39:4-138

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-138 et al (Handicapped parking--penalities for violations)

LAWS OF: 1989 **CHAPTER:** 201

Bill No: A1815

Sponsor(s): Franks, Singer & Deverin

Date Introduced: Pre-filed

Committee: **Assembly:** Law, Public Safety & Corrections

Senate: Law, Public Safety & Defense

Amended during passage: Yes Assembly Committee Substitute (2R) enacted

Date of Passage: **Assembly:** December 19, 1988 Re-enacted 6-29-88

Senate: March 2, 1989 Re-enacted 11-20-89

Date of Approval: November 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: **Assembly:** Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

(over)

"Tough penalities to give disabled (parking) space," 11-30-89 Trentonian

"New laws aim to drive the able-bodied from handicapped parking," 11-30-89 Trenton Times

"Lazy drivers face stiff penalities," 11-30-89 Star Ledger

974.90 New Jersey. Governor's Task Force on Services for Disabled Persons.
H236 Certain unalienable rights: final report.
1987 April, 1987. Trenton, 1987

(See Recommendation #59--p.47)

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1815, 1818, 1820, 1821 and 1826

STATE OF NEW JERSEY

ADOPTED MAY 16, 1988

Sponsored by Assemblymen FRANKS, SINGER and DEVERIN

AN ACT concerning parking spaces designated for the vehicles of the physically handicapped, amending R.S.39:4-138 [1][and],[1] R.S.39:4-197[1], and R.S.39:4-198,[1] and amending and supplementing P.L.1949, c.280 (C.39:4-204 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:4-138 is amended to read as follows:

39:4-138. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a public or private driveway;

e. Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;

f. On a sidewalk;

g. In any appropriately "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

h. Within 50 feet of a "stop" sign;

i. Within 10 feet of a fire hydrant;

j. Within 50 feet of the nearest rail of a railroad crossing;

k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

l. Alongside or opposite any street excavation or obstruction

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1] Senate SLP committee amendments adopted January 26, 1989.
[2] Assembly amendments adopted in accordance with Governor's recommendations June 22, 1989.

when stopping, standing, or parking would obstruct traffic, when properly signposted;

m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

o. In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle. [Any owner or possessor of private property may request and receive enforcement of this provision as to spaces on his property which are designated and marked according to law.] [1]State, county or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property.[1]

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(cf: P.L.1981, c.20, s.1)

2. R.S.39:4-197 is amended to read as follows:

39:4-197. Except as otherwise provided in R.S.39:4-8, no municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provisions of this chapter or any supplement to this chapter; except that a municipality may pass ordinances or resolutions, or by ordinances or resolutions may authorize the adoption of regulations by the board, body or official having control of traffic in the public streets, regulating special conditions existent in the municipality on the subjects and within the limitations following:

(1) Ordinance.

a. Altering speed limitations as provided in R.S.39:4-98;

b. Limiting use of streets to certain class of vehicles;

c. Designating one-way streets;

d. Regulating the stopping or starting of street cars at special

places, such as railroad stations, public squares or in front of certain public buildings;

e. Regulating the passage or stopping of traffic at certain congested street corners or other designated points;

f. Regulating the parking of vehicles on streets and portions thereof, including angle parking as provided in section R.S.39:4-135;

g. Regulating the parking of vehicles upon land owned or leased and maintained by the municipality, a parking authority or the board of education of a school district, including any lands devoted to the public parking of vehicles, the entrances thereto and exits therefrom;

h. Regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, except that this shall not apply to entrances or exits to and from State highways;

i. Designating streets or roads upon which buses and trucks over four tons gross weight may be required not to exceed specially fixed limits based on engineering and traffic investigation and to use a lower gear in descending steep declivities having a grade in excess of 5% fixing such special speed limits and providing for the use of such a gear thereon.

