

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-80

Time 2:10 p.m.

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



# ENROLLED

Committee Substitute for  
HOUSE BILL No. 976

(By Mr. Springston + Mr. Woodwin)



Passed March 8, 1980

In Effect July 1, 1980 Passage



700: 976

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 976**

(By MR. SPRINGSTON and MR. GOODWIN)

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(Originating in the House Committee on the Judiciary)

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[Passed March 8, 1980; in effect July 1, 1980.]

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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 providing for special registration license plates and decals for certain handicapped and disabled persons in the state; giving certain stopping, standing and parking privileges to such persons; providing for certain fees and charges; giving the state commissioner of motor vehicles certain powers, duties and responsibilities with respect to the foregoing; and providing criminal penalties for certain acts made in connection with application for or use of the special plates, decals and privileges.

*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 regis-  
2 tration under the provisions of article three, chapter seventeen-

3 a of this code, who is a physically handicapped person with  
4 limited mobility, or whose spouse or other immediate family  
5 member is a physically handicapped person with limited mo-  
6 bility and resides with him, may apply for a special registration  
7 plate by submitting to the commissioner:

8 (1) An application therefor on a form prescribed and fur-  
9 nished by the commissioner;

10 (2) A certificate issued by a person licensed to practice  
11 medicine in this state stating that the applicant or the appli-  
12 cant's spouse or a member of the applicant's immediate family  
13 residing with him is a physically handicapped person with  
14 limited mobility as defined in this section.

15 Upon receipt of the application, the physician's certi-  
16 ficate and the registration fee, if he finds that the appli-  
17 cant qualifies for the special registration plate provided  
18 for in this subsection, the commissioner shall issue to  
19 such applicant an appropriately designed and appropriate-  
20 ly designated special registration plate. The special plate  
21 shall be used in place of a regular license plate.

22 As used in this section, a physically handicapped per-  
23 son with limited mobility is any person who suffers from  
24 a permanent physical condition making it unduly diffi-  
25 cult and burdensome for such person to walk.

26 Any person who falsely or fraudulently obtains or seeks to  
27 obtain the special plate provided for in this subsection (a),  
28 and any person who falsely certifies that a person is physically  
29 handicapped with limited mobility in order that an applicant  
30 may be issued the special plate, is guilty of a misdemeanor,  
31 and, upon conviction thereof, in addition to any other penalty  
32 he may otherwise incur, shall be fined not less than one hun-  
33 dred dollars nor more than one thousand dollars, or imprison-  
34 ed in the county jail not more than one year, or both fined and  
35 imprisoned.

36 (b) Any physically disabled person, and any person  
37 whose spouse or other immediate family member is a  
38 physically disabled person and resides with him, may ap-

39 ply for a vehicle decal for a class A vehicle by sub-  
40 mitting to the commissioner:

41 (1) An application therefor on a form prescribed and fur-  
42 nished by the commissioner;

43 (2) A certificate issued by a person licensed to practice  
44 medicine in this state stating that the applicant or the appli-  
45 cant's spouse or a member of the applicant's immediate family  
46 residing with him is a physically disabled person, as defined in  
47 this section, and stating the expected duration of the disability;  
48 and

49 (3) A fee of one dollar.

50 Upon receipt of the application, the physician's certi-  
51 ficate and the registration fee, if he finds that the appli-  
52 cant qualifies for the vehicle decal provided for in this  
53 subsection, the commissioner shall issue to such applicant  
54 an appropriately designed decal. The decal shall be dis-  
55 played on the motor vehicle in the manner prescribed by  
56 the commissioner and shall be valid for such period of  
57 time as the certifying physician has determined that the  
58 disability will continue, which period of time, reflecting  
59 the date of expiration, shall be conspicuously shown on  
60 the face of the decal.

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

64 Any person who falsely or fraudulently obtains or seeks to ob-  
65 tain the vehicle decal provided for in this subsection, and any  
66 person who falsely certifies that a person is physically disabled  
67 in order that an applicant may be issued the vehicle decal, is  
68 guilty of a misdemeanor, and, upon conviction thereof, in addi-  
69 tion to any other penalty he may otherwise incur, shall be fined  
70 not less than fifty nor more than one hundred dollars, or im-  
71 prisoned in the county jail not more than thirty days, or both  
72 fined and imprisoned.

73 (c) Free stopping, standing or parking places marked "re-  
74 served for disabled persons" shall be designated in close prox-  
75 imity to all state, county and municipal buildings and other

76 public facilities. Such places shall be reserved solely for phy-  
77 sically disabled and handicapped persons during the hours that  
78 such buildings are open for business.

79 Any person whose vehicle properly displays a valid special  
80 registration plate or decal may park the vehicle for unlimited  
81 periods of time in parking zones unrestricted as to length of  
82 parking time permitted: *Provided*, That this privilege does not  
83 mean that the vehicle may park in any zone where stopping,  
84 standing or parking is prohibited or which creates parking zones  
85 for special types of vehicles or which prohibits parking during  
86 heavy traffic periods during specified rush hours or where park-  
87 ing would clearly present a traffic hazard. To the extent any  
88 provision of any ordinance of any political subdivision of this  
89 state is contrary to the provisions of this section, the provisions  
90 of this section shall take precedence and shall apply.

91 The privileges provided for in this subsection shall apply  
92 only during those times when the vehicle is being used for the  
93 transportation of a physically handicapped or disabled person.  
94 Any person who knowingly exercises, or attempts to exercise,  
95 such privileges at a time when the vehicle is not being used for  
96 the transportation of a physically handicapped or disabled per-  
97 son is guilty of a misdemeanor, and, upon conviction thereof,  
98 in addition to any other penalty he may otherwise incur, shall  
99 be fined not less than ten nor more than fifty dollars, or im-  
100 prisoned in the county jail for not more than thirty days, or  
101 both fined and imprisoned.

102 (d) The commissioner shall adopt and promulgate rules and  
103 regulations in accordance with the provisions of chapter twenty-  
104 nine-a of this code to effectuate the provisions of this section.

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

*James L. Davis*  
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Chairman Senate Committee

*Clarence C. Thurston Jr*  
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Chairman House Committee

Originated in the House.

Takes effect July 1, 1980.

*Judd C. Mills*  
-----  
Clerk of the Senate

*C. Blankenship*  
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Clerk of the House of Delegates

*W. T. Grotherlong Jr.*  
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President of the Senate

*Clyde M. Lee, Jr*  
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Speaker House of Delegates

The within *is approved* this the *24*  
day of *March*, 1980.

*John D. Raley*  
-----  
Governor

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OFFICE OF THE GOVERNOR

STATE

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FILED