

## CHAPTER 63

## ( HB 81 )

AN ACT relating to disabled parking placards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 189.456 is amended to read as follows:

- (1) On the application of any person who has a severe visual, audio, or physical impairment, including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's personal mobility or ability to walk, the county clerk in the county of the person's residence shall issue the person with a disability an accessible parking placard. In addition, any agency or organization which transports persons with a disability as a part of the service provided by that agency or organization shall receive an accessible parking placard upon application to the county clerk for each vehicle used in the transportation of persons with a disability. The accessible parking placard issued shall be a two (2) sided hanger style placard and shall on each side bear the international symbol of access adopted by Rehabilitation International in 1969. ~~One (1) side of the placard shall bear~~ the date of expiration of the placard, a seal or other identification of the Kentucky Transportation Cabinet, and shall contain the accessible parking placard identification number and other information the Transportation Cabinet may by regulation require. The international symbol of access shall be at least three (3) inches in height, be centered on the placard and in a white color on a blue shield. Any information contained on the placard shall be written in indelible ink or inscribed in other permanent fashion so as to prevent tampering with or the changing of information contained on the placard.
- (2) The county clerk shall issue an *applicant one (1)* accessible parking placard *at no cost. Except as outlined in subsection (7) of this section, an applicant may obtain one (1) duplicate placard. A fee of ten dollars (\$10) shall be assessed for an initial or renewal duplicate placard, of which eight dollars (\$8) shall be forwarded to the road fund and two dollars (\$2) shall be retained by the clerk. The placard* ~~at no charge that~~ shall be valid for a period of *six (6)* ~~two (2)~~ years and ~~which~~ may be ~~twice~~ renewed *an unlimited number of times* ~~for a period of two (2) years, without any fee being charged to the applicant~~. *A placard shall expire in the applicant's birth month and may be renewed up to twelve (12) months prior to its expiration date. Upon renewal, a receipt and decal shall be issued that both contain the placard number, placard expiration date, and other information required by the Transportation Cabinet. The decal shall be affixed to the existing placard* ~~The application shall be made on a form prepared by the Transportation Cabinet~~. Placards shall be printed at cabinet expense. ~~and distributed to~~ ~~The county clerk of each county~~ ~~who~~ shall keep a record of applications filed and placards issued. *Placards issued under this section shall be issued in the name of the applicant and shall not be tied to the applicant's motor vehicle or a motor vehicle used to transport the applicant.*
- (3) For every person seeking an *initial* accessible parking placard *or renewal of a placard issued prior to the effective date of this Act*, proof of the disability shall be required by:
  - (a) Evidence that the individual has a license plate for a person with a disability as provided by KRS 186.041 or 186.042;
  - (b) The county clerk issuing the permit ascertaining that *the applicant meets the criteria established by the Transportation Cabinet for determining that* the applicant is ~~obviously~~ disabled; or
  - (c) A statement from a licensed physician, *physician assistant*, chiropractor, or advanced practice registered nurse that the applicant is a person whose mobility, flexibility, coordination, respiration, or perceptiveness is significantly reduced by a permanent disability to that person's arms, legs, lungs, heart, ears, or eyes. *The statement shall be on a form prescribed by the Transportation Cabinet and shall not be dated more than sixty (60) days prior to the date of application.*
- (4)
  - (a) *A parent or guardian of a disabled minor may apply for a placard on behalf of the disabled person by submitting the form identified in subsection (3) of this section.*
  - (b) *A parent or guardian of a disabled adult may apply for a placard on behalf of the disabled person by submitting the form identified in subsection (3) of this section and a power of attorney or proof of guardianship for the disabled person.*

