term disability.
12 The temporary placard, however, shall be a red placard with a white international symbol of
13 access, certificate number, the words "Rhode Island Disability Parking Permit" and shall bear the
14 expiration dates and a photograph of the person to whom it is issued upon its face. Persons issued
15 a placard or motorcycle sticker pursuant to this section shall be entitled to the immunities of
16 sections 31-28-4 and 31-28-6. The placard shall conform to the Uniform Parking System for
17 Disabled Drivers standard issued by the United States Department of Transportation. If an
18 application for a placard or motorcycle sticker is denied, the division of motor vehicles shall

1 promptly notify the applicant in writing, stating the specific reason(s) for the denial, and advising
2 the applicant of the procedures for requesting a hearing to appeal the denial. Prior to the appeal
3 hearing, the applicant shall be provided with any and all documents relied upon by the division in
4 denying the application. If an application contains a physician certification that the applicant is
5 sufficiently disabled to require a placard or motorcycle sticker, and the division has not provided
6 specific reasons in its denial letter to the applicant, the hearing officer shall summarily order that
7 a placard or motorcycle sticker be provided to the applicant. At all other hearings of application
8 denials where a physician certification has been provided, the division shall bear the burden of
9 proof that the individual is not entitled to a placard or motorcycle sticker pursuant to this chapter.

10 (b) A placard issued pursuant to this section shall be portable and used only when the
11 person is being transported. The placard is to be hung from the rear view mirror so as to be seen
12 through the front or rear windshield of the motor vehicle. A placard may be issued to a person
13 with a disability who does not own a motor vehicle, to be used only when he or she is being
14 transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be
15 affixed to the rear plate of the motorcycle.

16 (c) (1) The certificate of entitlement to the placard or motorcycle sticker shall be
17 renewed every three (3) years for individuals with a long-term disability, as defined in subsection
18 (d) of this section, and the renewal application shall require a physician's certification that the
19 condition has not changed since the previous approval, and three (3) years for individuals with a
20 permanent disability as defined in subsection (h) of this section, in accordance with a schedule
21 prepared by the division of motor vehicles that uses the last name of an individual to determine
22 the month of renewal. If an application or subsequent renewal is accompanied by a physician's
23 certification that the applicant's condition is a chronic, permanent impairment and that application
24 is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit
25 from the applicant or applicant's, guardian or legal representative or a certificate from the
26 applicant's physician that his or her condition has not changed since the previous approval.

27 (2) The certificate of entitlement to the placard or motorcycle sticker shall be covered
28 with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker
29 bearing the expiration date of the certificate of entitlement to be affixed across the expiration date
30 of the disability parking privilege placard or in the case of a motorcycle the applicant shall
31 receive a new motorcycle sticker. The division of motor vehicles shall establish rules and
32 regulations allowing for the renewal of the certificates of entitlement by mail.

33 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew
34 the certificate of entitlement for noncompliance with the requirements of this section or for

1 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before
2 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor
3 vehicles shall bear the burden of proof that the individual is not entitled to the placard or
4 motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards
5 or motorcycle sticker. The division of motor vehicles shall be authorized to issue a temporary
6 disability parking privilege placard or motorcycle sticker immediately upon receipt of an
7 application for individuals with a temporary impairment, as defined in subsection (h) of this
8 section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date
9 of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year
10 or less, as determined by the medical advisory board upon application if the disability persists.
11 The division of motor vehicles shall subsequently review the applications in accordance with the
12 procedures currently in effect as to applications from persons whose disability is long term. Any
13 issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and
14 notice of the revocation shall be sent to the applicant.

15 (d) A person, other than a person with a disability, who for his or her own purposes uses
16 the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A
17 person issued a special placard who uses the placard after expiration, or who shall allow
18 unauthorized use of the disability parking placard or sticker, may be subject to immediate
19 revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five
20 hundred dollars (\$500).

21 (e) Disability parking spaces shall be designated and identified by the posting of signs
22 above ground level incorporating the international symbol of access of white on blue, and the
23 words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking"
24 at each space, at both ends of a row or series of adjacent disability parking spaces, or at the
25 entrance to a parking lot restricted to only disability parking.

26 (f) A person, other than a person issued a special placard or motorcycle sticker pursuant
27 to this section, who parks a vehicle in a parking space designated for persons with disabilities,
28 shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred seventy-five
29 dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars (\$325) for a third
30 or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided
31 further, that it shall not be unlawful for a person to park a vehicle in a space designated for person
32 with disabilities if that person is transporting a person who has been issued a special placard and
33 is properly displaying the placard on the vehicle.

34 (g) Enforcement of the parking provisions of this section shall be enforced by the local

1 or state authorities on public or private property when the location of the parking spaces is within
2 the purview of the State Building Code, chapter 27.3 of title 23.

3 (h) Definitions. - For the purpose of this section:

4 (1) "Disabled" or "disability" means a permanent or long-term impairment which
5 prevents or impedes walking, which shall include but not be limited to: (i) an impairment which
6 prevents walking and requires use of a wheelchair; (ii) an impairment which involuntarily causes
7 difficulty or insecurity in walking or climbing stairs with or without the need to use braces,
8 crutches, canes or artificial support; (iii) an impairment caused by amputation, arthritis, blindness
9 (including legally blind), or orthopedic condition; (iv) an impairment in respiratory, circulatory,
10 or neurological health which limits the person's walking capability; or (v) disabled veteran,
11 pursuant to section 31-6-8 after certification of eligibility from the Veterans' Administration or
12 other satisfactory documentation of eligibility is presented. Persons with disabilities may be
13 capable of working or may be presently working.

14 (2) "Long-term disability" means an impairment which is potentially reversible or may
15 improve with appropriate medical treatment. At the time of application and or renewal, the
16 impairment should not be expected to improve prior to the expiration of the certification, to a
17 point where the individual does not meet the provisions of subdivision (1) of this subsection.

18 (3) "Permanent disability" means an impairment which is non-reversible.

19 (4) "Temporary impairment" means an impairment which is expected to improve to a
20 point where the individual does not meet the provisions of subdivision (1) of this subsection,
21 within two (2) years of the application.

22 (i) The department of revenue shall inform each licensed driver of the certificate
23 procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6, and a
24 facsimile of the portable placards and motorcycle stickers issued under this section shall be sent
25 to the enforcing authority of each state, and each enforcing authority shall be informed of the
26 parking restrictions of this section and sections 31-28-4 and 31-28-6. Recipients of disability
27 parking privilege placards shall also receive instructions on their use and the penalties for misuse,
28 when the placard is initially issued.

29 (j) Any person who makes, manufactures, offers for sale or knowingly uses a counterfeit
30 parking privilege placard shall be fined up to five hundred dollars (\$500) and/or forty (40) hours
31 of community restitution.

32 SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND
PRIVILEGES

- 1 This act would require that when a handicapped tag is issued that it contain a photograph
- 2 of the person to whom it was issued.
- 3 This act would take effect upon passage.

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