

2022 -- H 7322

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND
PRIVILEGES

Introduced By: Representatives McLaughlin, and Giraldo

Date Introduced: February 02, 2022

Referred To: House State Government & Elections

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 -- Designated**
4 **parking spaces -- Violations.**

5 (a)(1) Except as provided for in subsection (a)(2) of this section, persons, ~~Persons,~~ as
6 defined in subsection (h) of this section, upon application and proof of permanent or long-term
7 disability to the division of motor vehicles, shall be issued one motor vehicle disability parking
8 privilege placard or in the case of a motorcycle, one motor vehicle sticker, of blue which shall be
9 imprinted with the white international symbol of access, certificate number, the words "Rhode
10 Island Disability Parking Permit" and shall bear the expiration date upon its face. A placard or
11 motorcycle sticker issued to a person whose disability is temporary shall be substantially similar to
12 that issued to a person with a permanent or long term disability. The temporary placard, however,
13 shall be a red placard with a white international symbol of access, certificate number, the words
14 "Rhode Island Disability Parking Permit" and shall bear the expiration dates upon its face. A
15 preliminary placard shall be similar to that issued to a person with a permanent, long-term, or
16 temporary disability. The preliminary placard shall be effective for twenty-one (21) days, and may
17 be issued by an applicant's licensed physician, if in the medical provider's opinion the applicant's
18 medical condition merits the issuance of a preliminary placard while the division, or after January

1 [1, 2023 the governor's commission on disabilities](#), considers the applicant's qualifications for any
2 type of disability parking permit. The preliminary placard shall be an orange placard with a white
3 international symbol of access, certificate number, the words "Rhode Island Disability Parking
4 Permit" and shall bear the expiration date upon its face and shall be displayed on the dashboard of
5 the vehicle in a manner that it is clearly visible from the front. The division of motor vehicles shall
6 promulgate rules governing the issuance and use of preliminary placards. Applicants shall not be
7 charged any fee associated with the issuance of a preliminary placard. Physicians submitting false
8 information to the division of motor vehicles [or on or after January 1, 2023, the governor's](#)
9 [commission on disabilities](#) to obtain a preliminary placard on anyone's behalf may be subject to the
10 penalties set forth in § 11-18-1.3. Persons issued a placard or motorcycle sticker pursuant to this
11 section shall be entitled to the immunities of §§ 31-28-4 and 31-28-6. The placard shall conform to
12 the Uniform Parking System for Disabled Drivers standard issued by the United States Department
13 of Transportation. If an application for a placard or motorcycle sticker is denied, the division of
14 motor vehicles [or, on or after January 1, 2023, the governor's commission on disabilities](#), shall
15 promptly notify the applicant in writing, stating the specific reason(s) for the denial, and advising
16 the applicant of the procedures for requesting a hearing to appeal the denial. Prior to the appeal
17 hearing, the applicant shall be provided with any and all documents relied upon by the division [or,](#)
18 [on or after January 1, 2023, the governor's commission on disabilities](#), in denying the application.
19 If an application contains a physician certification that the applicant is sufficiently disabled to
20 require a placard or motorcycle sticker, and the division [or, on or after January 1, 2023, the](#)
21 [governor's commission on disabilities](#) has not provided specific reasons in its denial letter to the
22 applicant, the hearing officer shall summarily order that a placard or motorcycle sticker be provided
23 to the applicant. At all other hearings of application denials where a physician certification has been
24 provided, the division [or on or after January 1, 2023, the governor's commission on disabilities](#)
25 shall bear the burden of proof that the individual is not entitled to a placard or motorcycle sticker
26 pursuant to this chapter.

27 [\(2\) Effective January 1, 2023, all functions of the division of motor vehicles as to the](#)
28 [issuance and renewal of a motor vehicle disability parking privilege placard or a motor vehicle](#)
29 [sticker, or a certificate of entitlement, shall be transferred to the governor's commission on](#)
30 [disabilities established pursuant to chapter 51 of title 42. The governor's commission on disabilities](#)
31 [shall have jurisdiction to issue and renew, fail to renew, suspend, or revoke a placard, sticker, or](#)
32 [certificate of entitlement to a placard or sticker. Hearings regarding a failure to renew, suspension,](#)
33 [or revocation of a placard, sticker, or certificate of entitlement to a placard or sticker, shall continue](#)
34 [to be conducted by the division of motor vehicles as set forth in subsection \(c\)\(3\) of this section.](#)

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

7 (c)(1) The certificate of entitlement to the placard or motorcycle sticker shall be renewed
8 every six (6) years for individuals with a long-term disability, as defined in subsection (d) of this
9 section, and the renewal application shall require a physician's certification that the condition has
10 not changed since the previous approval, and six (6) years for individuals with a permanent
11 disability as defined in subsection (h) of this section, in accordance with a schedule prepared by
12 the division of motor vehicles that uses the last name of an individual to determine the month of
13 renewal. If an application or subsequent renewal is accompanied by a physician's certification that
14 the applicant's condition is a chronic, permanent impairment and that application is approved, then
15 any subsequent renewal shall be authorized upon receipt of a notarized affidavit from the applicant
16 or applicant's, guardian or legal representative or a certificate from the applicant's physician that
17 his or her condition has not changed since the previous approval.

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

24 (3) Whenever the division of motor vehicles [or on or after January 1, 2023 the governor's](#)
25 [commission on disabilities](#) proposes to suspend, revoke or fail to renew the certificate of entitlement
26 for noncompliance with the requirements of this section or for violation of subsection (h) of this
27 section, the individual shall first be entitled to a hearing before the division of motor vehicles to
28 contest the proposed action. At the hearing, the division of motor vehicles shall bear the burden of
29 proof that the individual is not entitled to the placard or motorcycle sticker pursuant to this chapter.
30 There shall be no renewal fee charged for the placards or motorcycle sticker. The division of motor
31 vehicles shall be authorized to issue a temporary disability parking privilege placard or motorcycle
32 sticker immediately upon receipt of an application for individuals with a temporary impairment, as
33 defined in subsection (h) of this section. A temporary placard or motorcycle sticker shall be valid
34 for sixty (60) days from the date of issuance. Temporary placards or motorcycle stickers may be

1 renewed for a period of one year or less, as determined by the medical advisory board upon
2 application if the disability persists. The division of motor vehicles shall subsequently review the
3 applications in accordance with the procedures currently in effect as to applications from persons
4 whose disability is long term. Any issuance which, after subsequent review, shall be found to be
5 inappropriate shall be revoked and notice of the revocation shall be sent to the applicant.

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

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

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

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

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

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

1 certification of eligibility from the Veterans' Administration or other satisfactory documentation of
2 eligibility is presented. Persons with disabilities may be capable of working or may be presently
3 working.

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

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND
PRIVILEGES

1 This act would provide that effective January 1, 2023, all functions of the division of motor
2 vehicles as to the issuance and renewal of a motor vehicle disability parking privilege placard, a
3 motor vehicle sticker, and a certificate of entitlement to a placard or sticker, would be transferred
4 to the governor's commission on disabilities established pursuant to chapter 51 of title 42. Hearings
5 regarding failing to renew, suspensions, or revocations of the placards, stickers, or certificates,
6 would continue to be conducted by the division of motor vehicles.

7 This act would take effect upon passage.

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