

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 355 Session of
1991

INTRODUCED BY GEIST, NOYE, FAIRCHILD, DEMPSEY, PESCI, HERMAN,
NAILOR, DeLUCA, BATTISTO, MARKOSEK, HALUSKA, REBER, RAYMOND,
MICOZZIE, BUNT, JOHNSON, R. C. WRIGHT, ALLEN, HESS, FARGO,
BILLOW, TRELLO, WILSON, JAMES, M. N. WRIGHT, NAHILL,
GODSHALL, E. Z. TAYLOR, HERSHEY, STABACK, ANGSTADT, SEMMEL,
SERAFINI, B. SMITH, BOYES, OLASZ, BISHOP, TELEK, MICHLOVIC
AND STURLA, FEBRUARY 11, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 11, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for restrictions on use of
3 handicapped parking areas and for the penalty for unlawfully
4 parking in a designated handicapped parking area; AND FURTHER <—
5 PROVIDING FOR FINES FOR PARKING VIOLATIONS.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3354(d)(3) and (f) of Title 75 of the
9 Pennsylvania Consolidated Statutes are amended AND THE SECTION <—
10 IS AMENDED BY ADDING A SUBSECTION to read:

11 § 3354. Additional parking regulations.

12 * * *

13 (d) Handicapped persons and disabled veterans.--

14 * * *

15 (3) (i) Except for persons parking vehicles lawfully
16 bearing a handicapped or severely disabled veteran

1 registration plate or displaying a handicapped or
2 severely disabled veteran parking placard when such
3 vehicles are being operated by or for the transportation
4 of a handicapped person or a severely disabled veteran,
5 no person shall park a vehicle on public or private
6 property reserved for a handicapped person or severely
7 disabled veteran which property has been so posted in
8 accordance with departmental regulations[.] WHICH SHALL <—
9 INCLUDE A SEPARATE SIGN STATING THE PENALTY AMOUNT
10 OUTLINED IN SUBSECTION (F). THE DEPARTMENT SHALL, WITHIN
11 SIX MONTHS OF THE EFFECTIVE DATE OF THIS AMENDATORY ACT,
12 PROMULGATE REGULATIONS RELATING TO THE CONTENT OF THE
13 SIGNS, INCLUDING, BUT NOT LIMITED TO, LANGUAGE RELATING
14 TO SECTION 2.1 OF THE ACT OF SEPTEMBER 1, 1965 (P.L.459,
15 NO.235), ENTITLED "AN ACT REQUIRING THAT CERTAIN
16 BUILDINGS AND FACILITIES ADHERE TO CERTAIN PRINCIPLES,
17 STANDARDS AND SPECIFICATIONS TO MAKE THE SAME ACCESSIBLE
18 TO AND USABLE BY PERSONS WITH PHYSICAL HANDICAPS, AND
19 PROVIDING FOR ENFORCEMENT," AND THE FEDERAL AMERICANS
20 WITH DISABILITIES ACT OF 1990. THE REGULATION SHALL ALSO
21 PROVIDE FOR THE REPLACEMENT OF EXISTING SIGNAGE WHEN THE
22 EXISTING SIGNAGE IS OBSOLETE. Any vehicle which is
23 unlawfully parked in a designated handicapped parking
24 area shall MAY be removed from that area by towing and <—
25 may be reclaimed by the vehicle owner upon payment of the
26 towing costs.

27 (ii) Local authorities shall have the power and may,
28 by ordinance or resolution, authorize handicapped persons
29 and severely disabled veterans to issue statements to
30 violators or violating vehicles for violation of

subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

* * *

(f) Penalty.--Any person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. Any person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than [\$200] ~~\$100~~ \$150.

(G) SPECIAL PENALTY; DISPOSITION.--

(1) IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER THIS SECTION, ANY PERSON WHO IS CONVICTED OF VIOLATING SUBSECTION (D)(2) OR (3) SHALL BE SENTENCED TO PAY A FINE OF \$50.

(2) ALL FINES COLLECTED UNDER THIS SUBSECTION SHALL BE DISPOSED OF AS FOLLOWS:

(I) NINETY-FIVE PERCENT SHALL BE PAID TO THE DEPARTMENT OF REVENUE, TRANSMITTED TO THE TREASURY DEPARTMENT AND CREDITED TO THE DEPARTMENT OF PUBLIC WELFARE FOR USE FOR THE ATTENDANT CARE PROGRAM.

(II) FIVE PERCENT SHALL BE PAID TO THE MUNICIPALITY IN WHICH THE OFFENSE OCCURRED.

Section 2. This act shall take effect in 60 days.