WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2070

(By Delegate Love)

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Passed April 7, 1989

In Effect Ninety Days from Passage
ENROLLED
H. B. 2070
(By Delegate Love)

[Passed April 7, 1989; 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 parking privileges for disabled persons; qualifications; applications; certificate of disability by a licensed physician; and penalties for violations.

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 mobil-
(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 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 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 handi-
capped 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.

Frederick L. Hare
Chairman Senate Committee

J. L. Latto
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joel C. Zelluli
Clerk of the Senate

Donald L. Hoeg
Clerk of the House of Delegates

Tony T. treadmill
President of the Senate

David C. Cole
Speaker of the House of Delegates

The within is approved this the 24th day of April, 1989.

Gaston Caperton
Governor