(2) Ordinance or resolution.

a. Designating through streets, as provided in article 17 of this chapter (R.S.39:4-140 et seq.);

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution or regulation.

a. Designating stops, stations or stands for omnibuses and taxis;

b. Designating curb loading zones;

c. Designating restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of [section 2 of] P.L.1949, c.280 [(C.39:4-205)] (C.39:4-204 et seq.) and section 1 of P.L.1977, c.202 (C.39:4-197.5). Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to [a penalty not to

exceed $50.00] [1]<u>[the penalties prescribed by the governing body for the violation of ordinances pursuant to the provisions of R.S.40:49-5, regardless of whether that restricted parking space was so designated by an ordinance, resolution or regulation] a fine of $100.00</u> [2]<u>[, up to 90 days imprisonment,] for the first offense and, for subsequent offenses, a fine of at least $100 and</u>[2] <u>up to 90 days community service on such terms and in such form as the court shall deem appropriate, or any combination thereof</u>[1].

(cf: P.L.1983, c.227, s.4)

3. Section 3 of P.L.1949, c.280 (C.39:4-206) is amended to read as follows:

3. The director shall issue to such applicant, also, a placard of such size and design as shall be determined by the director in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor, indicating that a handicapped person identification card has been issued to the person designated therein, which shall be displayed in such manner as the director shall determine on the motor vehicle used to transport the handicapped person, when the vehicle is parked overtime or in special parking places established for use by handicapped persons.

Notwithstanding any provision of this act to the contrary, the chief of police of each municipality in this State shall issue to any person who has temporarily lost the use of one or more limbs or is temporarily disabled as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise temporarily limited, as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering state, a temporary placard of not more than 6 months' duration. <u>Each temporary handicapped placard issued under the provisions of this section shall set forth the date on which it shall become invalid.</u>

<u>The temporary placard shall be granted upon written certification by a physician with a plenary license to practice medicine and surgery in this State or a bordering state that the person meets the conditions constituting temporary disability as provided in this section. This certification shall be provided on a standard form to be developed by the director in consultation with local chiefs of police and representatives of the</u>

handicapped. The form shall contain only those conditions constituting temporary disability as are provided in this section. The physical presence of the handicapped person shall not be required for the issuance of a temporary handicapped placard.

The placard may[, however,] be renewed one time at the discretion of the issuing authority for a period of not more than 6 months' duration. The placard shall be displayed on the motor vehicle used by the temporarily handicapped person and shall give the person the right to park overtime or to use special parking places established for use by handicapped persons in any municipality of this State.

The fee for the issuance of such temporary or permanent placard issued pursuant to this section shall be $4.00 and payable to the Director of the Division of Motor Vehicles.

The director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf.

The fee for the issuance of such plates shall be $10.00 for each vehicle.

(cf: P.L.1983, c.96, s.1)

4. Section 4 of P.L.1949, c.280 (C.39:4-207) is amended to read as follows:

4. No penalty shall be imposed for the parking overtime of any motor vehicle which has displayed thereon a placard or wheelchair symbol license plates issued pursuant to the provisions of this act under any law or municipal ordinance now in effect or hereafter enacted unless such vehicle shall have been parked in one location for more than 24 hours. This provision shall apply only when the person to whom the placard or special license plate has been issued is either the driver or a passenger of the vehicle.

(cf: P.L.1981, c.36, s.4)

[1]5. R.S.39:4-198 is amended to read as follows:

39:4-198. No ordinance, resolution or regulation enacted, passed, or adopted by local authorities nor any regulation adopted by the Commissioner of Transportation under any power given by this chapter or any supplement thereto shall be effective unless due notice thereof is given to the public by placing a sign at the places where the ordinance, resolution or regulation is effective,

and by briefing its provisions on signs according to specifications contained in this chapter or as specified by the current Manual on Uniform Traffic Control Devices for streets and highways. These signs shall be so placed as to be easily read by pedestrians or operators of vehicles. Except, in the case of "No Passing" zones, in lieu of or in addition to signs, notice shall be given to the public by highway pavement markings which conform to the current Manual on Uniform Traffic Control Devices for streets and highways.

