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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: Senators Lombardi, Ciccone, Conley, McCaffrey, and Archambault

Date Introduced: January 21, 2020

Referred To: Senate Judiciary

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

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

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

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

28 (c)(1) The certificate of entitlement to the placard or motorcycle sticker shall be renewed  
29 every six (6) years for individuals with a long-term disability, as defined in subsection (d) of this  
30 section, and the renewal application shall require a physician's certification that the condition has  
31 not changed since the previous approval, and six (6) years for individuals with a permanent  
32 disability as defined in subsection (h) of this section, in accordance with a schedule prepared by  
33 the division of motor vehicles that uses the last name of an individual to determine the month of  
34 renewal. If an application or subsequent renewal is accompanied by a physician's certification

1 that the applicant's condition is a chronic, permanent impairment and that application is approved,  
2 then any subsequent renewal shall be authorized upon receipt of a notarized affidavit from the  
3 applicant or applicant's, guardian or legal representative or a certificate from the applicant's  
4 physician that his or her condition has not changed since the previous approval.

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

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

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

33 (e) Disability parking spaces shall be designated and identified by the posting of signs  
34 above ground level incorporating the international symbol of access of white on blue, and the

1 words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking"  
2 at each space, at both ends of a row or series of adjacent disability parking spaces, or at the  
3 entrance to a parking lot restricted to only disability parking.

4 (f) A person, other than a person issued a special placard or motorcycle sticker pursuant  
5 to this section, who parks a vehicle in a parking space properly designated with a sign as specified  
6 in subsection (e) of this section for persons with disabilities, shall be fined: (1) one hundred  
7 dollars (\$100) for a first violation, (2) one hundred seventy-five dollars (\$175) for a second  
8 violation, and (3) three hundred twenty-five dollars (\$325) for a third or subsequent violation.  
9 The vehicle ~~may be subject to towing~~ shall be towed at the owner's expense. Provided further,  
10 that it shall not be unlawful for a person to park a vehicle in a space designated for person with  
11 disabilities if that person is transporting a person who has been issued a special placard and is  
12 properly displaying the placard on the vehicle.

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

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

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

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

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

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

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would provide that a vehicle unlawfully parked in a properly marked
- 2 "handicapped parking" space would be towed at the owner's expense.
- 3           This act would take effect upon passage.

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