

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1738

96TH GENERAL ASSEMBLY

4427L.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to lift accessible parking, with a penalty provision and an emergency clause.

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

Section A. Section 301.143, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.143, to read as follows: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] **placard** 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] **placard** 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 may also include any appropriate wording such as "Accessible Parking" to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or [card] **placard**. 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." [Beginning August 28, 2011, When any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot, one in every four accessible spaces, but not less than one, shall be served by an access aisle a minimum of ninety-six inches wide and

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

18 shall be designated "lift van accessible only" with signs that meet the requirements of the federal
19 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
20 thereto.] **When any political subdivision or owner of private property restripes a parking**
21 **lot or constructs a new parking lot with twenty-five or more parking spaces, the parking**
22 **lot and accessible signs shall meet the minimum requirements of the federal Americans**
23 **with Disabilities Act, as amended, and any rules or regulations established pursuant**
24 **thereto, for the number of required accessible parking spaces, which shall not be less than**
25 **one, and shall be served by an access aisle a minimum of ninety-six inches wide and shall**
26 **be designated "van accessible". If any accessible space is one hundred thirty-two inches**
27 **wide or wider, then the adjacent access aisle shall be a minimum of sixty inches wide. If**
28 **any accessible space is less than one hundred thirty-two inches wide, then the adjacent**
29 **access aisle shall be a minimum of ninety-six inches wide.**

30 3. Any political subdivision, by ordinance or resolution, and any person or corporation
31 in lawful possession of a public off-street parking facility or any other owner of private property
32 may designate reserved parking spaces for the exclusive use of vehicles which display a
33 distinguishing license plate or [card] **placard** issued pursuant to section 301.071 or 301.142 as
34 close as possible to the nearest accessible entrance. Such designation shall be made by posting
35 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the
36 international symbol of accessibility, and may also include any appropriate wording to indicate
37 that the space is reserved for the exclusive use of vehicles which display a distinguishing license
38 plate or [card] **placard**.

39 4. The local police or sheriff's department may cause the removal of any vehicle not
40 displaying a distinguishing license plate or [card] **placard** on which is inscribed the international
41 symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled
42 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or
43 [card] **placard** issued by any other state from a space designated for physically disabled persons
44 if there is posted immediately adjacent to, and readily visible from, such space a sign on which
45 is inscribed the international symbol of accessibility and may include any appropriate wording
46 to indicate that the space is reserved for the exclusive use of vehicles which display a
47 distinguishing license plate or [card] **placard**. Any person who parks in a space reserved for
48 physically disabled persons and is not displaying distinguishing license plates or a [card] **placard**
49 is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than
50 fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and
51 which is not properly claimed within thirty days thereafter shall be considered to be an
52 abandoned vehicle.

53 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license
54 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal
55 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
56 thereto. Notwithstanding the other provisions of this section, on-street parking spaces
57 designated by political subdivisions in residential areas for the exclusive use of vehicles
58 displaying a distinguishing license plate or [card] **placard** issued pursuant to section 301.071 or
59 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to
60 this subsection and any such space shall have clearly and visibly painted upon it the international
61 symbol of accessibility [and any curb adjacent to the space shall be clearly and visibly painted
62 blue].

63 6. Any person who, without authorization, uses a distinguishing license plate or [card]
64 **placard** issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under
65 authority of this section shall be guilty of a class B misdemeanor.

66 7. Law enforcement officials may enter upon private property open to public use to
67 enforce the provisions of this section and section 301.142, including private property designated
68 by the owner of such property for the exclusive use of vehicles which display a distinguishing
69 license plate or [card] **placard** issued pursuant to section 301.071 or 301.142.

70 8. Nonconforming signs or spaces otherwise required pursuant to this section which are
71 in use prior to August 28, 2011, shall not be in violation of this section during the useful life of
72 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs
73 or spaces be extended by means other than those means used to maintain any sign or space on
74 the owner's property which is not used for vehicles displaying a disabled license plate.

75 9. Beginning August 28, 2011, all new signs erected under this section shall not contain
76 the words "Handicap Parking" or "Handicapped Parking".

 Section B. Because immediate action is necessary to ensure compliance with the federal
2 Americans With Disabilities Act, this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and this act shall be in full force and effect upon its
5 passage and approval.

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