In addition to the specifications in the Manual on Uniform Traffic Control Devices, any sign erected after the effective date of this amendatory and supplementary act to notify the public that parking in a space is reserved for the handicapped shall also state the penalties set forth in paragraph c. of subsection (3) of R.S.39:4-197 which may be imposed for a violation. Signs which were erected prior to the effective date shall be modified within twelve months after the effective date to include the penalty information .[1]

(cf: P.L.1987, c.209, s. 1)

[1][5.] 6.[1] (New section) The Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall issue a handicapped nursing home resident identification card and corresponding windshield placard upon the application of a nursing home owner or operator for use in a vehicle owned or operated by the nursing home when that vehicle is used to transport handicapped nursing home residents. The identification card and corresponding windshield placard shall identify the nursing home owner or operator and the registration number of the nursing home's vehicle for which the card is issued, and shall state that: the nursing home owner or operator is validly qualified to receive the identification card and corresponding windshield placard; the identification card and corresponding windshield placard are for the exclusive use of the nursing home's vehicle when transporting a handicapped nursing home resident; the identification card and corresponding windshield placard are not transferrable and will be forfeited if used for purposes not authorized under this act; and an abuse of any privilege, benefit, precedence or consideration granted to a person to whom the identification card and corresponding windshield placard are

issued will be sufficient cause for revocation of the identification card and corresponding windshield placard and the same may be forfeited or revoked accordingly, and in the absence of a forfeiture or revocation, the identification card and corresponding windshield placard are valid indefinitely.

The windshield placard shall be displayed on the vehicle when the vehicle is used to transport handicapped nursing home residents. A vehicle displaying this windshield placard is authorized to park in a space appropriately marked for vehicles for the physically handicapped only when delivering or receiving handicapped nursing home residents from one location to another. The vehicle is not permitted to park in designated handicapped parking spaces when it is not transporting handicapped nursing home residents.

The fee for the issuance of the identification card and corresponding windshield placard issued pursuant to this section is $4.00 and is payable to the Director of the Division of Motor Vehicles.

[1][6.] 7.[1] This act shall take on the first day of the seventh month following enactment.

MOTOR VEHICLES
Handicapped

Revises laws concerning handicapped parking.

ASSEMBLY, No. 1815

STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman FRANKS

AN ACT concerning parking spaces for the handicapped and amending R.S. 39:4-197.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S. 39:4-197 is amended to read as follows:

39:4-197. Except as otherwise provided in R.S. 39:4-8, no municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provisions of this chapter or any supplement to this chapter; except that a municipality may pass ordinances or resolutions, or by ordinances or resolutions may authorize the adoption of regulations by the board, body or official having control of traffic in the public streets, regulating special conditions existent in the municipality on the subjects and within the limitations following:

(1) Ordinance.

a. Altering speed limitations as provided in R.S. 39:4-98;

b. Limiting use of streets to certain class of vehicles;

c. Designating one-way streets;

d. Regulating the stopping or starting of street cars at special places, such as railroad stations, public squares or in front of certain public buildings;

e. Regulating the passage or stopping of traffic at certain congested street corners or other designated points;

f. Regulating the parking of vehicles on streets and portions thereof, including angle parking as provided in R.S. 39:4-135;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

g. Regulating the parking of vehicles upon land owned or leased and maintained by the municipality, a parking authority or the board of education of a school district, including any lands devoted to the public parking of vehicles, the entrances thereto and exits therefrom;

h. Regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, except that this shall not apply to entrances or exits to and from State highways;

i. Designating streets or roads upon which buses and trucks over four tons gross weight may be required not to exceed specially fixed limits based on engineering and traffic investigation and to use a lower gear in desending steep declivities having a grade in excess of 5%, fixing such special speed limits and providing for the use of such a gear thereon.

(2) Ordinance or resolution.

a. Designating through streets, as provided in article 17 of this chapter (R.S. 39:4-140 et seq.);

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution or regulation.

a. Designating stops, stations or stands for omnibuses and taxis;

b. Designating curb loading zones;

c. Designating restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of [section 2 of] P.L. 149, c. 280 [(C. 39:4-205)] (R.S. 39:4-204 et seq.) and section 1 of P.L. 1977, c. 202 (C. 39:4-197.5).

Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a penalty [not to exceed $50.00] which is generally imposed for a violation of an ordinance under [illegible] regardless of whether restricted parking spaces have been designated by the municipality by ordinance, resolution, or regulation.

2. This act shall take effect immediately.

Sponsor STATEMENT to A1815, 1988

This bill changes the penalty for the unauthorized use of handicapped parking spaces on public streets in order to conform that penalty to the penalty which is generally imposed by a municipality for the violation of any ordinance.

