

FIRST REGULAR SESSION

# HOUSE BILL NO. 755

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BOUCHER.

Read 1<sup>st</sup> time February 13, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1860L.011

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### AN ACT

To repeal section 301.143, RSMo 2000, relating to parking spaces for the physically disabled, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 301.143, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 301.143, to read as follows:

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public off-street parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as

19 possible to the nearest accessible entrance. Such designation shall be made by posting  
20 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the  
21 international symbol of accessibility, and may also include any appropriate wording to indicate  
22 that the space is reserved for the exclusive use of vehicles which display a distinguishing license  
23 plate or card.

24         4. The local police or sheriff's department may cause the removal of any vehicle not  
25 displaying a distinguishing license plate or card on which is inscribed the international symbol  
26 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled  
27 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card  
28 issued by any other state from a space designated for physically disabled persons if there is  
29 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed  
30 the international symbol of accessibility and may include any appropriate wording to indicate that  
31 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate  
32 or card. Any person who parks in a space reserved for physically disabled persons and is not  
33 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction  
34 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred  
35 dollars. Any vehicle which has been removed and which is not properly claimed within thirty  
36 days thereafter shall be considered to be an abandoned vehicle.

37         5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license  
38 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal  
39 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant  
40 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated  
41 by political subdivisions in residential areas for the exclusive use of vehicles displaying a  
42 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the  
43 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any  
44 such space shall have clearly and visibly painted upon it the international symbol of accessibility  
45 and any curb adjacent to the space shall be clearly and visibly painted blue.

46         6. Any person who, without authorization, uses a distinguishing license plate or card  
47 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority  
48 of this section shall be guilty of an infraction and shall be subject to a fine of not less than fifty  
49 dollars nor more than three hundred dollars.

50         7. Law enforcement officials may enter upon private property open to public use to  
51 enforce the provisions of this section and section 301.142, including private property designated  
52 by the owner of such property for the exclusive use of vehicles which display a distinguishing  
53 license plate or card issued pursuant to section 301.071 or 301.142.

54         8. Nonconforming signs or spaces otherwise required pursuant to this section which are

55 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of  
56 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs  
57 or spaces be extended by means other than those means used to maintain any sign or space on  
58 the owner's property which is not used for vehicles displaying a disabled license plate.

59 **9. Political subdivisions are authorized to create volunteer enforcement programs**  
60 **whereby private citizens are authorized by local ordinance to document violations of**  
61 **sections 301.139, 301.141, 301.142, 301.143, or any ordinance of the political subdivision**  
62 **authorizing such a volunteer enforcement program. Such local ordinance must provide**  
63 **for the selection, training and supervision of volunteers for such an enforcement program**  
64 **and provide clear, written standards establishing the procedures under which volunteers**  
65 **may document and report violations, for which the supervising law enforcement agency**  
66 **shall issue citations. Volunteers must waive, and such political subdivisions and their law**  
67 **enforcement agencies shall be immune from, liability for injury or loss sustained by**  
68 **volunteers under such a volunteer enforcement program.**