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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

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

Introduced By: Representative Stephen R. Ucci

Date Introduced: February 26, 2020

Referred To: House Special Legislation

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) Persons, as defined in subsection (h) of this section, who do not own a motor vehicle
6 registered with the division, upon application and proof of permanent or long-term disability to the
7 division of motor vehicles, shall be issued one motor vehicle disability parking privilege placard,
8 for use when those persons are being transported, or in the case of a motorcycle, one motor vehicle
9 sticker, of blue which shall be imprinted with the white international symbol of access, certificate
10 number, the words "Rhode Island Disability Parking Permit" and shall bear the expiration date upon
11 its face.

12 (2) If the persons applying for motor vehicle permanent or long-term disability parking
13 privileges own a motor vehicle registered with the division, those persons shall receive special
14 license plates to be affixed to their vehicles imprinted with the white international symbol of access
15 and sticker bearing the expiration date upon its face.

16 (3) A placard or motorcycle sticker issued to a person whose disability is temporary shall
17 be substantially similar to that issued to a person with a permanent or long term disability. The
18 temporary placard, however, shall be a red placard with a white international symbol of access,

1 certificate number, the words "Rhode Island Disability Parking Permit" and shall bear the
2 expiration dates upon its face. A preliminary placard shall be similar to that issued to a person with
3 a permanent, long-term, or temporary disability. The preliminary placard shall be effective for
4 twenty-one (21) days, and may be issued by an applicant's licensed physician, if in the medical
5 provider's opinion the applicant's medical condition merits the issuance of a preliminary placard
6 while the division considers the applicant's qualifications for any type of disability parking permit.
7 The preliminary placard shall be an orange placard with a white international symbol of access,
8 certificate number, the words "Rhode Island Disability Parking Permit" and shall bear the
9 expiration date upon its face and shall be displayed on the dashboard of the vehicle in a manner
10 that it is clearly visible from the front. The division of motor vehicles shall promulgate rules
11 governing the issuance and use of preliminary placards. Applicants shall not be charged any fee
12 associated with the issuance of a preliminary placard. Physicians submitting false information to
13 the division of motor vehicles to obtain a preliminary placard on anyone's behalf may be subject to
14 the penalties set forth in § 11-18-1.3.

15 (4) Persons issued [special license plates](#), a placard or motorcycle sticker pursuant to this
16 section shall be entitled to the immunities of §§ 31-28-4 and 31-28-6. The placard shall conform to
17 the Uniform Parking System for Disabled Drivers standard issued by the United States Department
18 of Transportation. If an application for [special license plates](#), a placard or motorcycle sticker is
19 denied, the division of motor vehicles shall promptly notify the applicant in writing, stating the
20 specific reason(s) for the denial, and advising the applicant of the procedures for requesting a
21 hearing to appeal the denial. Prior to the appeal hearing, the applicant shall be provided with any
22 and all documents relied upon by the division in denying the application. If an application contains
23 a physician certification that the applicant is sufficiently disabled to require [special license plates](#),
24 a placard or motorcycle sticker, and the division has not provided specific reasons in its denial letter
25 to the applicant, the hearing officer shall summarily order that [special license plates](#), a placard or
26 motorcycle sticker be provided to the applicant. At all other hearings of application denials where
27 a physician certification has been provided, the division shall bear the burden of proof that the
28 individual is not entitled to [special license plates](#), a placard or motorcycle sticker pursuant to this
29 chapter.

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

1 rear plate of the motorcycle.

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

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

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

1 notice of the revocation shall be sent to the applicant.

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

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

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

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

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

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

34 (2) "Long-term disability" means an impairment which is potentially reversible or may

1 improve with appropriate medical treatment. At the time of application and or renewal, the
2 impairment should not be expected to improve prior to the expiration of the certification, to a point
3 where the individual does not meet the provisions of subdivision (1) of this subsection.

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

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

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

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

17 SECTION 2. This act shall take effect on July 1, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND
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1 This act would authorize the division of motor vehicles to issue special license plates for
2 persons suffering from permanent or long-term disability who own motor vehicles registered with
3 the division instead of a motor vehicle disability parking privilege placard.

4 This act would take effect on July 1, 2021.

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