MOTOR VEHICLES
Public Safety

Conforms penalty for unauthorized use of handicapped parking spaces under one motor vehicle law to that under a municipal ordinance.

ASSEMBLY, NO. 1818

STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen FRANKS and DEVERIN

AN ACT concerning the parking of vehicles by the physically handicapped and amending R.S. 39:4-138 and P.L. 1949, c. 280.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S. 39:4-138 is amended to read as follows:

39:4-138. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a public or private driveway;

e. Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;

f. On a sidewalk;

g. In any appropriately marked "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

h. Within 50 feet of a "stop" sign;

i. Within 10 feet of a fire hydrant;

j. Within 50 feet of the nearest rail of a railroad crossing;

k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

l. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic, when properly signposted.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

o. In any space appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c. 202 (C. 39:4-197.5) unless the vehicle is authorized by law to be parked therein and the person to whom a placard or license plate for the vehicle has been issued pursuant to P.L. 1949, c. 280 (C. 39:4-204 et seq.) is either the driver or a passenger in the vehicle. Any owner or possessor of private property may request and receive enforcement of this provision as to spaces on his property which are designated and marked according to law. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

2. Section 4 of P.L. 1949, c. 280 (C. 39:4-207) is amended to read as follows:

4. No penalty shall be imposed for the parking overtime of any motor vehicle which has displayed thereon a placard or wheelchair symbol license plates issued pursuant to the provisions of this act under any law or municipal ordinance now in effect or hereafter enacted unless such vehicle shall have been parked in one location for more than 24 hours. This provision shall apply only when the person to whom the placard or special license plate has been issued is either the driver or a passenger of the vehicle.

3. This act shall take effect immediately.

Sponsor STATEMENT to A1818, 1988

This bill requires that parking privileges authorized for a vehicle owned or operated by a handicapped person be granted only when the handicapped person is the driver of or a passenger in the vehicle.

Existing law reserves designated parking spaces for vehicles bearing placards or special license plates issued to the handicapped. Also, these vehicles are allowed to park overtime for up to 24 hours without a penalty.

Placards and special license plates issued to handicapped persons may be forfeited if used by other persons. Nevertheless, local police report instances of abuse of handicapped parking privileges by persons other than the handicapped who drive vehicles bearing handicapped placards or special license plates. This bill would subject these vehicles to normal parking regulations when a handicapped person is not the driver or a passenger.

MOTOR VEHICLES
Handicapped

Permits handicapped parking privileges only when handicapped person is using the vehicle.

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ASSEMBLY, No. 1820

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen FRANKS and SINGER

AN ACT concerning parking in spaces designated for the vehicles of the physically handicapped and amending R.S. 39:4-138.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S. 39:4-138 is amended to read as follows:

39:4-138. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a public or private driveway;

e. Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;

f. On a sidewalk;

g. In any appropriately "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

h. Within 50 feet of a "stop" sign;

i. Within 10 feet of a fire hydrant;

j. Within 50 feet of the nearest rail of a railroad crossing;

k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

l. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;

m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

o. In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c. 202 (C. 39:4-197.5), P.L. 1975, c. 217 (C. 52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein. [Any owner or possessor of private property may request and receive enforcement of this provision as to spaces on his property which are designated and marked according to law.]

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

2. This act shall take effect immediately.

Sponsor STATEMENT A 1820, 1988

This bill provides that the prohibtion against the parking of unauthorized vehicles in parking spaces reserved for the handicapped be uniformly enforced on private as well as public property.

Existing law permits vehicles bearing placards or special license plates issued to handicapped persons to be parked in spaces designated for the handicapped. The law also prohibits the parking of unauthorized vehicles in public spaces that have been reserved by municipal ordinance for the handicapped. However, unauthorized vehicles parked in spaces designated for the handicapped on private property may be ticketed only upon request of the property owner.

This requirement creates a problem for the handicapped driver, who may be unable to find convenient parking in a shopping center parking lot or other privately owned area. Moreover, local police are required to make indivdual determinations as to which property owners have requested enforcement in handicapped parking zones.

The State Uniform Construction Code requires owners of structures used by the public to reserve parking spaces for vehicles of handicapped persons. Therefore, it is only fair that the right of authorized handicapped drivers to have exclusive use of these parking spaces should be uniformly enforced.

