

39-4-23

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-23

(Handicapped parking--allow handicapped to request removal of unauthorized vehicles)

LAWS OF: 1989

CHAPTER: 200

Bill No: A344

Sponsor(s): Cooper

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety & Corrections

Senate: Law Public Safety & Defense

Amended during passage: No

Date of Passage: Assembly: February 23, 1988

Senate: November 20, 1989

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: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

For clippings see legislative history of L. 1989, c 201

P.L.1989, CHAPTER 200, *approved November 29, 1989*

1988 Assembly No. 344

1 AN ACT concerning special parking privileges for handicapped
2 persons and supplementing article 23 of chapter 4 of Title 39
3 of the Revised Statutes.

4

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

7 1. As used in this act:

8 a. "Appropriate identification" means, in the case of a
9 restricted parking zone, a permit issued by a municipality under
10 the authority granted by section 2 of P.L.1977, c.309
11 (C.39:4-197.7) and, in the case of a restricted parking space, a
12 placard or wheelchair symbol license plates issued by the
13 Division of Motor Vehicles under section 3 of P.L.1949, c.280
14 (C.39:4-206).

15 b. "Eligible handicapped person" means a handicapped person
16 who is the holder of (1) an identification card issued by the
17 Division of Motor Vehicles under section 2 of P.L.1949, c.280
18 (C.39:4-205), or (2) a permit issued by a municipality under the
19 authority granted by section 2 of P.L.1977, c.309 (C.39:4-197.7).

20 c. "Park unlawfully" means to park a motor vehicle in a
21 restricted parking space or a restricted parking zone if the
22 motor vehicle does not display appropriate identification.

23 d. "Restricted parking space" means a parking space which
24 the State or a local government has established for the exclusive
25 use of a handicapped person but shall not include a restricted
26 parking zone established under section 1 of P.L.1977, c.309
27 (C.39:4-197.6).

28 e. "Restricted parking zone" means a parking zone in front of
29 the residence of a handicapped person which a municipality has
30 established for the use of that handicapped person under the
31 authority granted by section 1 of P.L.1977, c.309 (C.39:4-197.6).

32 2. a. An eligible handicapped person may request a law
33 enforcement officer to arrange for the removal and storage of a
34 motor vehicle which is parked unlawfully in a parking space or
35 zone which is restricted for use by a handicapped person. It

1 shall be the obligation of the owner of the motor vehicle to pay
2 the reasonable costs for the removal and for any storage which
3 may result from the removal.

4 b. The removal of a motor vehicle under this section is
5 subject to local ordinances concerning the regulation of that
6 practice, including, but not limited to, the fees charged for the
7 removal, notice requirements therefor, and the licensing of
8 persons engaged in that practice.

9 c. The assessment of removal and storage costs against a
10 person under this section shall be in addition to any other
11 penalty assessed against the person.

12 3. This act shall take effect immediately.

13

14

15 MOTOR VEHICLES

16

Handicapped

17

18 Authorizes certain handicapped persons to request the removal
19 of motor vehicles parked in designated handicapped areas.

ASSEMBLY, No. 344
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman COOPER

1 **AN ACT** concerning special parking privileges for handicapped
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 which is restricted for use by a handicapped person. It shall be the
 5 obligation of the owner of the motor vehicle to pay the reasonable
 costs for the removal and for any storage which may result from the
 7 removal.

 b. The removal of a motor vehicle under this section is subject
 9 to local ordinances concerning the regulation of that practice,
 including, but not limited to, the fees charged for the removal, notice
 11 requirements therefor, and the licensing of persons engaged in that
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 person under this section shall be in addition to any other penalty
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STATEMENT

21 This bill supplements article 23 of chapter 4 of Title 39 of the
 Revised Statutes to authorize handicapped individuals who have been
 23 granted special parking privileges to request law enforcement officers
 to remove any vehicle that is illegally parked in spaces reserved for
 25 the use of handicapped persons. The costs of the removal and storage
 of the vehicle, if any, are the obligation of the owner of the illegally
 27 parked vehicle. The bill further provides that the removal of such
 vehicles is to be subject to any local ordinances governing the removal
 29 of the illegally parked vehicles.

31

MOTOR VEHICLES

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Handicapped

35 Authorizes certain handicapped persons to request the removal of
 motor vehicles parked in designated handicapped areas.

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STATE OF NEW JERSEY

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ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 344

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports Assembly Bill No. 344.

Assembly Bill No. 344 supplements chapter 4 of Title 39 of the Revised Statutes to authorize handicapped individuals who have been granted special parking privileges to request law enforcement officers to remove any vehicle that is illegally parked in a space reserved for the used of handicapped persons. Any removal and storage costs are the responsibility of the owner of the illegally parked vehicle. The bill further provides that the removal of such vehicles is to be subject to any local ordinances governing the removal of illegally parked vehicles.

This bill was prefiled for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 344

STATE OF NEW JERSEY

DATED: APRIL 17, 1989

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 344.

Assembly Bill No. 344 supplements chapter 4 of Title 39 of the Revised Statutes to authorize handicapped individuals who have been granted special parking privileges to request law enforcement officers to remove any vehicle that is illegally parked in a space reserved for the use of handicapped persons. Any removal and storage costs are the responsibility of the owner of the illegally parked vehicle. The bill further provides that the removal of such vehicles is to be subject to any local ordinances governing the removal of illegally parked vehicles.

Although the bill does not require that a vehicle be removed from a parking space every time a request is made, the possibility of removal may deter persons from parking unauthorized vehicles in spaces reserved for the use of the handicapped. This bill provides another tool for the enforcement of handicapped parking laws.

As released by the committee, this bill is identical to Senate Bill No. 3376 of 1989.



OFFICE OF THE GOVERNOR

NEWS RELEASE

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

CN-001

Contact: CARL GOLDEN
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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