- (5)~~(4)~~ ***The Transportation Cabinet may allow the county clerk to issue an accessible disabled placard to an organization transporting disabled individuals.*** For every agency or organization seeking an accessible parking placard for a person with a disability, application for the placard shall include:
- (a) Name of the agency or organization requesting use of an accessible parking placard;
  - (b) Number of vehicles being used in the transportation of persons with a disability; and
  - (c) A statement from the director of the agency or organization verifying the need for the parking placard.
- (6)~~(5)~~ The accessible parking placard shall, when the vehicle is parked in a parking space identified as accessible to a person with a disability, be displayed so that ***the expiration date*** ~~it~~ may be viewed from the front ~~and rear~~ of the vehicle by hanging the placard from the front windshield rear view mirror. When there is no rear view mirror, the placard shall be displayed on the dashboard ***so that the expiration date may be viewed.***
- (7)~~(6)~~ A person who has ~~not~~ been issued a license plate for a person with a disability under the provisions of KRS 186.041 or 186.042 ***shall only be issued one (1) parking placard under this section at no cost and shall not be issued a duplicate placard*** ~~may be issued a second parking placard at no charge~~.
- (8)~~(7)~~ A person with a disability who has been issued a parking placard pursuant to this section may make application for a replacement placard by swearing in an affidavit that the original placard has been lost, stolen, or destroyed. The replacement parking placard shall be issued at ***a fee of ten dollars (\$10), of which eight dollars (\$8) shall be forwarded to the road fund and two dollars (\$2) shall be retained by the clerk. If a damaged placard is returned to the clerk, a replacement shall be issued at no cost*** ~~no charge by the county clerk~~.
- (9)~~(8)~~ The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement or administer this section, ***including but not limited to the designing of required forms, establishing placard issuance criteria for county clerks, and establishing criteria for placard issuance for organizations.***
- ➔Section 2. KRS 189.458 is amended to read as follows:
- (1) Upon application of any person who has a severe temporary visual, audio, or physical impairment, including partial paralysis, heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's personal mobility or ability to walk as defined in KRS 186.042, the county clerk in the county of the person's residence shall issue the person with a disability a temporary accessible parking placard.
  - (2) The accessible parking placard issued shall be a two (2) sided hanger style placard and shall on each side bear the international symbol of access adopted by Rehabilitation International in 1969. ~~It~~ ***One (1) side of the placard shall bear*** the date of expiration of the placard, a seal or other identification of the Kentucky Transportation Cabinet, and shall contain the accessible parking placard identification number and other information the Transportation Cabinet may by administrative regulation require. The international symbol of access shall be at least three (3) inches in height, be centered on the placard and in a white color on a red shield.
  - (3)
    - (a) A temporary accessible parking placard shall be issued at no charge by the county clerk, and the placard shall be valid for a period of not more than three (3) months.
    - (b) ***A person with a disability who has been issued a temporary parking placard pursuant to this section may make application for a replacement placard by swearing in an affidavit that the original placard has been lost, stolen, or destroyed. A replacement parking placard shall be issued at a fee of ten dollars (\$10), of which eight dollars (\$8) shall be forwarded to the road fund and two dollars (\$2) shall be retained by the clerk. Replacement placards issued under this paragraph shall retain the same expiration date as the initial temporary placard. If a damaged placard is returned to the clerk, a replacement shall be issued at no cost.***
  - (4) The application shall be made on a form prepared by the Transportation Cabinet. ***The*** placards shall be printed at cabinet expense. ~~and distributed to~~ The county clerk of each county ~~who~~ shall keep a record of applications filed and placards issued. ***Placards issued under this section shall be issued in the name of the applicant and shall not be tied to the applicant's motor vehicle or a motor vehicle used to transport the applicant.***
  - (5) For every person seeking a temporary accessible parking placard, proof of the disability shall be required by:

