

LEGISLATIVE BILL 146

Approved by the Governor March 14, 1979

Introduced by Wesely, 26

AN ACT to amend sections 18-1736 to 18-1742, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide for identification for vehicles used by the handicapped; to redefine a term; to provide for applications for a permit as prescribed; to provide for central issuance; to change the permit term; to provide for additional penalties; to provide duties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-1736, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1736. A city or village may ~~by ordinance or resolution~~ designate parking spaces for the exclusive use of paraplegics whose vehicles display the distinguishing license plates issued to paraplegics pursuant to section 60-311.14, and such other handicapped persons, as certified by the city or village, whose vehicles display ~~some the identification as determined by the city or village~~ Department of Motor Vehicles. Whenever a city or village so designates a parking space, it shall be indicated ~~either by blue paint on the curb or edge of the paved portion of the street adjacent to the space or by a sign as described in section 18-1737.~~ In addition to ~~blue paint such sign,~~ the space may also be indicated by ~~signs or other suitable means:~~ blue paint on the curb or edge of the paved portion of the street adjacent to the space.

Sec. 2. That section 18-1737, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1737. (1) Any city or village ~~by ordinance or resolution;~~ and any person in lawful possession thereof ~~of any off-street parking facility~~ may designate stalls or spaces in an ~~off-street parking~~ such facility owned or operated by the city or village or person for the exclusive use of paraplegics whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, and such other handicapped persons, as certified by the city or village, whose vehicles display ~~some the~~ the identification as

determined by the city or village Department of Motor Vehicles. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background, which is in conformance with the latest edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices.

(2) The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, as the case may be, and any city or village owning or operating an providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space designated for paraplegics or other handicapped persons in such facility, of any vehicle not displaying proper identification or one of the distinguishing license plates specified in this section if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone, and that anyone anyone parking there in violation of the designation shall be subject to in any on-street parking space which has been designated for handicapped persons, or in any so designated parking space in any off-street parking facility owned or operated by a city or village, without properly displaying the proper identification, a fine of not less than ten dollars nor more than fifty dollars, shall be guilty of a traffic infraction as defined in section 39-602, Reissue Revised Statutes of Nebraska, 1943, and shall be subject to the penalties and procedures set forth in section 39-6, 112, Revised Statutes Supplement, 1978.

Sec. 3. That section 18-1738, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1738. The clerk of any city or village may issue a permit to take an application from physically handicapped persons who have reached school five years of age for a permit and persons who drive a motor vehicle for a visually handicapped person which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by section 48-4736 this act. For the purpose of this section act, physically handicapped persons shall mean visually handicapped persons and those permanently physically handicapped persons using crutches, canes, walkers, wheelchairs, or having who have definite walking problems to such an extent that walking is impractical, impossible, extremely painful, and

generally detrimental to one's health, including but--not limited--to--amputees,--and those persons who have respiratory problems which incapacitate their walking. Visually handicapped persons shall mean those persons using the white cane or seeing-eye guide dog. Persons applying for a permit shall complete such forms as are provided to the city or village clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the clerk that he or she is handicapped. The city or village clerk may require medical certificates and proof of a handicapped condition. Such application and any verification of a handicapped condition made to the city or village clerk shall be forwarded to the Department of Motor Vehicles.

Sec. 4. That section 18-1739, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1739. The permit shall be a suitable card to be issued by the Department of Motor Vehicles, containing the letter H and an identifying number on the front of the card. The name, address, phone number, date of birth, and age of the party to whom issued shall appear on the reverse side. No permit shall be issued to any person if any valid handicapped parking permit has been issued to such person or if such permit has been suspended pursuant to section 18-1741.

Sec. 5. That section 18-1740, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1740. All permits authorized under this section act shall be issued for a period of--one ending January 1 of the fourth year following year---Permits shall be renewable yearly---A permit may be reissued upon a change of address by the holder; the date of issuance. A permit fee of one-dollar two dollars shall be charged for each permit, one dollar of which shall be retained by the city or village clerk and one dollar shall be forwarded to the Department of Motor Vehicles. --except that the fee for reissuance--upon--a--change--of--address shall be fifty cents.

Sec. 6. That section 18-1741, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1741. Permits issued under sections 18-1736 to 18-1742 shall not be transferable and shall be used only by the party to whom issued. Use by any other party 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. At the expiration of such six-month period, a suspended permit may be renewed upon the payment of the one-dollar permit fee.

Sec. 7. That section 18-1742, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1742. The Department of Motor Vehicles shall adopt rules and regulations to implement the provisions of sections 18-1736 to 18-1742 relating to the issuance and use of permits for handicapped persons.

Sec. 8. That original sections 18-1736 to 18-1742, Reissue Revised Statutes of Nebraska, 1943, are repealed.