

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 888 Session of 2017

INTRODUCED BY RAFFERTY, MARTIN, BARTOLOTTA, YUDICHAK, SCAVELLO, MENSCH, SABATINA, BREWSTER, BLAKE, BAKER, VULAKOVICH, TARTAGLIONE AND STEFANO, SEPTEMBER 15, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for additional parking regulations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3354(d) heading and (3), (e), (f) and (g) <--
7 (1) of Title 75 of the Pennsylvania Consolidated Statutes are
8 amended, subsection (d) is amended by adding a paragraph and the
9 section is amended by adding a subsection to read:

10 § 3354. Additional parking regulations.

11 * * *

12 (d) Person with a disability [and disabled veterans].

13 * * *

14 (3) [(i) Except for persons parking vehicles lawfully
15 bearing a person with a disability or severely disabled
16 veteran registration plate or displaying a person with a
17 disability or severely disabled veteran parking placard

1 ~~when such vehicles are being operated by or for the~~
2 ~~transportation of a person with a disability or a~~
3 ~~severely disabled veteran, no person shall park a vehicle~~
4 ~~on public or private property reserved for a person with~~
5 ~~a disability or severely disabled veteran which property~~
6 ~~has been so posted in accordance with departmental~~
7 ~~regulations. Regulations shall require that parking~~
8 ~~spaces designated with an international symbol for access~~
9 ~~for persons with disabilities on a sign are posted with a~~
10 ~~sign stating the penalty amount indicated in subsection~~
11 ~~(f) and that vehicles in violation of the subsection may~~
12 ~~be towed and require that signs be replaced when they~~
13 ~~become either obsolete or missing with all costs to~~
14 ~~replace the necessary signs to be borne by the persons~~
15 ~~responsible for signing the particular location. The~~
16 ~~absence of a sign stating the penalty amount at parking~~
17 ~~spaces designated with an international symbol for access~~
18 ~~for persons with disabilities shall not preclude the~~
19 ~~enforcement of this subsection. A vehicle which is~~
20 ~~unlawfully parked in a designated person with a~~
21 ~~disability parking area may be removed from that area by~~
22 ~~towing and may be reclaimed by the vehicle owner upon~~
23 ~~payment of the towing costs. A vehicle may only be towed~~
24 ~~under this paragraph if the parking space is posted with~~
25 ~~a sign indicating that vehicles in violation of this~~
26 ~~section may be towed.~~

27 ~~(ii) Local authorities shall have the power and may,~~
28 ~~by ordinance or resolution, authorize a person with a~~
29 ~~disability and severely disabled veterans to issue~~
30 ~~statements to violators or violating vehicles for~~

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

3 ~~(iii) No occupancy or driveway permit may be issued~~
4 ~~to a person whose property is reserved for a person with~~
5 ~~a disability or a severely disabled veteran if the~~
6 ~~property is not posted with a sign stating the penalty~~
7 ~~amount indicated in subsection (f).] The following shall~~
8 ~~apply:~~

9 ~~(i) Except for a person with a disability, a person~~
10 ~~may not park a vehicle on public or private property~~
11 ~~reserved for a person with a disability.~~

12 ~~(ii) A person may not obstruct any of the following:~~

13 ~~(A) A vehicle on public or private property~~
14 ~~reserved for a person with a disability.~~

15 ~~(B) A part of a curb ramp or the access aisle~~
16 ~~adjacent to a parking space reserved for a person~~
17 ~~with a disability.~~

18 ~~(iii) The owner or lessee of a parking space, curb~~
19 ~~ramp and access aisle on public or private property~~
20 ~~reserved for a person with a disability shall maintain~~
21 ~~the parking space, curb ramp and access aisle and provide~~
22 ~~necessary improvements. The cost of maintenance and~~
23 ~~necessary improvements shall be paid by the owner or~~
24 ~~lessee.~~

25 ~~(4) The following shall apply:~~

26 ~~(i) The department shall not be deemed to be an~~
27 ~~owner of a parking space and may not maintain stopping,~~
28 ~~standing or parking signs, access aisles or parking space~~
29 ~~markings. The department may permit a person or local~~
30 ~~authority to design, install and maintain stopping,~~

