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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 766

(By Mr. McNamee and Mrs. Withrow)



PASSED April 13, 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE
EDGAR F. NEISDAL III
SECRETARY OF STATE
THIS DATE 5/2/73

766

ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 766

(By MR. SPEAKER, MR. MCMANUS, and MRS. WITHROW)

(Originating in the House Committee on Finance)

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to granting stopping, standing or parking privileges for physically disabled persons; providing for the issuance of an identifying insignia to such persons by the commissioner of motor vehicles and fee therefor; and providing criminal penalties for persons who wrongly misuse such privileges or certify falsely concerning the need for grant of such privileges.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 13. STOPPING, STANDING OR PARKING.

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

1 A physically disabled person who displays upon a motor

2 vehicle stopped, left standing either attended or unattended, or
3 parked by him, or a vehicle under his direction and for his
4 use, a distinguishing insignia provided for in this section may
5 exercise the stopping, standing or parking privileges provided
6 in this section. The distinguishing insignia shall be displayed
7 on the motor vehicle in the manner prescribed by the com-
8 missioner.

9 A person desiring to have a distinguishing insignia issued
10 to him under this section shall submit to the commissioner:

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

13 (2) A certificate issued by a person licensed to practice
14 medicine in this state stating that the applicant is physically
15 disabled within the meaning of this section; and

16 (3) A fee of one dollar.

17 Upon receipt of the application, the physician's certificate
18 and the registration fee if the commissioner finds that the
19 applicant qualifies for the stopping, standing or parking
20 privileges provided for in this section, the commissioner may
21 issue to such applicant either, as the case may warrant:

22 (1) A temporary insignia to be used by persons who are
23 temporarily disabled, such insignia to be valid for such period
24 of time as the aforementioned physician determines the ap-
25 plicant will be disabled, or

26 (2) A permanent insignia to be used by persons who are certi-
27 fied as permanently disabled by the aforementioned physician.

28 The two types of insignia shall be identical in size and form
29 while being clearly distinguishable by color and lettering from
30 each other for identification purposes. The commissioner shall
31 adopt and promulgate rules and regulations in accordance with
32 chapter twenty-nine-a as needed to administer the provisions of
33 this section.

34 Free stopping, standing or parking places marked "reserved
35 for disabled persons" shall be designated in close proximity
36 to all state, county and municipal buildings or other public
37 facilities. Such places shall be reserved solely for physically
38 disabled persons during the hours that such buildings are open
39 for business.

40 In this section "physically disabled person" means any per-
41 son who has sustained a permanent disability rendering it
42 difficult and burdensome for such person to walk, or any

43 person who is similarly disabled for a temporary period of
44 time.

45 Any person who is not disabled permanently or temporarily
46 and who applies for the stopping, standing or parking privileges
47 provided for in this section, or any person who upon having
48 been granted such privileges wrongfully uses or abuses them
49 or any person who falsely certifies that a person is disabled
50 permanently or temporarily in order that such person may be
51 granted such privileges shall be guilty of a misdemeanor,
52 and, upon conviction thereof, in addition to any other
53 penalty he may otherwise incur or have imposed upon him
54 by law, shall be fined not less than fifty dollars nor more than
55 one hundred dollars, or imprisoned in the county jail not
56 more than thirty days, or both fined and imprisoned. The
57 commissioner shall recall and destroy any distinguishing in-
58 signia that was issued under improper circumstance.

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

H. Darrel Darby
Chairman Senate Committee

Lawrence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Haward McCarron
Clerk of the Senate

Ch Blankenship
Clerk of the House of Delegates

H. J. Brotherhood
President of the Senate

Lewis J. McManus
Speaker House of Delegates

The within approved this the 24th
day of April, 1973.

Arch A. Shaver Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.