WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

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ENROLLED

Comm. Sub. for
HOUSE BILL No. 4035...

(By Mr. Del L. Cook)

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Passed ........................................ 1990

In Effect Ninety Days from Passage

1990 passed
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4035
(By Delegate D. Cook)

[Passed February 27, 1990; 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 prohibiting nonhandicapped people from parking in parking spaces in privately owned parking lots, parking garages, or other parking areas clearly marked for people with handicapping conditions or people who are physically disabled, and providing a penalty.

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:

4 (1) A physically handicapped person with limited
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5 mobility;
6 (2) A relative of a person who is a physically handicapped person with limited mobility;
7 (3) A person who regularly resides with a person who
8 is a physically handicapped person with limited mobility; or
9 (4) A person who regularly transports a person who
10 is a physically handicapped person with limited mobility, may apply for a special registration plate or a
11 mobile windshield placard by submitting to the
12 commissioner:
13 (i) An application therefor on a form prescribed and
14 furnished by the commissioner, specifying whether the
15 applicant desires a special registration plate or a mobile
16 windshield placard; and
17 (ii) A certificate issued by a person licensed to
18 practice medicine stating that the applicant or the
19 applicant’s spouse or a member of the applicant’s
20 immediate family residing with him is a physically
21 handicapped person with limited mobility as defined in
22 this section.
23 Upon receipt of the application, the physician’s
24 certificate and the registration fee, if he finds that the
25 applicant qualifies for the special registration plate or
26 mobile windshield placard provided for in this subsec-
27 tion, the commissioner shall issue to such applicant an
28 appropriately designed and appropriately designated
29 special registration plate or mobile windshield placard.
30 The special plate shall be used in place of a regular
31 license plate.
32 As used in this section, a physically handicapped
33 person with limited mobility is any person who suffers
34 from a permanent physical condition making it unduly
35 difficult and burdensome for such person to walk.
36 Any person who falsely or fraudulently obtains or
37 seeks to obtain the special plate or the mobile windshield
38 placard provided for in this subsection (a), and any
39 person who falsely certifies that a person is physically
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43 handicapped with limited mobility in order that an
44 applicant may be issued the special plate, is guilty of
45 a misdemeanor, and, upon conviction thereof, in addition
46 to any other penalty he may otherwise incur, shall be
47 fined not less than one hundred dollars nor more than
48 one thousand dollars, or imprisoned in the county jail
49 not more than one year, or both fined and imprisoned.

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

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

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

65 (3) A fee of one dollar.

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

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

81 Any person who falsely or fraudulently obtains or
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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 misdemea-
nor, 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 exer-
cises, 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, and no person may stop, stand or park any motor vehicle at special, clearly marked, parking locations provided for the handicapped or physically disabled in or on privately owned parking lots, parking garages, or other parking areas, 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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 10th day of March 1990.

Governor