MOTOR VEHICLES

Handicapped

Prohibits unauthorized parking in spaces reserved for the handicapped on private property.

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ASSEMBLY, No. 1821

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman FRANKS

AN ACT concerning parking for temporarily handicapped persons and amending P.L. 1949, C. 280.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1949, c. 280 (C. 39:4-206) is amended to read as follows:

3. The director shall issue to such applicant, also, a placard of such size and design as shall be determined by the director in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor, indicating that a handicapped person identification card has been issued to the person designated therein, which shall be displayed in such manner as the director shall determine on the motor vehicle used to transport the handicapped person, when the vehicle is parked overtime or in special parking places established for use by handicapped persons.

Notwithstanding any provision of this act to the contrary, the chief of police of each municipality in this State shall issue to any person who has temporarily lost the use of one or more limbs or is temporarily disabled as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise temporarily limited, as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering state, a temporary placard of not more than six months' duration. Each temporary handicapped placard issued under the provisions of this section shall set forth the date on which it shall become invalid.

The temporary placard shall be granted upon written certification by a physician with a plenary license to practice medicine and surgery in this State or a bordering state that the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the bove bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

person meets the conditions constituting temporary disability as provided in this section. This certification shall be provided on a standard form to be developed by the director in consultation with local chiefs of police and representatives of the handicapped. This form shall contain only those conditions constituting temporary disability as are provided in this section. The physical presence of the handicapped person shall not be required for the issuance of a temporary handicapped placard. The placard may[, however,] be renewed one time at the discretion of the issuing authority for a period of not more than six months' duration. The placard shall be displayed on the motor vehicle used by the temporarily handicapped person and shall give the person the right to park overtime or to use special parking places established for use by handicapped persons in any municipality of this State.

The fee for the issuance of such temporary or permanent placard issued pursuant to this section shall be $4.00 and payable to the Director of the Division of Motor Vehicles.

The director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf.

The fee for the issuance of such plates shall be $10.00 for each vehicle.

2. This act shall take effect on the first day of the fourth month following enactment.

Sponsor STATEMENT A 1821, 1988

This bill amends section 3 of P.L. 1949, c. 280 (C. 39:4-206) to establish a certification process for the granting of temporary handicapped parking placards to individuals who are temporarily disabled.

Under current law, the chief of police of any municipality is authorized to issue a temporary handicapped parking placard to any individual who is certified by a physician to be temporarily disabled.

The provisions of this bill outline the certification process for the granting of temporary placards. Under the bill, a physician would be required to complete a standardized form certifying that the temporarily disabled applicant meets the qualifying criteria. The form is to be developed by the Director of the Division of Motor Vehicles, in consultation with local chiefs of police and representatives of the handicapped.

The bill also specifies that an individual seeking a temporary handicapped placard need not apply in person and that each temporary handicapped placard set forth the date on which it becomes invalid.

MOTOR VEHICLES

Handicapped

Provides a certification process for temporarily disabled persons to receive handicapped parking privileges.

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ASSEMBLY, No. 1826

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman FRANKS

AN ACT concerning vehicles which transport nursing home residents and supplementing P.L. 1949, c. 280 (C. 39:4-204 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall issue a handicapped nursing home resident identification card and corresponding windshield placard upon the application of a nursing home owner or operator for use in a vehicle owned or operated by the nursing home when that vehicle is used to transport handicapped nursing home residents. The identification card and corresponding windshield placard shall identify the nursing home owner or operator and the registration number of the nursing home's vehicle for which the card is issued, and shall state that: the nursing home owner or operator is validly qualified to receive the identification card and corresponding windshield placard; the identification card and corresponding windshield placard are for the exclusive use of the nursing home's vehicle when transporting a handicapped nursing home resident; the identification card and corresponding windshield placard are not transferable and will be forfeited if used for purposes not authorized under this act; and an abuse of any privilege, benefit, precedence or consideration granted to a person to whom the identification card and corresponding windshield placard are issued will be sufficient cause for revocation of the identification card and corresponding windshield placard and the same may be forfeited or revoked accordingly, and in the absence of a forfeiture or revocation, the identification card and corresponding windshield placard are valid indefinitely.

