

No: 1062

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**WEST VIRGINIA LEGISLATURE**  
REGULAR SESSION, 1984



**ENROLLED**

*Com. Sub. for*  
**HOUSE BILL No. 1062**

(By ~~the~~ *Del. Spencer* .....



Passed ..... *Feb. 22,* ..... 1984

In Effect ..... *Ninety Days From* ..... Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1062**  
(By DELEGATE SPENCER)

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(Originating in the House Committee on the Judiciary)

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[Passed February 22, 1984; 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 stopping, standing or parking privileges for disabled; qualification; application; violations; making it a misdemeanor offense to park a vehicle without special license plate or decal in reserved areas for disabled except for limited purposes of loading or unloading a handicapped or physically disabled passenger; penalties.

*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 a physically handicapped

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

8 (1) An application therefor on a form prescribed and  
9 furnished 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 ap-  
12 plicant's spouse or a member of the applicant's immediate  
13 family residing with him is a physically handicapped person  
14 with limited mobility as defined in this section.

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

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

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

36 (b) Any physically disabled person, and any person whose  
37 spouse or other immediate family member is a physically  
38 disabled person and resides with him, may apply for a vehicle  
39 decal for a class A vehicle by submitting to the com-  
40 missioner:

41 (1) An application therefor on a form prescribed and  
42 furnished 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 ap-  
45 plicant's spouse or a member of the applicant's immediate  
46 family residing with him is a physically disabled person, as  
47 defined in this section, and stating the expected duration of the  
48 disability; and

49 (3) A fee of one dollar.

50 Upon receipt of the application, the physician's certificate  
51 and the registration fee, if he finds that the applicant quali-  
52 fies for the vehicle decal provided for in this subsection, the  
53 commissioner shall issue to such applicant an appropriately  
54 designed decal. The decal shall be displayed on the motor  
55 vehicle in the manner prescribed by the commissioner and  
56 shall be valid for such period of time as the certifying phy-  
57 sician has determined that the disability will continue, which  
58 period of time, reflecting the date of expiration, shall be con-  
59 spicuously shown on the face of the decal.

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

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

72 (c) Free stopping, standing or parking places marked "re-  
73 served for disabled persons" or "handicapped parking" shall be  
74 designated in close proximity to all state, county and municipal  
75 buildings and other public facilities. Such places shall be re-  
76 served solely for physically disabled and handicapped persons  
77 during the hours that such buildings are open for business.

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

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

102 (d) No person may stop, stand or park a motor vehicle  
103 in an area designated, zoned or marked for the handicapped  
104 or physically disabled, when such person is not physically  
105 disabled or handicapped and does not have displayed upon his  
106 vehicle a distinguishing insignia for the handicapped issued  
107 by the commissioner: *Provided*, That any person in the act  
108 of transporting a handicapped or physically disabled person,  
109 as defined by this article, may stop, stand or park a motor  
110 vehicle not displaying a distinguishing insignia for the handi-  
111 capped in an area designated, zoned or marked for the handi-  
112 capped or physically disabled for the limited purposes of  
113 loading or unloading his handicapped or physically disabled  
114 passenger: *Provided, however*, That such vehicle shall be  
115 promptly moved after the completion of such limited purposes.  
116 Any person who violates the provisions of this subsection

117 is guilty of a misdemeanor, and, upon conviction thereof,  
118 shall be fined not more than twenty-five dollars.

119 (e) The commissioner shall adopt and promulgate rules  
120 and regulations in accordance with the provisions of chapter  
121 twenty-nine-a of this code to effectuate the provisions of  
122 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

*Arnold Quill*  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jedd C. Wickes*  
-----  
Clerk of the Senate

*Donald L. Bopp*  
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Clerk of the House of Delegates

*Warren R. McNew*  
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President of the Senate

*William M. Lee, Jr.*  
-----  
Speaker House of Delegates

The within is approved this the 3  
day of February, 1984.

*Richard D. Ryan*  
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Governor

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SECY. OF STATE