

1 HB470
2 156934-1
3 By Representative Johnson (K)
4 RFD: Public Safety and Homeland Security
5 First Read: 12-FEB-14

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8 SYNOPSIS: Under existing law, it is unlawful for any
9 person who does not have a distinctive special
10 long-term access or long-term disability access
11 license plate or placard or temporary disability
12 placard to park in a special access or disability
13 parking space. The amount of the fine for violating
14 this law is required to be displayed on or attached
15 to any sign designating a special access or
16 disability parking space.

17 This bill would provide that the amount of
18 the fine for illegally parking in a special access
19 or disability parking space would not be required
20 to be displayed or attached to any sign designating
21 a special access or disability parking space.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 32-6-233.1, Code of Alabama 1975,
2 relating to disability access parking; to provide that the
3 amount of the fine for violating this law is not required to
4 be displayed or attached to any sign designating a special
5 access or disability parking space.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 32-6-233.1, Code of Alabama 1975,
8 is amended to read as follows:

9 "§32-6-233.1.

10 "(a) It shall be unlawful for any person who does
11 not have a distinctive special long-term access or long-term
12 disability access license plate or placard or temporary
13 disability placard as provided in Section 32-6-231, to park a
14 motor vehicle in a parking place designated for individuals
15 with disabilities at any place of public accommodation, any
16 business or legal entity engaged in interstate commerce or
17 which is subject to any federal or state laws requiring access
18 by persons with disabilities, any amusement or resort or any
19 other place to which the general public is invited or
20 solicited, even though located on private property, and upon
21 conviction, notwithstanding any other penalty provision which
22 may be authorized or employed, shall be fined a minimum of
23 fifty dollars (\$50) for the first offense, a minimum of two
24 hundred dollars (\$200) for the second offense, and a minimum
25 of five hundred dollars (\$500) for the third or any subsequent
26 offense. In addition, for the second or any subsequent offense
27 under this section, the person shall be ordered by the court

1 to perform a minimum of 40 hours of either of the following
2 forms of community service:

3 "(1) Community service for a nonprofit organization
4 that serves the disabled community or serves persons who have
5 a disabling disease.

6 "(2) Any other community service that may sensitize
7 the persons to the needs and obstacles faced daily by persons
8 who have disabilities.

9 "(b) Any authorized municipal, county, or state law
10 enforcement officer may go on private property to enforce this
11 section.

12 "(c) This section may be enforced by any law
13 enforcement officer who has successfully complied with the
14 minimum standards for police officers as set forth in Section
15 36-21-46, including, but not limited to, municipal law
16 enforcement officers, sheriffs, deputy sheriffs, and Alabama
17 State Troopers.

18 "(d) Any sign designating a ~~handicapped~~ special
19 access parking or disability parking place ~~shall~~ may contain
20 on the sign or attached to the sign the amount of the fine for
21 a parking violation on the first offense pursuant to
22 subsection (a).

23 "(e) If the law enforcement officer who issues the
24 special access parking or disability parking violation is
25 employed by a local law enforcement agency, 50 percent of the
26 fines collected pursuant to this section shall be paid to the
27 municipal or county general fund for the use of the law

1 enforcement agency by whom the arresting officer is employed,
2 with the remainder to be remitted to the State Treasury, to be
3 deposited in a separate fund to be distributed 50 percent to
4 the Administrative Office of Courts, to be expended for
5 support of the trial courts and 50 percent to the Department
6 of Mental Health, to be expended for the Individual and Family
7 Support Program for persons with developmental disabilities.

8 "If the law enforcement officer who issues the
9 special access parking or disability access parking violation
10 is employed by a state law enforcement agency, the fines
11 collected pursuant to this section shall be remitted to the
12 State Treasury, to be deposited in a separate fund to be
13 distributed 50 percent to the law enforcement agency by whom
14 the arresting officer is employed, 25 percent to the
15 Administrative Office of Courts, to be expended for support of
16 the trial courts and 25 percent to the Department of Mental
17 Health, to be expended for the Individual and Family Support
18 Program for persons with developmental disabilities.

19 "All funds deposited to a separate fund in the State
20 Treasury pursuant to this subsection to be expended by the
21 Department of Mental Health, the Administrative Office of
22 Courts and state law enforcement agencies shall be
23 appropriated by the Legislature, for the purposes stated in
24 this subsection. The expenditure of said sums so appropriated
25 shall be budgeted and allotted pursuant to the Budget
26 Management Act and Article 4 of Chapter 4 of Title 41. No
27 monies deposited to this fund shall revert to the State

1 General Fund at the end of any fiscal year. Prior to the
2 release of any monies to the Individual and Family Support
3 Program, such expenditures shall first be approved by the
4 Commissioner of the Department of Mental Health.

5 "(f) This section shall be held in pari materia with
6 all other provisions of law related to illegal special access
7 parking or disability access parking violations and all laws
8 or parts of laws which conflict with this section are
9 repealed."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.