

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 657

Final Reading

Introduced by Executive Board: Wightman, 36, Chairperson.

Read first time January 08, 2014

Committee: General File

A BILL

1 FOR AN ACT relating to handicapped parking; to amend sections 18-1736
 2 and 18-1741.02, Reissue Revised Statutes of Nebraska,
 3 sections 60-331.01, 60-3,113, 60-3,113.01, 60-3,113.03,
 4 60-3,113.06, 60-3,113.07, and 60-3,113.08, Revised
 5 Statutes Cumulative Supplement, 2012, and sections
 6 60-3,113.02, 60-3,113.04, and 60-3,113.05, Revised
 7 Statutes Supplement, 2013; to eliminate obsolete
 8 provisions related to handicapped or disabled parking
 9 permits; to redefine a term; to harmonize provisions; to
 10 repeal the original sections; and to outright repeal
 11 sections 18-1738, 18-1738.01, 18-1738.02, 18-1739,
 12 18-1740, 18-1741, and 18-1742, Reissue Revised Statutes
 13 of Nebraska.

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

1 Section 1. Section 18-1736, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-1736 (1) A city or village may designate parking
4 spaces, including access aisles, for the exclusive use of (a)
5 handicapped or disabled persons whose motor vehicles display the
6 distinguishing license plates issued to handicapped or disabled
7 persons pursuant to section 60-3,113, (b) handicapped or disabled
8 persons whose motor vehicles display a distinguishing license plate
9 issued to a handicapped or disabled person by another state, (c) such
10 other handicapped or disabled persons or temporarily handicapped or
11 disabled persons whose motor vehicles display a handicapped or
12 disabled parking permit, and (d) such other motor vehicles which
13 display a handicapped or disabled parking permit.

14 (2) If a city or village so designates a parking space or
15 access aisle, it shall be indicated by posting aboveground and
16 immediately adjacent to and visible from each space or access aisle a
17 sign as described in section 18-1737. In addition to such sign, the
18 space or access aisle may also be indicated by blue paint on the curb
19 or edge of the paved portion of the street adjacent to the space or
20 access aisle.

21 (3) For purposes of sections 18-1736 to ~~18-1742~~
22 18-1741.07:

23 (a) Access aisle has the same meaning as in section
24 60-302.01;

25 (b) Handicapped or disabled parking permit has the same

1 meaning as in section 60-331.01;

2 (c) Handicapped or disabled person has the same meaning
3 as in section 60-331.02; and

4 (d) Temporarily handicapped or disabled person has the
5 same meaning as in section 60-352.01.

6 Sec. 2. Section 18-1741.02, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 18-1741.02 (1) Any person found guilty of a handicapped
9 parking infraction shall be fined (a) not more than one hundred fifty
10 dollars for the first offense, (b) not more than three hundred
11 dollars for a second offense within a one-year period, and (c) not
12 more than five hundred dollars for a third or subsequent offense
13 within a one-year period.

14 (2) In addition to any fine imposed under subsection (1)
15 of this section, any person found guilty of a handicapped parking
16 infraction under section ~~18-1741~~ or section ~~60-3,113.06~~ shall be
17 subject to suspension of such person's handicapped or disabled
18 parking permit for six months and such other punishment as may be
19 provided by local ordinance. In addition, the court shall impose a
20 fine of not more than two hundred fifty dollars which may be waived
21 by the court if, at the time of sentencing, all handicapped or
22 disabled parking permits issued to or in the possession of the
23 offender are returned to the court. At the expiration of such six-
24 month period, a suspended handicapped or disabled parking permit may
25 be renewed in the manner provided for renewal of the original permit.

1 Sec. 3. Section 60-331.01, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 60-331.01 Handicapped or disabled parking permit means: ~~a~~
4 permit issued by the department that authorizes the use of parking
5 spaces and access aisles that have been designated for the exclusive
6 use of handicapped or disabled persons.

7 ~~(1) A permit issued under section 18-1738 or 18-1738.01~~
8 ~~prior to the implementation date designated by the director under~~
9 ~~section 60-3,113.01; or~~

10 ~~(2) A permit issued under section 60-3,113.02 or~~
11 ~~60-3,113.03 on or after the implementation date designated by the~~
12 ~~director under section 60-3,113.01.~~

13 Sec. 4. Section 60-3,113, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 60-3,113 (1) The department shall, without the payment of
16 any fee except the taxes and fees required by sections 60-3,102,
17 60-3,185, 60-3,190, and 60-3,191, issue license plates for one motor
18 vehicle not used for hire and a license plate for one motorcycle not
19 used for hire to:

20 (a) Any permanently handicapped or disabled person or his
21 or her parent, legal guardian, foster parent, or agent upon
22 application and proof of a permanent handicap or disability; or

23 (b) A trust which owns the motor vehicle or motorcycle if
24 a designated beneficiary of the trust qualifies under subdivision (a)
25 of this subsection.

