

No: 85

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

*Committee Substitute for*

SENATE BILL NO. 85

(By Senator *Kaufman*)



PASSED *March 5,* 1986

In Effect *90 days from* Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 85**  
(SENATOR KAUFMAN, *original sponsor*)

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[Passed March 5, 1986; 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 issuance of a special registration plate or mobile windshield placard to physically handicapped persons with limited mobility, relatives of handicapped persons with limited mobility, persons who regularly reside with a physically handicapped person with limited mobility and persons who regularly transport a physically handicapped person with limited mobility; and issuance of a vehicle decal to a physically disabled person or his relative or to a person who regularly resides with or transports a physically disabled person.

*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  
7 handicapped person with limited mobility;

8 (3) A person who regularly resides with a person who is  
9 a physically handicapped person with limited mobility; or

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

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

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

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

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

36 Any person who falsely or fraudulently obtains or seeks  
37 to obtain the special plate or the mobile windshield placard  
38 provided for in this subsection (a), and any person who

39 falsely certifies that a person is physically handicapped  
40 with limited mobility in order that an applicant may be  
41 issued the special plate, is guilty of a misdemeanor, and,  
42 upon conviction thereof, in addition to any other penalty he  
43 may otherwise incur, shall be fined not less than one  
44 hundred dollars nor more than one thousand dollars, or  
45 imprisoned in the county jail not more than one year, or  
46 both fined and imprisoned.

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

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

55 (2) A certificate issued by a person licensed to practice  
56 medicine in this state stating that the applicant or the  
57 applicant's relative is a physically disabled person, or that  
58 the person regularly residing with the applicant or  
59 regularly transported by the applicant is a physically  
60 disabled person, as defined in this section, and stating the  
61 expected duration of the disability; and

62 (3) A fee of one dollar.

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

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

78 Any person who falsely or fraudulently obtains or seeks  
79 to obtain the vehicle decal provided for in this subsection,  
80 and any person who falsely certifies that a person is

81 physically disabled in order that an applicant may be issued  
82 the vehicle decal, is guilty of a misdemeanor, and, upon  
83 conviction thereof, in addition to any other penalty he may  
84 otherwise incur, shall be fined not less than fifty nor more  
85 than one hundred dollars, or imprisoned in the county jail  
86 not more than thirty days, or both fined and imprisoned.

87 (c) Free stopping, standing or parking places marked  
88 "reserved for disabled persons" shall be designated in close  
89 proximity to all state, county and municipal buildings and  
90 other public facilities. Such places shall be reserved solely  
91 for physically disabled and handicapped persons during the  
92 hours that such buildings are open for business.

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

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

119 (d) No person may stop, stand or park a motor vehicle in  
120 an area designated, zoned or marked for the handicapped or  
121 physically disabled, when such person is not physically  
122 disabled or handicapped and does not have displayed upon

123 his vehicle a distinguishing insignia for the handicapped  
124 issued by the commissioner: *Provided*, That any person in  
125 the act of transporting a handicapped or physically  
126 disabled person, as defined by this article, may stop, stand  
127 or park a motor vehicle not displaying a distinguishing  
128 insignia for the handicapped in an area designated, zoned  
129 or marked for the handicapped or physically disabled for  
130 the limited purposes of loading or unloading his  
131 handicapped or physically disabled passenger: *Provided*,  
132 *however*, That such vehicle shall be promptly moved after  
133 the completion of such limited purposes.

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

137 (e) The commissioner shall adopt and promulgate rules  
138 and regulations in accordance with the provisions of  
139 chapter twenty-nine-a of this code to effectuate the  
140 provisions of this section.

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

*Bruce W. Davis*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Judd C. Wills*  
.....  
Clerk of the Senate

*Donald D. Hoff*  
.....  
Clerk of the House of Delegates

*San Tomberlin*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker House of Delegates

The within *Approved* ..... this the *25<sup>th</sup>*  
*March* .....  
day of ..... 1986.

*Arthur Shaffer Jr.*  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/8/86

Time 1:05 p.m.



RECEIVED

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SECRETARY OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86