

2012 -- S 3051

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES PRIVILEGES

Introduced By: Senators Gallo, Miller, and DaPonte

Date Introduced: June 07, 2012

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking
2 Facilities and Privileges" is hereby amended to read as follows:

3 **31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement --**
4 **Designated parking spaces -- Violations. --** (a) Persons, as defined in subsection (h) of this
5 section, upon application and proof of permanent or long-term disability to the division of motor
6 vehicles, shall be issued one motor vehicle disability parking privilege placard or in the case of a
7 motorcycle, one motor vehicle sticker, of blue which shall be imprinted with the white
8 international symbol of access, certificate number, the words "Rhode Island Disability Parking
9 Permit" and shall bear the expiration date upon its face. A placard or motorcycle sticker issued to
10 a person whose disability is temporary shall be substantially similar to that issued to a person with
11 a permanent or long term disability. The temporary placard, however, shall be a red placard with
12 a white international symbol of access, certificate number, the words "Rhode Island Disability
13 Parking Permit" and shall bear the expiration dates upon its face. [A preliminary placard or a](#)
14 [motorcycle sticker shall be substantially similar to that issued to a person with a permanent, long-](#)
15 [term, or temporary disability. The preliminary placard shall be effective for twenty-one \(21\) days,](#)
16 [and may be issued by an applicant's licensed physician, physician's assistant, nurse practitioner,](#)
17 [or registered nurse, if in the medical provider's opinion the applicant's medical condition merits](#)
18 [the issuance of a preliminary placard while the division considers the applicant's qualifications for](#)
19 [any type of disability parking permit. The preliminary placard shall be an orange placard with a](#)

1 [white international symbol of access, certificate number, the words "Rhode Island disability](#)
2 [parking permit" and shall bear the expiration date upon its face.](#) Persons issued a placard or
3 motorcycle sticker pursuant to this section shall be entitled to the immunities of sections 31-28-4
4 and 31-28-6. The placard shall conform to the Uniform Parking System for Disabled Drivers
5 standard issued by the United States Department of Transportation. If an application for a placard
6 or motorcycle sticker is denied, the division of motor vehicles shall promptly notify the applicant
7 in writing, stating the specific reason(s) for the denial, and advising the applicant of the
8 procedures for requesting a hearing to appeal the denial. Prior to the appeal hearing, the applicant
9 shall be provided with any and all documents relied upon by the division in denying the
10 application. If an application contains a physician certification that the applicant is sufficiently
11 disabled to require a placard or motorcycle sticker, and the division has not provided specific
12 reasons in its denial letter to the applicant, the hearing officer shall summarily order that a placard
13 or motorcycle sticker be provided to the applicant. At all other hearings of application denials
14 where a physician certification has been provided, the division shall bear the burden of proof that
15 the individual is not entitled to a placard or motorcycle sticker pursuant to this chapter.

16 (b) A placard issued pursuant to this section shall be portable and used only when the
17 person is being transported. The placard is to be hung from the rear view mirror so as to be seen
18 through the front or rear windshield of the motor vehicle. A placard may be issued to a person
19 with a disability who does not own a motor vehicle, to be used only when he or she is being
20 transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be
21 affixed to the rear plate of the motorcycle.

22 (c) (1) The certificate of entitlement to the placard or motorcycle sticker shall be
23 renewed every three (3) years for individuals with a long-term disability, as defined in subsection
24 (d) of this section, and the renewal application shall require a physician's certification that the
25 condition has not changed since the previous approval, and three (3) years for individuals with a
26 permanent disability as defined in subsection (h) of this section, in accordance with a schedule
27 prepared by the division of motor vehicles that uses the last name of an individual to determine
28 the month of renewal. If an application or subsequent renewal is accompanied by a physician's
29 certification that the applicant's condition is a chronic, permanent impairment and that application
30 is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit
31 from the applicant or applicant's, guardian or legal representative or a certificate from the
32 applicant's physician that his or her condition has not changed since the previous approval.

33 (2) The certificate of entitlement to the placard or motorcycle sticker shall be covered
34 with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker

1 bearing the expiration date of the certificate of entitlement to be affixed across the expiration date
2 of the disability parking privilege placard or in the case of a motorcycle the applicant shall
3 receive a new motorcycle sticker. The division of motor vehicles shall establish rules and
4 regulations allowing for the renewal of the certificates of entitlement by mail.

