

2012 -- H 7415

=====
LC01139
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES PRIVILEGES

Introduced By: Representatives Malik, Corvese, McNamara, Carnevale, and Baldelli-Hunt

Date Introduced: February 08, 2012

Referred To: House Health, Education & Welfare

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 upon its face. A placard or motorcycle sticker issued to
10 a person whose disability is temporary shall be substantially similar to that issued to a person with
11 a permanent or long term disability. The temporary placard, however, shall be a red placard with
12 a white international symbol of access, certificate number, the words "Rhode Island Disability
13 Parking Permit" and shall bear the expiration dates upon its face. Persons issued a placard or
14 motorcycle sticker pursuant to this section shall be entitled to the immunities of sections 31-28-4
15 and 31-28-6. The placard shall conform to the Uniform Parking System for Disabled Drivers
16 standard issued by the United States Department of Transportation. If an application for a placard
17 or motorcycle sticker is denied, the division of motor vehicles shall promptly notify the applicant
18 in writing, stating the specific reason(s) for the denial, and advising the applicant of the
19 procedures for requesting a hearing to appeal the denial. Prior to the appeal hearing, the applicant

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

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

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

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

31 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew
32 the certificate of entitlement for noncompliance with the requirements of this section or for
33 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before
34 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor

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

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

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

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

32 (g) Enforcement of the parking provisions of this section shall be enforced by the local
33 or state authorities on public or private property when the location of the parking spaces is within
34 the purview of the State Building Code, chapter 27.3 of title 23.

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

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

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

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

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

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

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

30 (k) The department of motor vehicles shall create a twenty-one (21) day parking permit
31 for a person with a disability to be used while a person is waiting to receive a disability
32 registration plate or placard and may appoint a licensed physician, physician assistant, nurse
33 practitioner or registered nurse as an agent authorized solely to issue such a permit.

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

=====
LC01139
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES PRIVILEGES

- 1 This act would authorize the department of motor vehicles to issue temporary disability
- 2 parking permits to applicants while they wait to receive their disability registration plate.
- 3 This act would take effect upon passage.

=====
LC01139
=====