The windshield placard shall be displayed on the vehicle when the vehicle is used to transport handicapped nursing home residents. A vehicle displaying this windshield placard is authorized to park in a space appropriately marked for vehicles for the physically handicapped, only when delivering or receiving handicapped nursing home residents from one location to another. The vehicle is not permitted to park in designated handicapped parking spaces when it is not transporting handicapped nursing home residents.

The fee for the issuance of the identification card and corresponding windshield placard issued pursuant to this section is $4.00 and is payable to the Director of the Division of Motor Vehicles.

2. This act shall take effect immediately.

Sponsor STATEMENT to 1826, 1988

The purpose of this bill is to permit nursing home vehicles to use special parking spaces established for handicapped persons through the use of an appropriate identification card and placard.

The bill requires the Director of the Division of Motor Vehicles to issue a handicapped nursing home resident identification card and corresponding windshield placard when the vehicle is used to transport handicapped nursing home residents. Specifically, a vehicle displaying this windshield placard is authorized to park in a space appropriately marked for vehicles for the physically handicapped, only when delivering or receiving handicapped nursing home residents from one location to another. The vehicle is not permitted to park in designated handicapped parking spaces when it is not transporting handicapped nursing home residents.

MOTOR VEHICLES

Handicapped

Permits vehicles transporting handicapped nursing home residents to park in handicapped parking spaces.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1815, 1818, 1820, 1821, 1826

STATE OF NEW JERSEY

DATED: MAY 16, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports a Committee Substitute for Assembly Bill Nos. 1815, 1818, 1820, 1821, and 1826.

The Committee Substitute revises the statutes governing handicapped parking by amending R.S. 39:4-138 and R.S. 39:4-197 and amending and supplementing P.L. 1949, c. 280 (C. 39:4-204 et seq.).

The amendments to R.S. 39:4-138 provide that the prohibition against the parking of unauthorized vehicles in spaces reserved for the handicapped be uniformly enforced on both public and private property. Currently, unauthorized vehicles that are parked in spaces designated for the handicapped on private property, such as shopping malls, may be ticketed only upon the request of the property owner. They also specify that a vehicle with a handicapped placard or license plate may only park in a parking space designated for the handicapped if the driver of that vehicle, or a passenger in that vehicle, is handicapped.

The amendment to R.S. 39:4-197 changes the penalty for illegally parking in a space designated for the handicapped. Under current law, a person parking illegally in a space designated for the handicapped is subject to a fine of not more than $50.00. As amended, a person parking illegally in a handicapped space is subject to the penalties prescribed by the governing body for the violation of a municipal ordinance. Those penalties, adopted by the governing body pursuant to the provisions of R.S. 40:49-5, permit the imposition of fines of up to $1,000.00, imprisonment of up to 90 days, or both.

Section 3 of P.L. 1949, c. 280 (C. 39:4-206) is amended to establish a certification process for the granting of temporary handicapped parking placards to individuals who are temporarily disabled. Under the provisions of the amendment, a physician would be required to complete a standardized form certifying that the applicant meets the qualifying criteria for a temporary

placard. The form is to be developed by the Director of the Division of Motor Vehicles, in consultation with local chiefs of police and representatives of the handicapped. The amendments also require that each temporary handicapped placard set forth the date on which it becomes invalid.

The amendment to section 4 of P.L. 1949, c. 280 (C. 39:4-207) clarifies that the exemption from overtime parking restrictions currently afforded vehicles displaying either a handicapped placard or wheelchair symbol license plate is applicable only when the person to whom that placard or license plate was issued is either the driver or a passenger of the parked vehicle.

Finally, the Committee Substitute supplements P.L. 1949, c. 280 (C. 39:4-204 et seq.) to authorize the Director of the Division of Motor Vehicles to issue a handicapped card and windshield placard for display in any nursing home owned vehicle when it is used to transport handicapped residents. The card and placard are to be issued to the owner or operator of the nursing home upon application. The placard is to be displayed only when the vehicle is transporting handicapped residents and at those times the vehicle may legally park in spaces designated for the handicapped. Improper use of the placard is cause for revocation. The fee for the card and placard is set at $4.00 and is payable to the Director of the Division of Motor Vehicles.