5 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew
6 the certificate of entitlement for noncompliance with the requirements of this section or for
7 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before
8 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor
9 vehicles shall bear the burden of proof that the individual is not entitled to the placard or
10 motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards
11 or motorcycle sticker. The division of motor vehicles shall be authorized to issue a temporary
12 disability parking privilege placard or motorcycle sticker immediately upon receipt of an
13 application for individuals with a temporary impairment, as defined in subsection (h) of this
14 section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date
15 of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year
16 or less, as determined by the medical advisory board upon application if the disability persists.
17 The division of motor vehicles shall subsequently review the applications in accordance with the
18 procedures currently in effect as to applications from persons whose disability is long term. Any
19 issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and
20 notice of the revocation shall be sent to the applicant.

21 (d) A person, other than a person with a disability, who for his or her own purposes uses
22 the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A
23 person issued a special placard who uses the placard after expiration, or who shall allow
24 unauthorized use of the disability parking placard or sticker, may be subject to immediate
25 revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five
26 hundred dollars (\$500).

27 (e) Disability parking spaces shall be designated and identified by the posting of signs
28 above ground level incorporating the international symbol of access of white on blue, and the
29 words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking"
30 at each space, at both ends of a row or series of adjacent disability parking spaces, or at the
31 entrance to a parking lot restricted to only disability parking.

32 (f) A person, other than a person issued a special placard or motorcycle sticker pursuant
33 to this section, who parks a vehicle in a parking space designated for persons with disabilities,
34 shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred seventy-five

1 dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars (\$325) for a third
2 or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided
3 further, that it shall not be unlawful for a person to park a vehicle in a space designated for person
4 with disabilities if that person is transporting a person who has been issued a special placard and
5 is properly displaying the placard on the vehicle.

6 (g) Enforcement of the parking provisions of this section shall be enforced by the local
7 or state authorities on public or private property when the location of the parking spaces is within
8 the purview of the State Building Code, chapter 27.3 of title 23.

9 (h) Definitions. - For the purpose of this section:

10 (1) "Disabled" or "disability" means a permanent or long-term impairment which
11 prevents or impedes walking, which shall include but not be limited to: (i) an impairment which
12 prevents walking and requires use of a wheelchair; (ii) an impairment which involuntarily causes
13 difficulty or insecurity in walking or climbing stairs with or without the need to use braces,
14 crutches, canes or artificial support; (iii) an impairment caused by amputation, arthritis, blindness
15 (including legally blind), or orthopedic condition; (iv) an impairment in respiratory, circulatory,
16 or neurological health which limits the person's walking capability; or (v) disabled veteran,
17 pursuant to section 31-6-8 after certification of eligibility from the Veterans' Administration or
18 other satisfactory documentation of eligibility is presented. Persons with disabilities may be
19 capable of working or may be presently working.

20 (2) "Long-term disability" means an impairment which is potentially reversible or may
21 improve with appropriate medical treatment. At the time of application and or renewal, the
22 impairment should not be expected to improve prior to the expiration of the certification, to a
23 point where the individual does not meet the provisions of subdivision (1) of this subsection.

24 (3) "Permanent disability" means an impairment which is non-reversible.

25 (4) "Temporary impairment" means an impairment which is expected to improve to a
26 point where the individual does not meet the provisions of subdivision (1) of this subsection,
27 within two (2) years of the application.

28 (i) The department of revenue shall inform each licensed driver of the certificate
29 procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6, and a
30 facsimile of the portable placards and motorcycle stickers issued under this section shall be sent
31 to the enforcing authority of each state, and each enforcing authority shall be informed of the
32 parking restrictions of this section and sections 31-28-4 and 31-28-6. Recipients of disability
33 parking privilege placards shall also receive instructions on their use and the penalties for misuse,
34 when the placard is initially issued.

1 (j) Any person who makes, manufactures, offers for sale or knowingly uses a counterfeit
2 parking privilege placard shall be fined up to five hundred dollars (\$500) and/or forty (40) hours
3 of community restitution.

4 SECTION 2. This act shall take effect on January 1, 2013.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES PRIVILEGES

1 This act would authorize the division of motor vehicles to issue preliminary disability
2 parking permits to applicants while they wait to receive their disability registration plate.

3 This act would take effect on January 1, 2013.

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