

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 AND TARTAGLIONE, SEPTEMBER 15, 2017

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 16, 2017

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
18 when such vehicles are being operated by or for the

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

26 (ii) Local authorities shall have the power and may,
27 by ordinance or resolution, authorize a person with a
28 disability and severely disabled veterans to issue
29 statements to violators or violating vehicles for
30 violation of subparagraph (i). The form of the statement

1 shall be as prescribed by the local authorities.

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

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

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

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

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

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

24 (4) The following shall apply:

25 ~~(i) The department shall promulgate regulations~~ <--
26 ~~pertaining to the signing, marking and proper use of a~~
27 ~~parking space, curb ramp and access aisle, as applicable,~~
28 ~~on public or private property reserved for a person with~~
29 ~~a disability.~~

30 (I) THE DEPARTMENT SHALL NOT BE DEEMED TO BE AN <--

1 OWNER OF A PARKING SPACE AND MAY NOT MAINTAIN STOPPING,
2 STANDING OR PARKING SIGNS, ACCESS AISLES OR PARKING SPACE
3 MARKINGS. THE DEPARTMENT MAY PERMIT A PERSON OR LOCAL
4 AUTHORITY TO DESIGN, INSTALL AND MAINTAIN STOPPING,
5 STANDING OR PARKING SIGNS, ACCESS AISLES OR PARKING SPACE
6 MARKINGS. THE DEPARTMENT MAY PROMULGATE REGULATIONS
7 PERTAINING TO THE SIGNING, MARKING AND PROPER USE OF A
8 PARKING SPACE, CURB RAMP AND ACCESS AISLE ON PUBLIC OR
9 PRIVATE PROPERTY RESERVED FOR A PERSON WITH A DISABILITY.

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

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

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

25 (e) Unauthorized use.--[An operator of a vehicle bearing a
26 person with a disability or severely disabled veteran plate or
27 displaying a person with a disability or severely disabled
28 veteran parking placard shall not make use of the parking
29 privileges accorded to a person with a disability and severely
30 disabled veterans under subsection (d) (3) unless the operator is

1 a person with a disability or a severely disabled veteran or
2 unless the vehicle is being operated for the transportation of a
3 person with a disability or severely disabled veteran.]

4 (1) An operator of a vehicle may not make use of the
5 parking privileges accorded to a person with a disability <--
6 under subsection (d) (3) unless:

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

8 (ii) the vehicle is being operated for the
9 transportation of a person with a disability.

10 (2) A person may not fraudulently create and display a <--
11 plate or placard if the operator of the vehicle did not
12 legally obtain the plate or placard from the department or
13 the department's authorized agents. OR USE A PLATE OR <--
14 PLACARD.

15 (3) A police officer or a parking enforcement specialist
16 may validate CONFIRM, with the assistance of the department, <--
17 the issuance of a plate or placard from TO an operator of a <--
18 vehicle bearing a plate or placard if the police officer or
19 parking enforcement specialist suspects THE PLATE OR PLACARD <--
20 WAS FRAUDULENTLY CREATED OR USED IN a violation of this
21 subsection. Failure to comply with the validation may result <--
22 in the police officer or a parking enforcement specialist
23 seizing the plate or placard. A POLICE OFFICER OR PARKING <--
24 ENFORCEMENT SPECIALIST WHO DETERMINES A PLATE OR PLACARD WAS
25 FRAUDULENTLY CREATED OR USED MAY SEIZE THE PLATE OR PLACARD.
26 EACH SEIZED DEPARTMENT-ISSUED PLATE AND PLACARD SHALL BE
27 IMMEDIATELY RETURNED TO THE DEPARTMENT.

28 (4) A police officer or parking enforcement specialist
29 may issue a citation for a violation of subsection (a), (b)
30 or (d).

1 * * *

2 (f) Penalty.--A person violating subsection (a), (b) or (d)
3 (1) is guilty of a summary offense and shall, upon conviction,
4 be sentenced to pay a fine of not more than \$15. A person
5 violating subsection (d) (2) or (3) or (e) is guilty of a summary
6 offense and shall, upon conviction, be sentenced to pay a fine
7 of not less than \$50 nor more than [~~\$200~~] \$500. If a person is
8 convicted under subsection (d) (2) or (3) in the absence of a
9 sign stating the penalty amount, the fine imposed may not exceed
10 ~~[\$50]~~ \$100. <--

11 (g) Special penalty; disposition.--

12 (1) In addition to any other penalty imposed under this
13 section, a person who is convicted of violating subsection
14 (d) (2) or (3) or (e) (2) shall be sentenced to pay a fine of
15 ~~[\$50]~~ \$100.

16 * * *

17 (h) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Access aisle." A physical area:

21 (1) designated by hash-marks, cross-hatching or other
22 similar visual no parking indicators;

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

25 (3) which is located adjacent to a parking space
26 reserved for a person with a disability.

27 "Parking enforcement specialist." A person employed or
28 contracted by a Commonwealth agency, commission or authority or
29 a political subdivision of the Commonwealth to enforce parking
30 laws.

1 "Person with a disability." A person issued a plate or
2 placard.

3 "Plate or placard." A plate or placard issued under:

4 (1) Section 1338 (relating to person with disability
5 plate and placard).

6 (2) Section ~~1342(a), (b) or (c)~~ 1342(A) OR (B) (relating <--
7 to veteran plates and placard).

8 Section 2. This act shall take effect in ~~60~~ 180 days. <--