

HB 2560

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

Com. Sub. for
HOUSE BILL No. 2560

(By Delegates Prejioso + Mezzatesta)



Passed March 11, 1995

In Effect 90 Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 2560

(BY DELEGATES PREZIOSO AND MEZZATESTA)

[Passed March 11, 1995; in effect ninety days from passage.]

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 fines for violations of parking and other privileges reserved to handicapped and physically disabled persons; and providing for signs.

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, chapter
3 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 mobility;
10 or

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

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

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

24 Upon receipt of the application, the physician's certifi-
25 cate and the registration fee, if he finds that the applicant
26 qualifies for the special registration plate or mobile wind-
27 shield placard provided for in this subsection, the com-
28 missioner shall issue to such applicant an appropriately
29 designed and appropriately designated special registration
30 plate or mobile windshield placard. The special plate
31 shall be used in place of a regular license plate.

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

36 Any person who falsely or fraudulently obtains or
37 seeks to obtain the special plate or the mobile windshield
38 placard provided for in this subsection (a), and any person
39 who falsely certifies that a person is physically handi-
40 capped with limited mobility in order that an applicant
41 may be issued the special plate, is guilty of a misdemean-

42 or, and, upon conviction thereof, in addition to any other
43 penalty he may otherwise incur, shall be fined one hun-
44 dred dollars.

45 (b) Any physically disabled person, any person who
46 is a relative of a physically disabled person, any person
47 who regularly resides with a physically disabled person, or
48 any person who regularly transports a physically disabled
49 person, may apply for a vehicle decal for a Class A vehicle
50 by submitting to the commissioner:

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

53 (2) A certificate issued by a person licensed to prac-
54 tice medicine stating that the applicant or the applicant's
55 relative is a physically disabled person, or that the person
56 regularly residing with the applicant or regularly trans-
57 ported by the applicant is a physically disabled person, as
58 defined in this section, and stating the expected duration
59 of the disability; and

60 (3) A fee of one dollar.

61 Upon receipt of the application, the physician's certifi-
62 cate and the registration fee, if he finds that the applicant
63 qualifies for the vehicle decal provided for in this subsec-
64 tion, the commissioner shall issue to such applicant an
65 appropriately designed decal. The decal shall be dis-
66 played on the motor vehicle in the manner prescribed by
67 the commissioner and shall be valid for such period of
68 time as the certifying physician has determined that the
69 disability will continue, which period of time, reflecting
70 the date of expiration, shall be conspicuously shown on
71 the face of the decal.

72 As used in this section "physically disabled person"
73 means any person who has sustained a temporary disabili-
74 ty rendering it unduly difficult and burdensome for him
75 to walk.

76 Any person who falsely or fraudulently obtains or
77 seeks to obtain the vehicle decal provided for in this sub-

78 section, and any person who falsely certifies that a person
79 is physically disabled in order that an applicant may be
80 issued the vehicle decal, is guilty of a misdemeanor, and,
81 upon conviction thereof, in addition to any other penalty
82 he may otherwise incur, shall be fined one hundred dol-
83 lars.

84 (c) Free stopping, standing or parking places shall be
85 designated in close proximity to all state, county and mu-
86 nicipal buildings and other public facilities, and shall be
87 marked with the words "reserved for disabled persons", or
88 with words of like import. Such places shall be reserved
89 solely for physically disabled and handicapped persons
90 during the hours that such buildings are open for busi-
91 ness.

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

106 The privileges provided for in this subsection shall
107 apply only during those times when the vehicle is being
108 used for the transportation of a physically handicapped
109 or disabled person. Any person who knowingly exercises,
110 or attempts to exercise, such privileges at a time when the
111 vehicle is not being used for the transportation of a physi-
112 cally handicapped or disabled person is guilty of a misde-
113 meanor, and, upon conviction thereof, in addition to any
114 other penalty he may otherwise incur, shall be fined one
115 hundred dollars.

116 (d) No person may stop, stand or park a motor vehi-
117 cle in an area designated, zoned or marked for the handi-
118 capped or physically disabled, and no person may stop,
119 stand or park any motor vehicle at special, clearly marked,
120 parking locations provided for the handicapped or physi-
121 cally disabled in or on privately owned parking lots, park-
122 ing garages, or other parking areas, when such person is
123 not physically disabled or handicapped and does not have
124 displayed upon his vehicle a distinguishing insignia for
125 the handicapped issued by the commissioner: *Provided,*
126 That any person in the act of transporting a handicapped
127 or physically disabled person, as defined by this article,
128 may stop, stand or park a motor vehicle not displaying a
129 distinguishing insignia for the handicapped in an area
130 designated, zoned or marked for the handicapped or
131 physically disabled for the limited purposes of loading or
132 unloading his handicapped or physically disabled passen-
133 ger: *Provided, however,* That such vehicle shall be
134 promptly moved after the completion of such limited
135 purposes.

136 Any person who violates the provisions of this subsec-
137 tion is guilty of a misdemeanor, and, upon conviction
138 thereof, shall be fined one hundred dollars.

139 (e) The erection of future signs marking areas desig-
140 nated for the handicapped or physically disabled shall
141 include the words "\$100 fine".

142 (f) The commissioner shall adopt and promulgate
143 rules and regulations in accordance with the provisions of
144 chapter twenty-nine-a of this code to effectuate the provi-
145 sions of this section.

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

Randy Schoonover
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harold Adams
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Will Rubin
Speaker of the House of Delegates

The within is approved this the 24th
day of March, 1995.

Gaston Caperton
Governor



PRESENTED TO THE
GOVERNOR

Date 3/24/95

Time 3:38pm