

HOUSE CS FOR CS FOR SENATE BILL NO. 206(FIN) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/12/02

Offered: 5/12/02

Sponsor(s): SENATOR DONLEY

REPRESENTATIVE Meyer

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to registration plates and parking permits for persons with disabilities**
2 **and to illegal use of parking spaces for persons with disabilities."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **INTENT.** It is the intent of this Act that local law enforcement agencies should use
7 volunteer citizens or volunteer citizen patrol groups to enforce the provisions of this Act
8 whenever possible.

9 * **Sec. 2.** AS 28.10.181(d) is amended to read:

10 (d) Vehicles owned by [DISABLED] veterans **with disabilities**, including
11 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
12 other persons with disabilities. Upon the request of a person with a disability that
13 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
14 shall (1) register one passenger vehicle in the name of the person without charge; and

(2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the **international** [STANDARD] symbol of **accessibility** [DISABILITY] (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person **has** [IS] at least **a** 70 percent **disability** [DISABLED OR MEDICALLY HANDICAPPED] as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the **international** [STANDARD HANDICAP] symbol **of accessibility** and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

* **Sec. 3.** AS 28.10.421(d)(3) is amended to read:

(3) a vehicle owned by a [DISABLED VETERAN OR OTHER HANDICAPPED] person **with a disability** [,] and registered under AS 28.10.181, or **by** a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;

* **Sec. 4.** AS 28.10.441 is amended to read:

Sec. 28.10.441. Schedule of other fees and charges. The following fees and charges are imposed by the department for the stated services which it provides:

- (1) title fee, including transfer of title \$ 5;
- (2) lien filing fee \$ 5;
- (3) replacement of any registration plate set, including special request plates \$ 5;
- (4) duplicate of original certificate of title \$ 5;
- (5) duplicate of certificate of registration \$ 2;
- (6) temporary preregistration permit issued under AS 28.10.031 .. none;
- (7) special transport permit issued under AS 28.10.151 \$ 5;
- (8) special permit for vehicle used for transport of **a** [DISABLED OR

HANDICAPPED] person with a disability issued under AS 28.10.495 none.

* **Sec. 5.** AS 28.10.495 is amended to read:

Sec. 28.10.495. Parking permit for vehicle transporting a [DISABLED] person with a disability. (a) Upon application by a [DISABLED OR MEDICALLY HANDICAPPED] person with a disability, or by an organization that transports [DISABLED OR MEDICALLY HANDICAPPED] persons with disabilities, the department or a person authorized by the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a [DISABLED OR MEDICALLY HANDICAPPED] person with a disability.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a [DISABLED OR HANDICAPPED] person with a disability. Upon the death of a [DISABLED OR HANDICAPPED] person with a disability to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting [DISABLED OR HANDICAPPED] persons with disabilities, or ceases operating, it shall return the special permit to the department.

(c) Proof of disability [DISABLEMENT OR MEDICAL HANDICAP], for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

* **Sec. 6.** AS 28.15.231(b) is amended to read:

(b) Except as otherwise provided in AS 28.35.235(b), points [POINTS] may not be assessed for violating a provision of a state law or regulation or a municipal ordinance regulating standing, parking, equipment, size, or weight; nor may points be assessed for violations by pedestrians, passengers, or bicycle riders, or for violations of provisions relating to the preservation of the condition of traffic-control devices on the highways. Points shall be assessed for violations of oversize or overweight

permits relating only to restrictions upon speed or hours of operation.

* **Sec. 7.** AS 28.35.235 is amended to read:

Sec. 28.35.235. Unauthorized use of parking reserved for persons with disabilities; penalties [HANDICAPPED PARKING; MINIMUM FINE]. (a) A person may not park a motor vehicle in a parking place reserved for **a person with a disability** [DISABLED OR MEDICALLY HANDICAPPED PERSONS] unless

(1) the person **operating the vehicle** has a special permit issued by the department under AS 28.10.495;

(2) **the person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a special permit issued by the department under AS 28.10.495 and the person who has the special permit actually exits or enters the vehicle;**

(3) the motor vehicle displays a special license plate issued to **a person with a disability** [DISABLED OR HANDICAPPED PERSONS] under AS 28.10.181(d) **and is operated by or used for the purpose of transporting a person with a disability;** or

(4) [(3)] the motor vehicle displays a special license plate or permit issued to [DISABLED OR HANDICAPPED] persons **with disabilities** by another state, province, territory, or country **and is being operated by or used for the purpose of transporting a person with a disability.**

(b) A person who violates this section is guilty of an infraction. Upon conviction, the court shall impose a fine of not less than **\$125, or, if the person has been previously convicted under this section, the court shall impose a fine of not less than \$250.** However, a person who violates this section and who was, at the time of the violation, operating a vehicle displaying a special license plate issued under AS 28.10.181(d) or a special permit issued under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 or, if the person has been previously convicted under this section, pay a fine of **\$500** [\$100].

* **Sec. 8.** AS 28.35.235 is amended by adding a new subsection to read:

(c) A municipality may enact ordinances necessary to enforce this section.