WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1986

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ENROLLED  
Committee Substitute for  
SENATE BILL NO. 85  

(By Senator ...Kaufman...)  

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PASSED March 5, 1986  
In Effect 90 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 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.

(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:

(1) A physically handicapped person with limited mobility;

(2) A relative of a person who is a physically handicapped person with limited mobility;

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

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

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

(ii) 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 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 or mobile windshield placard provided for in this subsection, the commissioner shall issue to such applicant an appropriately designed and appropriately designated special registration plate or mobile windshield placard. 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 or the mobile windshield placard 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, any person who is a
relative of a physically disabled person, any person who
regularly resides with a physically disabled person, or any
person who regularly transports a physically disabled
person, may apply for a vehicle decal for a Class A vehicle
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
applicant's relative is a physically disabled person, or that
the person regularly residing with the applicant or
regularly transported by the applicant 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" 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, mobile windshield placard 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 subsection 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ..................this the 25th day of .................this the 25th day of March, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/8/56
Time 1:05 P.M.