~~standing or parking signs, access aisles or parking space markings. The department may promulgate regulations pertaining to the signing, marking and proper use of a parking space, curb ramp and access aisle on public or private property reserved for a person with a disability.~~

~~(ii) A permit, including an occupancy or driveway permit, may not be issued that obstructs a parking space reserved for a person with a disability, unless reasonable accommodations are made for a person with a disability.~~

~~(iii) A person may notify a police officer or a parking enforcement specialist for a violation under this subsection.~~

~~(iv) A vehicle that is parked without a required plate or placard in a space reserved for a person with a disability may be towed from the area at the direction of a police officer, a parking enforcement specialist or the owner or lessee of the space. The vehicle may be reclaimed by the vehicle owner upon payment of any penalty and towing costs.~~

~~(e) Unauthorized use. [An operator of a vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard shall not make use of the parking privileges accorded to a person with a disability and severely disabled veterans under subsection (d) (3) unless the operator is a person with a disability or a severely disabled veteran or unless the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran.]~~

~~(1) An operator of a vehicle may not make use of the~~

1 ~~parking privileges under subsection (d) (3) unless:~~

2 ~~(i) the operator is a person with a disability; or~~

3 ~~(ii) the vehicle is being operated for the~~
4 ~~transportation of a person with a disability.~~

5 ~~(2) A person may not fraudulently create or use a plate~~
6 ~~or placard.~~

7 ~~(3) A police officer or a parking enforcement specialist~~
8 ~~may confirm, with the assistance of the department, the~~
9 ~~issuance of a plate or placard to an operator of a vehicle~~
10 ~~bearing a plate or placard if the police officer or parking~~
11 ~~enforcement specialist suspects the plate or placard was~~
12 ~~fraudulently created or used in a violation of this~~
13 ~~subsection. A police officer or parking enforcement~~
14 ~~specialist who determines a plate or placard was fraudulently~~
15 ~~created or used may seize the plate or placard. Each seized~~
16 ~~department issued plate and placard shall be immediately~~
17 ~~returned to the department.~~

18 ~~(4) A police officer or parking enforcement specialist~~
19 ~~may issue a citation for a violation of subsection (a), (b)~~
20 ~~or (d).~~

21 ~~* * *~~

22 ~~(f) Penalty. A person violating subsection (a), (b) or (d)~~
23 ~~(1) is guilty of a summary offense and shall, upon conviction,~~
24 ~~be sentenced to pay a fine of not more than \$15. A person~~
25 ~~violating subsection (d) (2) or (3) or (e) is guilty of a summary~~
26 ~~offense and shall, upon conviction, be sentenced to pay a fine~~
27 ~~of not less than \$50 nor more than [\$200] \$500. If a person is~~
28 ~~convicted under subsection (d) (2) or (3) in the absence of a~~
29 ~~sign stating the penalty amount, the fine imposed may not exceed~~
30 ~~\$50.~~

1 ~~(g) Special penalty; disposition.~~

2 ~~(1) In addition to any other penalty imposed under this~~
3 ~~section, a person who is convicted of violating subsection~~
4 ~~(d) (2) or (3) or (e) (2) shall be sentenced to pay a fine of~~
5 ~~[\$50] \$100.~~

6 * * *

7 ~~(h) Definitions. As used in this section, the following~~
8 ~~words and phrases shall have the meanings given to them in this~~
9 ~~subsection unless the context clearly indicates otherwise:~~

10 ~~"Access aisle." A physical area:~~

11 ~~(1) designated by hash marks, cross hatching or other~~
12 ~~similar visual no parking indicators;~~

13 ~~(2) which provides additional space for a person using a~~
14 ~~wheelchair, wheelchair lift or other mobility device; and~~

15 ~~(3) which is located adjacent to a parking space~~
16 ~~reserved for a person with a disability.~~

17 ~~"Parking enforcement specialist." A person employed or~~
18 ~~contracted by a Commonwealth agency, commission or authority or~~
19 ~~a political subdivision of the Commonwealth to enforce parking~~
20 ~~laws.~~

21 ~~"Person with a disability." A person issued a plate or~~
22 ~~placard.~~

23 ~~"Plate or placard." A plate or placard issued under:~~

24 ~~(1) Section 1338 (relating to person with disability~~
25 ~~plate and placard).~~

26 ~~(2) Section 1342(a) or (b) (relating to veteran plates~~
27 ~~and placard).~~

28 SECTION 1. SECTION 3354(F) OF TITLE 75 OF THE PENNSYLVANIA <--
29 CONSOLIDATED STATUTES IS AMENDED, SUBSECTION (D) IS AMENDED BY
30 ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY ADDING

1 SUBSECTIONS TO READ:

2 § 3354. ADDITIONAL PARKING REGULATIONS.