- (a) *The county clerk ascertaining that the applicant meets the criteria established by the Transportation Cabinet for placard issuance; or*
- (b) A statement from a licensed physician, *physician assistant, physical therapist, occupational therapist, chiropractor, or advanced practice registered nurse* that the applicant is a person whose mobility, flexibility, coordination, respiration, or perceptiveness is significantly reduced by a temporary disability to that person's arms, legs, lungs, heart, ears, or eyes. *The statement shall be submitted on a form prescribed by the cabinet and shall not be dated more than sixty (60) days prior to the date of application.*
- (6) The temporary accessible parking placard, when the vehicle is parked in a parking space designated as accessible to and for the use of a person with a disability, shall be displayed so that *the expiration date* ~~it~~ may be viewed from the front ~~and rear~~ of the vehicle by hanging it from the front windshield rear view mirror. When there is no rear view mirror, the placard shall be displayed on the dashboard *so that the expiration date may be viewed.*
- (7) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement or administer this section, *including but not limited to the designing of required forms and establishing placard issuance criteria for county clerks.*
- ➔Section 3. KRS 186.042 is amended to read as follows:
- (1) For the purposes of this section, "persons with disabilities which limit or impair the ability to walk" means persons who ~~as determined by a licensed physician~~:
- Cannot walk two hundred (200) feet or sixty-one (61) meters without stopping to rest;
  - Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistant device;
  - Are restricted by lung disease to the extent that the person's forced respiratory and expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
  - Use portable oxygen;
  - Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
  - Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.
- (2) On the application of any person with disabilities which limit or impair the ability to walk, who has lost the use of an arm or both arms, or who is blind, the Transportation Cabinet shall issue the person with a disability an accessible parking registration plate or renewal decal designating the vehicle licensed as being owned by or leased by a person with a disability. The license plate or renewal decal may be issued for a passenger car as set forth in KRS 186.050(1), for a motorcycle as set forth in KRS 186.050(2), or for a commercial vehicle as set forth in KRS 186.050(3)(a). The registration plates issued shall bear the international symbol of access adopted by Rehabilitation International in 1969, reading from left to right and shall be followed by numbers or letters the cabinet finds expedient. The cabinet shall not issue the registration plates so designated to any person other than a person with a disability as described above. The fee for a disabled license plate shall be as established in KRS 186.162.
- (3) The application for a license plate for a person with a disability shall be made on a form prepared by the Transportation Cabinet. For every person seeking this accessible parking license plate, proof of the disability shall be required by:
- The county clerk issuing the license plate ascertaining that the applicant is obviously disabled as described in this section; or
  - A statement from a licensed physician, *physician assistant, chiropractor, or advanced practice registered nurse* that the applicant is a person with disabilities which limit or impair the ability to walk, a person who has lost the use of an arm, or any person who is blind.
- (4) When a motor vehicle bearing plates issued to a person with a disability as prescribed in this section is being operated by or for the benefit of the person with a disability, who is in the motor vehicle when the motor vehicle is being operated, the motor vehicle may be parked for a period of two (2) hours in excess of the legal

parking period permitted by local authorities, except if local ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane; if the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon, or evening hours; or if the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

- (5) Registration under this section shall expire July 31.

➔Section 4. KRS 189.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6)~~[(4)]~~ of KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.
- (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).
- (b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.
- (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).
- (d) On or after July 1, 2020:
1. Any person who violates the weight provisions of KRS 189.2714 shall be subject to the penalties outlined in paragraph (a) of this subsection; and
  2. Any person who violates any provision of KRS 189.2714 for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).
- (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Department of Vehicle Regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than fifteen dollars (\$15).
- (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

- (c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.
- (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.
- (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in excess of the cost of the repair of the road.
- (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
- (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.
- (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.
- (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this section shall, in the case of a public highway, be paid into the county road fund, and, in the case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an action for damages for breach of contract.
- (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (14) Any person who violates any provision of KRS 189.575 shall be fined not less than twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (16) Any person who violates restrictions or regulations established by the secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both.
- (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a Class B misdemeanor.
- (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name the vehicle used in the transportation of inflammable liquids or explosives is licensed, the person shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each violation shall constitute a separate offense.
- (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days.
- (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the offense is being committed by a defendant fleeing the commission of a felony offense which the defendant was also charged with violating and was subsequently convicted of that felony, in which case it is a Class A misdemeanor.

- (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- (21) A person who operates a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).
- (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (27) Fines levied pursuant to this chapter shall be assessed in the manner required by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall be governed by KRS 534.020 and 534.060.
- (28) A licensed driver under the age of eighteen (18) charged with a moving violation pursuant to this chapter as the driver of a motor vehicle may be referred, prior to trial, by the court to a diversionary program. The diversionary program under this subsection shall consist of one (1) or both of the following:
- (a) Execution of a diversion agreement which prohibits the driver from operating a vehicle for a period not to exceed forty-five (45) days and which allows the court to retain the driver's operator's license during this period; and
  - (b) Attendance at a driver improvement clinic established pursuant to KRS 186.574. If the person completes the terms of this diversionary program satisfactorily the violation shall be dismissed.
- (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ninety percent (90%) of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920. Ten percent (10%) of the fine collected under this subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.
- (30) ~~On or after January 1, 2011,~~ Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

➔Section 5. The Transportation Cabinet shall, within 30 days of the effective date of this Act, provide, to holders of permanent disability placards, notice of changes to the renewal process.

**Signed by Governor April 2, 2018.**