1 An application and proof of disability in the form and
2 with the information required by section ~~18-1738 or~~ 60-3,113.02 shall
3 be submitted before license plates are issued or reissued.

4 (2) The license plate or plates shall carry the
5 internationally accepted wheelchair symbol, which symbol is a
6 representation of a person seated in a wheelchair surrounded by a
7 border six units wide by seven units high, and such other letters or
8 numbers as the director prescribes. Such license plate or plates
9 shall be used by such person in lieu of the usual license plate or
10 plates.

11 (3) The department shall compile and maintain a registry
12 of the names, addresses, and license numbers of all persons who
13 obtain special license plates pursuant to this section and all
14 persons who obtain a handicapped or disabled parking permit.

15 Sec. 5. Section 60-3,113.01, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 60-3,113.01 The department shall develop, ~~and implement,~~
18 and maintain an electronic system for accepting and processing
19 applications for handicapped or disabled parking permits. ~~The~~
20 ~~director shall designate an implementation date for such system,~~
21 ~~which date shall be on or before January 1, 2013.~~

22 Sec. 6. Section 60-3,113.02, Revised Statutes Supplement,
23 2013, is amended to read:

24 60-3,113.02 ~~(1) This section applies beginning on the~~
25 ~~implementation date designated by the director under section~~

1 ~~60-3,113.01.~~

2 ~~(2)~~(1) A handicapped or disabled person or temporarily
3 handicapped or disabled person or his or her parent, legal guardian,
4 foster parent, or certifying health care provider may apply for a
5 handicapped or disabled parking permit to the department or through a
6 health care provider using a secure online process developed by the
7 department which will entitle the holder of a permit or a person
8 driving a motor vehicle for the purpose of transporting such holder
9 to park in those spaces or access aisles provided for by sections
10 18-1736 and 18-1737 when the holder of the permit will enter or exit
11 the motor vehicle while it is parked in such spaces or access aisles.
12 For purposes of this section, (a) the handicapped or disabled person
13 or temporarily handicapped or disabled person is considered the
14 holder of the permit and (b) certifying health care provider means
15 the physician, physician assistant, or advanced practice registered
16 nurse who makes the certification required in subsection ~~(3)~~(2) of
17 this section or his or her designee.

18 ~~(3)~~(2) The application process for a handicapped or
19 disabled parking permit or for the renewal of a permit under this
20 section shall include presentation of proof of identity by the
21 handicapped or disabled person or temporarily handicapped or disabled
22 person and certification by a physician, a physician assistant, or an
23 advanced practice registered nurse practicing under and in accordance
24 with his or her certification act that the person who will be the
25 holder meets the statutory criteria for qualification. An application

1 for the renewal of a permit under this section may be submitted
2 within one hundred eighty days prior to the expiration of the permit.
3 No applicant shall be required to provide his or her social security
4 number. In the case of a temporarily handicapped or disabled person,
5 the certifying physician, physician assistant, or advanced practice
6 registered nurse shall recommend that the permit for the temporarily
7 handicapped or disabled person be issued for either a three-month
8 period or a six-month period, with such recommendation to be based on
9 the estimated date of recovery.

10 ~~(4)~~ (3) The department, upon receipt of a completed
11 application for a handicapped or disabled parking permit under this
12 section, shall verify that the applicant qualifies for such permit
13 and, if so, shall deliver the permit to the applicant. In issuing
14 renewed permits, the department shall deliver each individual renewed
15 permit to the applicant. The renewed permit shall not be issued
16 sooner than ten days prior to the date of expiration, and the
17 existing permit shall be invalid upon receipt of the renewed permit.
18 A person may hold up to two permits under this section. If a person
19 holds a permit under this section, such person may not hold a permit
20 under section 60-3,113.03.

21 ~~(5)~~ (4) In issuing any handicapped or disabled parking
22 permit under this section, the department shall include a notice and
23 an identification card. The notice shall contain information listing
24 the legal uses of the permit and that the permit is not transferable,
25 is to be used by the party to whom issued, is not to be altered or

1 reproduced, and is to be used only when a handicapped or disabled
2 person or a temporarily handicapped or disabled person will enter or
3 exit the motor vehicle while it is parked in a designated parking
4 space or access aisle. The notice shall also indicate that those
5 convicted of handicapped parking infractions shall be subject to
6 suspension of the permit for six months. The identification card
7 shall show the expiration date of the permit and such identifying
8 information with regard to the handicapped or disabled person or
9 temporarily handicapped or disabled person to whom the permit is
10 issued as is necessary to the enforcement of sections 18-1736 to
11 18-1741.07 as determined by the department.

