

SENATE BILL NO. 206

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 4/25/01
Referred: State Affairs

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

5 (d) Vehicles owned by [DISABLED] veterans **with disabilities**, including
6 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
7 other persons with disabilities. Upon the request of a person with a disability that
8 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
9 shall (1) register one passenger vehicle in the name of the person without charge;
10 [AND] (2) issue a specially designed registration plate that displays (A) recognition of
11 the disabled veteran if the applicant's disability originated from the applicant's service
12 with the Alaska Territorial Guard or the armed forces of the United States; and (B) the
13 **international** [STANDARD] symbol of **accessibility** [DISABILITY] (the wheelchair
14 logo); **and (3) if the person provides written proof that the disability is**

1 **permanent, issue a photographic identification card authorizing the person to use**
2 **parking spaces for a person with a disability.** A disabled veteran who is not
3 otherwise qualified under this subsection, but who presents to the department written
4 proof that the person **has** [IS] at least **a** 70 percent **disability** [DISABLED OR
5 MEDICALLY HANDICAPPED] as a consequence of service in the Alaska Territorial
6 Guard or the armed forces of the United States, may register one passenger vehicle
7 without charge, and the department shall issue a specially designed registration plate
8 that displays recognition of the disabled veteran that does not display the
9 **international** [STANDARD HANDICAP] symbol **of accessibility** and does not carry
10 with it special parking privileges. For purposes of this subsection, proof of disability
11 may be provided by a person licensed as a physician under AS 08.64 or as an
12 advanced nurse practitioner under AS 08.68.

13 * **Sec. 2.** AS 28.10.421(d)(3) is amended to read:

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

18 * **Sec. 3.** AS 28.10.441 is amended to read:

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

- 21 (1) title fee, including transfer of title \$ 5;
- 22 (2) lien filing fee \$ 5;
- 23 (3) replacement of any registration plate set, including special request
24 plates \$ 5;
- 25 (4) duplicate of original certificate of title \$ 5;
- 26 (5) duplicate of certificate of registration \$ 2;
- 27 (6) temporary preregistration permit issued under AS 28.10.031 .. none;
- 28 (7) special transport permit issued under AS 28.10.151 \$ 5;
- 29 (8) special permit for vehicle used for transport of **a** [DISABLED OR
30 HANDICAPPED] person **with a disability** issued under AS 28.10.495 none.

31 * **Sec. 4.** AS 28.10.495 is amended to read:

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

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

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

23 * **Sec. 5.** AS 28.15.231(b) is amended to read:

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

31 * **Sec. 6.** AS 28.35.235 is amended to read:

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

5 (1) the person **operating the vehicle** has a special permit issued by the
 6 department under AS 28.10.495 **and carries a photographic identification card**
 7 **issued under AS 28.10.181(d);**

8 (2) **the person operating the vehicle has parked the vehicle for the**
 9 **purpose of transporting a person who has a special permit issued by the**
 10 **department under AS 28.10.495 and carries a photographic identification card**
 11 **issued under AS 28.10.181(d);**

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

16 (4) [(3)] the motor vehicle displays a special license plate or permit
 17 issued to [DISABLED OR HANDICAPPED] persons **with disabilities** by another
 18 state, province, territory, or country **and is being operated by or used for the**
 19 **purpose of transporting a person with a disability.**

20 (b) A person who violates this section is guilty of an infraction. Upon
 21 conviction, the court shall impose a fine of not less than **\$125, and the department**
 22 **shall assess two points against the person's driver's license. However, a person**
 23 **who violates this section and who was, at the time of the violation, operating a**
 24 **vehicle displaying a special license plate issued under AS 28.10.181(d) or a special**
 25 **permit issued under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250**
 26 **and perform eight hours of community service, and the department shall assess**
 27 **four points against the person's driver's license** [\$100].

28 * **Sec. 7.** AS 28.35.235 is amended by adding a new subsection to read:

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

30 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 TRANSITION. The Department of Administration shall issue photographic
2 identification cards, as required by sec. 1 of this Act, upon registration or renewal of
3 registration as described under AS 28.10.181(d).