The Committee notes that the provisions of this Committee Substitute do not become effective until the first day of the seventh month following enactment.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1815, 1818, 1820, 1821 and 1826

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 1989

The Senate Law, Public Safety and Defense Committee reports favorably the Assembly Committee Substitute for Assembly Bill Nos. 1815, 1818, 1820, 1821 and 1826 with amendments.

As amended, the Committee Substitute revises the statutes governing handicapped parking by amending R.S.39:4-138, R.S.39:4-197, and R.S.39:4-198, and amending and supplementing P.L.1949, c.280 (C.39:4-204 et seq.).

The amendments to R.S.39:4-138 provide that the prohibition against the parking of unauthorized vehicles in spaces reserved for the handicapped be enforced uniformly on both public and private property by State, county, or municipal law enforcement officials or parking enforcement authority officers. Currently, unauthorized vehicles that are parked in spaces designated for the handicapped on private property, such as shopping malls, may be ticketed only upon the request of the property owner. They also specify that a vehicle with a handicapped placard or license plate may only park in a parking space designated for the handicapped if the driver of that vehicle, or a passenger in that vehicle, is handicapped.

The amendment to R.S.39:4-197 changes the penalty for illegally parking in a space designated for the handicapped. Under current law, a person parking illegally in a space designated for the handicapped is subject to a fine of not more than $50.00. As amended by this committee, a person parking illegally in a handicapped space is subject to a fine of $100.00, up to 90 day imprisonment, up to 90 days community service, or any combination thereof.

Section 3 of P.L.1949, c.280 (C.39:4-206) is amended to establish a certification process for the granting of temporary handicapped parking placards to individuals who are temporarily disabled. Under the provisions of the amendment, a physician would be required to complete a standardized form certifying that the applicant meets the qualifying criteria for a temporary placard. The form is to be developed by the Director of the Division of Motor

Vehicles, in consultation with local chiefs of police and representatives of the handicapped. The amendments also require that each temporary handicapped placard set forth the date on which it becomes invalid.

The amendment to section 4 of P.L.1949, c.280 (C.39:4-207) clarifies that the exemption from overtime parking restrictions currently afforded vehicles displaying either a handicapped placard or wheelchair symbol license plate is applicable only when the person to whom that placard or license plate was issued is either the driver or a passenger of the parked vehicle.

R.S.39:4-198 is amended to require that, in addition to the specifications in the Manual on Uniform Traffic Control Devices, any sign erected after the effective date of the act to notify the public that parking in a space is reserved for the handicapped would also state the penalties which may be imposed for a violation. Signs which were erected prior to the effective date must be modified within twelve months after the effective date to include the penalty information.

Finally, the committee substitute supplements P.L.1949, c.280 (C.39:4-204 et seq.) to authorize the Director of the Division of Motor Vehicles to issue a handicapped card and windshield placard for display in any nursing home owned vehicle when it is used to transport handicapped residents. The card and placard are to be issued to the owner or operator of the nursing home upon application. The placard is to be displayed only when the vehicle is transporting handicapped residents and at those times the vehicle may legally park in spaces designated for the handicapped. Improper use of the placard is cause for revocation. The fee for the card and placard is set at $4.00 and is payable to the Director of the Division of Motor Vehicles.

The committee amended the Assembly committee substitute to change the penalties in section 2 of the bill and to add a new section 5 to change the specifications for the signs erected notifying the public that a parking space is reserved for the handicapped.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 22, 1989

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL NOS. 1815, 1818, 1820, 1821 and 1826
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning the Assembly Committee Substitute for Assembly Bill Nos. 1815, 1818, 1820, 1821 and 1826 (First Reprint) with my objections, for reconsideration.

The purpose of this Assembly Committee Substitute is to update and refine various provisions of the handicapped parking laws. This bill provides nursing homes with the ability to obtain handicapped parking placards for their vehicles when utilized in the transportation of handicapped nursing home residents and clarifies the requirements for obtaining a six-month temporary handicapped parking placard from local police chiefs. It also requires a handicapped person to be the driver or passenger of a vehicle making use of a reserved handicapped parking space. More importantly, this Assembly Committee Substitute requires the enforcement of handicapped parking provisions on both public and private property and also increases the penalty for misuse of these reserved spaces to a $100 fine, up to 90 days community service, up to 90 days imprisonment, or any combination thereof. Signs listing these penalties are required by this bill to be posted at each handicapped parking space.