12 Sec. 7. Section 60-3,113.03, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-3,113.03 ~~(1) This section applies beginning on the~~
15 ~~implementation date designated by the director under section~~
16 ~~60-3,113.01.~~

17 ~~(2)~~ (1) The department shall take an application from any
18 person for a handicapped or disabled parking permit that is issued
19 for a specific motor vehicle and entitles the holder thereof or a
20 person driving the motor vehicle for the purpose of transporting
21 handicapped or disabled persons or temporarily handicapped or
22 disabled persons to park in those spaces or access aisles provided
23 for by sections 18-1736 and 18-1737 if the motor vehicle is used
24 primarily for the transportation of handicapped or disabled persons
25 or temporarily handicapped or disabled persons. Such permit shall be

1 used only when the motor vehicle for which it was issued is being
2 used for the transportation of a handicapped or disabled person or
3 temporarily handicapped or disabled person and such person will enter
4 or exit the motor vehicle while it is parked in such designated
5 spaces or access aisles.

6 ~~(3)~~(2) A person applying for a handicapped or disabled
7 parking permit or for the renewal of a permit pursuant to this
8 section shall apply for a permit for each motor vehicle used for the
9 transportation of handicapped or disabled persons or temporarily
10 handicapped or disabled persons and shall include such information as
11 is required by the department, including a demonstration to the
12 department that each such motor vehicle is used primarily for the
13 transportation of handicapped or disabled persons or temporarily
14 handicapped or disabled persons. An application for the renewal of a
15 permit under this section may be submitted within one hundred eighty
16 days prior to the expiration of the permit.

17 ~~(4)~~(3) The department, upon receipt of a completed
18 application, shall verify that the applicant qualifies for a
19 handicapped or disabled parking permit under this section and, if so,
20 shall deliver the permit to the applicant. In issuing renewed
21 permits, the department shall deliver each individual renewed permit
22 to the applicant. The renewed permit shall not be issued sooner than
23 ten days prior to the date of expiration, and the existing permit
24 shall be invalid upon receipt of the renewed permit. No more than one
25 such permit shall be issued for each motor vehicle under this

1 section.

2 ~~(5)~~(4) In issuing any handicapped or disabled parking
3 permit under this section, the department shall include a notice and
4 an identification card to the registered owner of the motor vehicle
5 or the applicant. The notice shall contain information listing the
6 legal uses of the permit and that the permit is not transferable, is
7 to be used for the motor vehicle for which it is issued, is not to be
8 altered or reproduced, and is to be used only when a handicapped or
9 disabled person or a temporarily handicapped or disabled person will
10 enter or exit the motor vehicle while it is parked in a designated
11 parking space or access aisle. The notice shall also indicate that
12 those convicted of handicapped parking infractions shall be subject
13 to suspension of the permit for six months. The identification card
14 shall identify the motor vehicle for which the permit is issued as is
15 necessary to the enforcement of sections 18-1736 to 18-1741.07 as
16 determined by the department.

17 Sec. 8. Section 60-3,113.04, Revised Statutes Supplement,
18 2013, is amended to read:

19 60-3,113.04 ~~(1) This section applies beginning on the~~
20 ~~implementation date designated by the director under section~~
21 ~~60-3,113.01.~~

22 ~~(2)~~(1) A handicapped or disabled parking permit shall be
23 of a design, size, configuration, color, and construction and contain
24 such information as specified in the regulations adopted by the
25 United States Department of Transportation in 23 C.F.R. part 1235,

1 UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES, as such
2 regulations existed on January 1, 2013.

3 ~~(3)~~ (2) No handicapped or disabled parking permit shall
4 be issued to any person or for any motor vehicle if any permit has
5 been issued to such person or for such motor vehicle and such permit
6 has been suspended pursuant to section 18-1741.02. At the expiration
7 of such suspension, a permit may be renewed in the manner provided
8 for renewal in sections 60-3,113.02, 60-3,113.03, and 60-3,113.05.

9 ~~(4)~~ (3) A duplicate handicapped or disabled parking
10 permit may be provided up to two times during any single permit
11 period if a permit is destroyed, lost, or stolen. Such duplicate
12 permit shall be issued as provided in section 60-3,113.02 or
13 60-3,113.03, whichever is applicable, except that a new certification
14 by a physician, a physician assistant, or an advanced practice
15 registered nurse need not be provided. A duplicate permit shall be
16 valid for the remainder of the period for which the original permit
17 was issued. If a person has been issued two duplicate permits under
18 this subsection and needs another permit, such person shall reapply
19 for a new permit under section 60-3,113.02 or 60-3,113.03, whichever
20 is applicable.

