

## LEGISLATIVE BILL 31

Approved by the Governor March 28, 2001

Introduced by Redfield, 12

AN ACT relating to handicapped or disabled persons; to amend sections 18-1739 to 18-1741, Reissue Revised Statutes of Nebraska; to eliminate a fee; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.  
Be it enacted by the people of the State of Nebraska,

Section 1. Section 18-1739, Reissue Revised Statutes of Nebraska, is amended to read:

18-1739. (1) The permit to be issued pursuant to section 18-1738 or 18-1738.01 shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking for Persons with Disabilities, 23 C.F.R. part 1235, as such regulations existed on the effective date of this act.

(2) In addition to the requirements of subsection (1) of this section, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of sections 18-1736 to 18-1741.07 as determined by the Department of Motor Vehicles.

(3) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 18-1741. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee in the manner provided for renewal in sections 18-1738, 18-1738.01, and 18-1740.

(4) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the clerk or designated county official. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

Sec. 2. Section 18-1740, Reissue Revised Statutes of Nebraska, is amended to read:

18-1740. (1) ~~All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. All permits authorized under such sections for handicapped or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this section and section 18-1738 or 18-1738.01. After September 9, 1995, all permanently issued permits for handicapped or disabled parking authorized by sections 18-1736 to 18-1741.07 shall be issued for a period ending on September 30 of the third year following after the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the issuing city or village clerk or designated county official within thirty days of after the date after of its expiration shall be deemed to have been filed prior to the date of its expiration. The possession of an expired but otherwise valid handicapped parking permit within thirty days following after the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that thirty-day period.~~

(2) ~~All permits authorized under sections 18-1736 to 18-1741 prior to September 10, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending ninety days after the date of issuance but may be renewed for up to three additional ninety-day periods. All permits authorized under sections 18-1736 to 18-1741.07 after September 9, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a one-time period not to exceed six months. For the renewal~~

period, there shall be submitted an additional application with proof of a handicap or disability. ~~and the required permit fee.~~

~~(3) A permit fee of three dollars shall be charged for each permit, two dollars of which shall be retained by the clerk or designated county official who submits the permit and one dollar of which shall be forwarded on a quarterly basis to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.~~

Sec. 3. Section 18-1741, Reissue Revised Statutes of Nebraska, is amended to read:

18-1741. Permits issued under sections 18-1736 to 18-1741 shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to section 18-1738 or 18-1738.01. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit issued pursuant to such sections. Any violation of this section shall be cause for suspension of such permit for a period of six months and such other punishment as may be provided by local ordinance. In addition, the trial court shall impose a fine of not more than two hundred fifty dollars which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed upon the payment of the permit fee in the manner provided for renewal in sections 18-1738, 18-1738.01, and 18-1740.

Sec. 4. Original sections 18-1739 to 18-1741, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.