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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND  
PRIVILEGES

Introduced By: Senators Goodwin, and DiPalma

Date Introduced: March 13, 2013

Referred To: Senate Special Legislation and Veterans Affairs

(Revenue)

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) Definitions. For the purpose of this section:**

5 (1) "Disabled" or disability" means a permanent or long-term impairment which prevents  
6 or impedes walking, which shall include, but not be limited to: (1) An impairment which prevents  
7 walking and requires use of a wheelchair; (2) An impairment which involuntarily causes  
8 difficulty or insecurity in walking or climbing stairs with or without the need to use braces,  
9 crutches, canes or artificial support; (3) An impairment caused by amputation, arthritis, blindness  
10 (including legally blind), or orthopedic condition; (4) An impairment in respiratory, circulatory,  
11 or neurological health which limits the person's walking capability; or (5) Disabled veteran,  
12 pursuant to section 31-6-8 after certification of eligibility from the veterans' administration or  
13 other satisfactory documentation of eligibility is presented. Persons with disabilities may be  
14 capable of working or may be presently working.

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

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

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

5 ~~(a)~~(b) Persons, as defined in subsection ~~(h)~~(a) of this section, upon application and proof  
6 of permanent ~~or long-term~~ disability to the division of motor vehicles, shall be issued one motor  
7 vehicle disability parking privilege placard or in the case of a motorcycle, one motor vehicle  
8 sticker, of blue which shall be imprinted with the white international symbol of access, certificate  
9 number, and the words "Rhode Island Disability Parking Permit". ~~and shall bear the expiration~~  
10 ~~date upon its face.~~ A placard or motorcycle sticker issued to a person whose disability is long-  
11 term or temporary shall be substantially similar to that issued to a person with a permanent ~~or~~  
12 ~~long-term~~ disability. The long-term or temporary placard, however, shall be a red placard with a  
13 white international symbol of access, certificate number, the words "Rhode Island Disability  
14 Parking Permit" and shall bear the expiration dates upon its face. Persons issued a placard or  
15 motorcycle sticker pursuant to this section shall be entitled to the immunities of sections 31-28-4  
16 and 31-28-6. The placard shall conform to the Uniform Parking System for Disabled Drivers  
17 standard issued by the United States Department of Transportation. If an application for a placard  
18 or motorcycle sticker is denied, the division of motor vehicles shall promptly notify the applicant  
19 in writing, stating the specific reason(s) for the denial, and advising the applicant of the  
20 procedures for requesting a hearing to appeal the denial. Prior to the appeal hearing, the applicant  
21 shall be provided with any and all documents relied upon by the division in denying the  
22 application. If an application contains a physician certification that the applicant is sufficiently  
23 disabled to require a placard or motorcycle sticker, and the division has not provided specific  
24 reasons in its denial letter to the applicant, the hearing officer shall summarily order that a placard  
25 or motorcycle sticker be provided to the applicant. At all other hearings of application denials  
26 where a physician certification has been provided, the division shall bear the burden of proof that  
27 the individual is not entitled to a placard or motorcycle sticker pursuant to this chapter.

28 ~~(b)~~(c) A placard issued pursuant to this section shall be portable and used only when the  
29 person is being transported. The placard is to be hung from the rear view mirror so as to be seen  
30 through the front or rear windshield of the motor vehicle. A placard may be issued to a person  
31 with a disability who does not own a motor vehicle, to be used only when he or she is being  
32 transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be  
33 affixed to the rear plate of the motorcycle.

34 ~~(e)~~(d) (1) The certificate of entitlement to the placard or motorcycle sticker shall be

1 renewed every three (3) years for individuals with a long-term disability, as defined in subsection  
2 ~~(d)~~(e) of this section, and the renewal application shall require a physician's certification that the  
3 condition has not changed since the previous approval, ~~and three (3) years for individuals with a~~  
4 ~~permanent disability as defined in subsection (h) of this section,~~ in accordance with a schedule  
5 prepared by the division of motor vehicles that uses the last name of an individual to determine  
6 the month of renewal. ~~If an application or subsequent renewal is accompanied by a physician's~~  
7 ~~certification that the applicant's condition is a chronic, permanent impairment and that application~~  
8 ~~is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit~~  
9 ~~from the applicant or applicant's, guardian or legal representative or a certificate from the~~  
10 ~~applicant's physician that his or her condition has not changed since the previous approval. There~~  
11 ~~shall be no need to renew a disability placard issued to a person with a permanent disability as~~  
12 ~~defined in subsection (a) of this section. Upon the death of the placard holder, the family or estate~~  
13 ~~is required to return the placard to the division of motor vehicles within thirty (30) days of~~  
14 ~~decendent's death.~~

15 (2) The certificate of entitlement to the placard or motorcycle sticker shall be covered  
16 with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker  
17 bearing the expiration date of the certificate of entitlement to be affixed across the expiration date  
18 of the disability parking privilege placard or in the case of a motorcycle the applicant shall  
19 receive a new motorcycle sticker. The division of motor vehicles shall establish rules and  
20 regulations allowing for the renewal of the certificates of entitlement by mail.

21 (3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew  
22 the certificate of entitlement for noncompliance with the requirements of this section or for  
23 violation of subsection (h) of this section, the individual shall first be entitled to a hearing before  
24 the division of motor vehicles to contest the proposed action. At the hearing, the division of motor  
25 vehicles shall bear the burden of proof that the individual is not entitled to the placard or  
26 motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards  
27 or motorcycle sticker. The division of motor vehicles shall be authorized to issue a temporary  
28 disability parking privilege placard or motorcycle sticker immediately upon receipt of an  
29 application for individuals with a temporary impairment, as defined in subsection (h) of this  
30 section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date  
31 of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year  
32 or less, as determined by the medical advisory board upon application if the disability persists.  
33 The division of motor vehicles shall subsequently review the applications in accordance with the  
34 procedures currently in effect as to applications from persons whose disability is long term. Any

1 issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and  
2 notice of the revocation shall be sent to the applicant.

3 ~~(d)~~(e) A person, other than a person with a disability, who for his or her own purposes  
4 uses the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A  
5 person issued a special placard who uses the placard after expiration, or who shall allow  
6 unauthorized use of the disability parking placard or sticker, may be subject to immediate  
7 revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five  
8 hundred dollars (\$500).

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

14 ~~(f)~~(g) A person, other than a person issued a special placard or motorcycle sticker  
15 pursuant to this section, who parks a vehicle in a parking space designated for persons with  
16 disabilities, shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred  
17 seventy-five dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars  
18 (\$325) for a third or subsequent violation. The vehicle may be subject to towing at the owner's  
19 expense. Provided further, that it shall not be unlawful for a person to park a vehicle in a space  
20 designated for person with disabilities if that person is transporting a person who has been issued  
21 a special placard and is properly displaying the placard on the vehicle.

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

25 ~~(h) Definitions.—For the purpose of this section:~~

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

1 ~~capable of working or may be presently working.~~

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

6 ~~(3) "Permanent disability" means an impairment which is non reversible.~~

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

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

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

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND  
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1           This act would eliminate the renewal requirement for individuals who have disability  
2 placards for a permanent disability. Upon death of the placard holder, the family or estate would  
3 return the placard to the department of motor vehicles.

4           This act would take effect upon passage.

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