I agree with the sponsor's laudable goal of ensuring that handicapped parking spaces are appropriately reserved for handicapped individuals. Misuse of handicapped parking spaces is a substantial problem. Based on data compiled by our municipal court system and the Division of Motor Vehicles, almost 40,000 handicapped parking violations are reported annually. While the measures incorporated in this bill seek to deter these violations, I am concerned about the effect on municipal court resources of the penalty provisions of this bill as amended. Under current law, over 90 percent of these violations are adjudicated through the mail without a court appearance. The penalty provisions of this bill that provide for a possible sentence of imprisonment or community service would now require every individual receiving a ticket for a handicapped parking violation to make a personal court appearance, even if the person only receives a fine for the violation. This mandatory court appearance, in conjunction with the bill's requirement for increased enforcement on private

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

property and the fact that the enhanced penalties are likely to result in more contested cases, will severely strain municipal court resources. Statewide, over 10,000 cases per quarter will be added to municipal court calendars.

I nevertheless support the idea of enhancing the penalties for these violations. Current penalties do not provide a sufficient deterrent and I believe that there is a definite need to increase the public's awareness of the importance of these reserved parking spaces to a handicapped individual's ability to move freely through society. However, I do not think imprisonment is an appropriate penalty for a parking violation. A sentence of community service, on the other hand, could play an important role in educating the public and in assisting municipalities in addressing the needs of their handicapped citizens.

As a result, I recommend that this bill be amended to differentiate between first time and subsequent offenders. The penalty for first time offenders should be a $100 minimum fine as recommended by the sponsor. This will allow the vast majority of the violations to be adjudicated through the mail without requiring a personal appearance in municipal court and will save our municipal courts from an excessive burden. However, repeat offenders will be liable to a fine of at least $100 and up to 90 days community service at the discretion of a municipal court judge.

Therefore, I herewith return the Assembly Committee Substitute for Assembly Bill Nos. 1815, 1818, 1820, 1821 and 1826 (First Reprint) and recommend it be amended as follows:

Page 4, Section 2, Line 5: After "$100.00" DELETE ", up to 90 days imprisonment," INSERT "for the first offense and, for subsequent offenses, a fine of at least $100.00 and"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Deborah T. Poritz

Chief Counsel

OFFICE OF THE GOVERNOR

NEWS RELEASE

Governor Thomas H. Kean
TRENTON, N.J. 08625
Release: WED., 11/29/89

CN-001
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609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed two bills to establish clear guidelines and penalties for the use and abuse of parking spaces reserved for handicapped persons.

Kean signed the bills at a public ceremony in his office.

One bill, A-344, sponsored by Assemblywoman Dolores Cooper, R-Atlantic, authorizes handicapped persons to request law enforcement officers to remove a vehicle parked illegally in a reserved space. Such removal can now take place, but the bill signed today states clearly the circumstances under which such action can occur.

The second bill, A-1815, was sponsored jointly by Assemblymen Robert Franks, R-Union; Robert Singer, R-Ocean, and Thomas Deverin, D-Middlesex.

The bill's major components are:

Permits enforcement of the law on private as well as public property.

Increases the fine for a violation to $100, from the current $50.

Requires municipal police chiefs to include the expiration date on any six-month temporary handicapped parking placards.

Clarifies the exemption from overtime parking violation so that it applies only when the handicapped persons is driving or a passenger in the vehicle.

Requires that the penalty provisions be on all signs posted notifying the public of the reserved spaces.

-more-

Authorizes the Division of Motor Vehicles to issue a handicapped nursing home resident identification card and windshield placard for display in a nursing home vehicle.

As originally written, the legislation provided for imprisonment and community service for violators. Kean conditionally vetoed the bill and recommended removal of the prison term altogether and the imposition of community service requirements only for repeat offenders.

"These two bills, while not only assuring handicapped persons that their special needs will be met, makes it clear to other motorists what the consequences are of violating the parking restrictions," Kean said. "Moreover, local police departments now have an equally clear understanding of their duties and responsibilities in this area."

The Governor pointed out that the handicapped population "is well-served by these new laws which assure that their access to public and private accommodations is guaranteed."

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