3 * * *

4 (D) PERSON WITH A DISABILITY AND DISABLED VETERANS.--

5 * * *

6 (2.1) LOCAL AUTHORITIES MAY LIMIT ACCESS TO A PARKING
7 SPACE RESERVED UNDER PARAGRAPH (2) TO A SPECIFIC VEHICLE,
8 LICENSE PLATE OR OTHER METHOD OF DESIGNATION. UNDER THIS
9 PARAGRAPH LOCAL AUTHORITIES MAY CHARGE A REASONABLE FEE AND
10 SHALL COMPLY WITH SECTION 6109 (RELATING TO SPECIFIC POWERS
11 OF DEPARTMENT AND LOCAL AUTHORITIES) AND THE AMERICANS WITH
12 DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

13 * * *

14 (D.1) OBSTRUCTING MOVEMENT.--A PERSON MAY NOT OBSTRUCT A
15 SPACE ON PUBLIC OR PRIVATE PROPERTY RESERVED FOR A PERSON WITH A
16 DISABILITY OR A PART OF A CURB RAMP OR THE ACCESS AISLE ADJACENT
17 TO A PARKING SPACE RESERVED FOR A PERSON WITH A DISABILITY IN A
18 MANNER THAT WOULD PREVENT A PERSON OR WHEELCHAIR OR PERSONAL
19 MOBILITY DEVICE FROM ENTERING OR LEAVING A VEHICLE LEGALLY
20 PARKED IN AN ADJOINING SPACE.

21 * * *

22 (F) PENALTY.--A PERSON VIOLATING SUBSECTION (A), (B) OR (D)
23 (1) IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION,
24 BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$15. A PERSON
25 VIOLATING SUBSECTION (D) (2) OR (3) OR (E) IS GUILTY OF A SUMMARY
26 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
27 OF NOT LESS THAN \$50 NOR MORE THAN \$200. IF A PERSON IS
28 CONVICTED UNDER SUBSECTION (D) (2) OR (3) IN THE ABSENCE OF A
29 SIGN STATING THE PENALTY AMOUNT, THE FINE IMPOSED MAY NOT EXCEED
30 \$50. A PERSON VIOLATING SUBSECTION (D.1) IS GUILTY OF A SUMMARY

1 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
2 OF NOT LESS THAN \$100 NOR MORE THAN \$300.

3 * * *

4 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
5 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
6 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

7 "ACCESS AISLE." A PHYSICAL AREA MARKED IN ACCORDANCE WITH
8 DEPARTMENTAL REGULATIONS:

9 (1) DESIGNATED BY WHITE OR BLUE PAVEMENT MARKING HASH-
10 MARKS, CROSS-HATCHING OR OTHER SIMILAR VISUAL NO PARKING
11 INDICATORS;

12 (2) WHICH PROVIDES ADDITIONAL SPACE FOR A PERSON USING A
13 WHEELCHAIR, WHEELCHAIR LIFT OR OTHER MOBILITY DEVICE; AND

14 (3) WHICH IS LOCATED ADJACENT TO A PARKING SPACE
15 RESERVED FOR A PERSON WITH A DISABILITY.

16 "PERSON WITH A DISABILITY." A PERSON ISSUED A PLATE OR
17 PLACARD.

18 "PLATE OR PLACARD." A PLATE OR PLACARD ISSUED UNDER:

19 (1) SECTION 1338 (RELATING TO PERSON WITH DISABILITY
20 PLATE AND PLACARD).

21 (2) SECTION 1342(A) OR (B) (RELATING TO VETERAN PLATES
22 AND PLACARD).

23 Section 2. This act shall take effect in 180 days.