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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



# ENROLLED

HOUSE BILL No. 2070

(By ~~HE~~ Delegate Love )



Passed April 7, 1989

In Effect Ninety Days from Passage

**ENROLLED**  
**H. B. 2070**

(By DELEGATE LOVE)

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[Passed April 7, 1989; in effect ninety days from passage.]

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AN ACT to amend and reenact section six, article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to parking privileges for disabled persons; qualifications; applications; certificate of disability by a licensed physician; and penalties for violations.

*Be it enacted by the Legislature of West Virginia:*

That section six, article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 13. STOPPING, STANDING AND PARKING.**

**§17C-13-6. Stopping, standing or parking privileges for disabled; qualification; application; violation.**

1       (a) Any owner of a Class A motor vehicle subject to  
2 registration under the provisions of article three,  
3 chapter seventeen-a of this code, who is:

4       (1) A physically handicapped person with limited  
5 mobility;

6       (2) A relative of a person who is a physically handi-  
7 capped person with limited mobility;

8       (3) A person who regularly resides with a person who  
9 is a physically handicapped person with limited mobil-

10 ity; or

11 (4) A person who regularly transports a person who  
12 is a physically handicapped person with limited mobil-  
13 ity, may apply for a special registration plate or a  
14 mobile windshield placard by submitting to the  
15 commissioner:

16 (i) An application therefor on a form prescribed and  
17 furnished by the commissioner, specifying whether the  
18 applicant desires a special registration plate or a mobile  
19 windshield placard; and

20 (ii) A certificate issued by a person licensed to  
21 practice medicine stating that the applicant or the  
22 applicant's spouse or a member of the applicant's  
23 immediate family residing with him is a physically  
24 handicapped person with limited mobility as defined in  
25 this section.

26 Upon receipt of the application, the physician's  
27 certificate and the registration fee, if he finds that the  
28 applicant qualifies for the special registration plate or  
29 mobile windshield placard provided for in this subsec-  
30 tion, the commissioner shall issue to such applicant an  
31 appropriately designed and appropriately designated  
32 special registration plate or mobile windshield placard.  
33 The special plate shall be used in place of a regular  
34 license plate.

35 As used in this section, a physically handicapped  
36 person with limited mobility is any person who suffers  
37 from a permanent physical condition making it unduly  
38 difficult and burdensome for such person to walk.

39 Any person who falsely or fraudulently obtains or  
40 seeks to obtain the special plate or the mobile windshield  
41 placard provided for in this subsection (a), and any  
42 person who falsely certifies that a person is physically  
43 handicapped with limited mobility in order that an  
44 applicant may be issued the special plate, is guilty of  
45 a misdemeanor, and, upon conviction thereof, in addition  
46 to any other penalty he may otherwise incur, shall be  
47 fined not less than one hundred dollars nor more than  
48 one thousand dollars, or imprisoned in the county jail

49 not more than one year, or both fined and imprisoned.

50 (b) Any physically disabled person, any person who is  
51 a relative of a physically disabled person, any person  
52 who regularly resides with a physically disabled person,  
53 or any person who regularly transports a physically  
54 disabled person, may apply for a vehicle decal for a  
55 Class A vehicle by submitting to the commissioner:

56 (1) An application therefor on a form prescribed and  
57 furnished by the commissioner;

58 (2) A certificate issued by a person licensed to  
59 practice medicine stating that the applicant or the  
60 applicant's relative is a physically disabled person, or  
61 that the person regularly residing with the applicant or  
62 regularly transported by the applicant is a physically  
63 disabled person, as defined in this section, and stating  
64 the expected duration of the disability; and

65 (3) A fee of one dollar.

66 Upon receipt of the application, the physician's  
67 certificate and the registration fee, if he finds that the  
68 applicant qualifies for the vehicle decal provided for in  
69 this subsection, the commissioner shall issue to such  
70 applicant an appropriately designed decal. The decal  
71 shall be displayed on the motor vehicle in the manner  
72 prescribed by the commissioner and shall be valid for  
73 such period of time as the certifying physician has  
74 determined that the disability will continue, which  
75 period of time, reflecting the date of expiration, shall be  
76 conspicuously shown on the face of the decal.

