WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 1062

(By )

Passed February 22, 1984

In Effect Ninety Days From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1062

(By Delegate Spencer)

(Originating in the House Committee on the Judiciary)

[Passed February 22, 1984; 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 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 registration under the provisions of article three, chapter seventeen-a of this code, who is a physically handicapped
person with limited mobility, or whose spouse or other
immediate family member is a physically handicapped person
with limited mobility and resides with him, may apply for a
special registration plate by submitting to the commissioner:

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

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

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

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

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

(b) Any physically disabled person, and any person whose
spouse or other immediate family member is a physically
disabled person and resides with him, may apply for a vehicle
decal for a class A vehicle by submitting to the com-
misioner:
(1) An application therefor on a form prescribed and furnished by the commissioner;

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

(3) A fee of one dollar.

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

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

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

(c) Free stopping, standing or parking places marked "reserved for disabled persons" or "handicapped parking" shall be designated in close proximity to all state, county and municipal buildings and other public facilities. Such places shall be reserved solely for physically disabled and handicapped persons during the hours that such buildings are open for business.
Any person whose vehicle properly displays a valid special registration plate or decal may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: Provided, That this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this state is contrary to the provisions of this section, the provisions of this section shall take precedence and shall apply.

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

(d) No person may stop, stand or park a motor vehicle in an area designated, zoned or marked for the handicapped or physically disabled, when such person is not physically disabled or handicapped and does not have displayed upon his vehicle a distinguishing insignia for the handicapped issued by the commissioner: Provided, That any person in the act of transporting a handicapped or physically disabled person, as defined by this article, may stop, stand or park a motor vehicle not displaying a distinguishing insignia for the handicapped in an area designated, zoned or marked for the handicapped or physically disabled for the limited purposes of loading or unloading his handicapped or physically disabled passenger: Provided, however, That such vehicle shall be promptly moved after the completion of such limited purposes.

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

(e) The commissioner shall adopt and promulgate rules and regulations in accordance with the provisions of chapter twenty-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
Chairman Senate Committee

Donald C. Naples
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jeff C. Notice
Clerk of the Senate

Donald L. Bogg
Clerk of the House of Delegates

W. Allen McBroom
President of the Senate

M. J. Sele.
Speaker House of Delegates

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

Governor