21 Sec. 9. Section 60-3,113.05, Revised Statutes Supplement,
22 2013, is amended to read:

23 60-3,113.05 ~~(1) This section applies beginning on the~~
24 ~~implementation date designated by the director under section~~
25 ~~60-3,113.01.~~

1 ~~(2)~~(1) Permanently issued handicapped or disabled
2 parking permits issued prior to October 1, 2011, shall be valid for a
3 period ending on the last day of the month of the applicant's
4 birthday in the third year after issuance and shall expire on that
5 day. Permanently issued handicapped or disabled parking permits
6 issued on or after October 1, 2011, shall be valid for a period
7 ending on the last day of the month of the applicant's birthday in
8 the sixth year after issuance and shall expire on that day.

9 ~~(3)~~(2) All handicapped or disabled parking permits for
10 temporarily handicapped or disabled persons shall be issued for a
11 period ending either three months after the date of issuance or six
12 months after the date of issuance, with such period to be based on
13 the estimated date of recovery, but such permit may be renewed one
14 time for a similar three-month or six-month period. For the renewal
15 period, there shall be submitted an additional application with proof
16 of a handicap or disability.

17 Sec. 10. Section 60-3,113.06, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 60-3,113.06 ~~(1) This section applies beginning on the~~
20 ~~implementation date designated by the director under section~~
21 ~~60-3,113.01.~~

22 ~~(2)~~ A handicapped or disabled parking permit shall not be
23 transferable and shall be used only by the party to whom issued or
24 for the motor vehicle for which issued and only for the purpose for
25 which the permit is issued. A handicapped or disabled parking permit

1 shall be displayed by hanging the permit from the motor vehicle's
2 rearview mirror so as to be clearly visible through the front
3 windshield. A handicapped or disabled parking permit shall be
4 displayed on the dashboard only when there is no rearview mirror. No
5 person shall alter or reproduce in any manner a handicapped or
6 disabled parking permit. No person shall knowingly hold more than the
7 allowed number of handicapped or disabled parking permits. No person
8 shall display a handicapped or disabled parking permit issued under
9 section 60-3,113.02 and park in a space or access aisle designated
10 for the exclusive use of a handicapped or disabled person unless the
11 holder of the permit will enter or exit the motor vehicle while it is
12 parked in a designated space or access aisle. No person shall display
13 a handicapped or disabled parking permit issued under section
14 60-3,113.03 and park in a space or access aisle designated for the
15 exclusive use of a handicapped or disabled person unless the person
16 displaying the permit is driving the motor vehicle for which the
17 permit was issued and a handicapped or disabled person will enter or
18 exit the motor vehicle while it is parked in a designated space or
19 access aisle. Any violation of this ~~subsection~~section shall
20 constitute a handicapped parking infraction as defined in section
21 18-1741.01 and shall be subject to the penalties and procedures set
22 forth in sections 18-1741.01 to 18-1741.07.

23 Sec. 11. Section 60-3,113.07, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 60-3,113.07 (1) ~~This section applies beginning on the~~

1 ~~implementation date designated by the director under section~~
2 ~~60-3,113.01.~~

3 ~~(2)~~ (1) No person shall knowingly provide false
4 information on an application for a handicapped or disabled parking
5 permit. Any person who violates this subsection shall be guilty of a
6 Class III misdemeanor.

7 ~~(3)~~ (2) If the director discovers evidence of fraud in an
8 application for a handicapped or disabled parking permit or a license
9 plate issued under section 60-3,113, the director may summarily
10 cancel such permit or license plate and send notice of cancellation
11 to the applicant.

12 Sec. 12. Section 60-3,113.08, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-3,113.08 ~~(1)~~ ~~This section applies beginning on the~~
15 ~~implementation date designated by the director under section~~
16 ~~60-3,113.01.~~

17 ~~(2)~~ The department may adopt and promulgate rules and
18 regulations necessary to fulfill any duties and obligations as
19 provided in sections 60-3,113.01 to 60-3,113.08. All rules and
20 regulations of the department relating to the issuance and use of
21 handicapped or disabled parking permits ~~adopted pursuant to section~~
22 ~~18-1742 prior to the implementation date designated by the director~~
23 ~~under section 60-3,113.01 and promulgated prior to the effective date~~
24 ~~of this act~~ shall continue to be effective until revised, amended,
25 repealed, or nullified pursuant to law.

1 Sec. 13. Original sections 18-1736 and 18-1741.02,
2 Reissue Revised Statutes of Nebraska, sections 60-331.01, 60-3,113,
3 60-3,113.01, 60-3,113.03, 60-3,113.06, 60-3,113.07, and 60-3,113.08,
4 Revised Statutes Cumulative Supplement, 2012, and sections
5 60-3,113.02, 60-3,113.04, and 60-3,113.05, Revised Statutes
6 Supplement, 2013, are repealed.

7 Sec. 14. The following sections are outright repealed:
8 Sections 18-1738, 18-1738.01, 18-1738.02, 18-1739, 18-1740, 18-1741,
9 and 18-1742, Reissue Revised Statutes of Nebraska.