77 As used in this section "physically disabled person"  
78 means any person who has sustained a temporary  
79 disability rendering it unduly difficult and burdensome  
80 for him to walk.

81 Any person who falsely or fraudulently obtains or  
82 seeks to obtain the vehicle decal provided for in this  
83 subsection, and any person who falsely certifies that a  
84 person is physically disabled in order that an applicant  
85 may be issued the vehicle decal, is guilty of a  
86 misdemeanor, and, upon conviction thereof, in addition  
87 to any other penalty he may otherwise incur, shall be

88 fined not less than fifty nor more than one hundred  
89 dollars, or imprisoned in the county jail not more than  
90 thirty days, or both fined and imprisoned.

91 (c) Free stopping, standing or parking places marked  
92 "reserved for disabled persons" shall be designated in  
93 close proximity to all state, county and municipal  
94 buildings and other public facilities. Such places shall  
95 be reserved solely for physically disabled and handi-  
96 capped persons during the hours that such buildings are  
97 open for business.

98 Any person whose vehicle properly displays a valid  
99 special registration plate, mobile windshield placard or  
100 decal may park the vehicle for unlimited periods of time  
101 in parking zones unrestricted as to length of parking  
102 time permitted: *Provided*, That this privilege does not  
103 mean that the vehicle may park in any zone where  
104 stopping, standing or parking is prohibited or which  
105 creates parking zones for special types of vehicles or  
106 which prohibits parking during heavy traffic periods  
107 during specified rush hours or where parking would  
108 clearly present a traffic hazard. To the extent any  
109 provision of any ordinance of any political subdivision  
110 of this state is contrary to the provisions of this section,  
111 the provisions of this section shall take precedence and  
112 shall apply.

113 The privileges provided for in this subsection shall  
114 apply only during those times when the vehicle is being  
115 used for the transportation of a physically handicapped  
116 or disabled person. Any person who knowingly  
117 exercises, or attempts to exercise, such privileges at a  
118 time when the vehicle is not being used for the  
119 transportation of a physically handicapped or disabled  
120 person is guilty of a misdemeanor, and, upon conviction  
121 thereof, in addition to any other penalty he may  
122 otherwise incur, shall be fined not less than ten nor more  
123 than fifty dollars, or imprisoned in the county jail for  
124 not more than thirty days, or both fined and imprisoned.

125 (d) No person may stop, stand or park a motor vehicle  
126 in an area designated, zoned or marked for the  
127 handicapped or physically disabled, when such person

128 is not physically disabled or handicapped and does not  
129 have displayed upon his vehicle a distinguishing  
130 insignia for the handicapped issued by the commis-  
131 sioner: *Provided*, That any person in the act of transport-  
132 ing a handicapped or physically disabled person, as  
133 defined by this article, may stop, stand or park a motor  
134 vehicle not displaying a distinguishing insignia for the  
135 handicapped in an area designated, zoned or marked for  
136 the handicapped or physically disabled for the limited  
137 purposes of loading or unloading his handicapped or  
138 physically disabled passenger: *Provided, however*, That  
139 such vehicle shall be promptly moved after the comple-  
140 tion of such limited purposes.

141 Any person who violates the provisions of this  
142 subsection is guilty of a misdemeanor, and, upon  
143 conviction thereof, shall be fined not more than twenty-  
144 five dollars.

145 (e) The commissioner shall adopt and promulgate  
146 rules and regulations in accordance with the provisions  
147 of chapter twenty-nine-a of this code to effectuate the  
148 provisions of this section.

*Robert A. ...*

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Friedrich L. Kern*  
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Chairman Senate Committee

*J. L. Lott*  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jack C. Walker*  
-----  
Clerk of the Senate

*Donald G. Hoop*  
-----  
Clerk of the House of Delegates

*Sam R. Tucker*  
-----  
President of the Senate

*Robert M. Bell*  
-----  
Speaker of the House of Delegates

The within *is approved* this the *24th*  
day of *April*, 1989.

*Yaston Caperton*  
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Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:30