

| | L.D. 1706 |
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| - | DATE: 2/15/06 (Filing No. H-765) |
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| 10 | Reproduced and distributed under the direction of the Clerk of the House. |
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| 14 | STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE |
| 16 | SECOND REGULAR SESSION |
| 18 | B |
| | COMMITTEE AMENDMENT "B" to H.P. 1213, L.D. 1706, Bill, "An |
| 20 | Act To Prohibit Parking in Access Aisles" |
| 22 | Amend the bill in section 1 in subsection 9-A in the last line (page 1, line 36 in L.D.) by inserting after the following: |
| 24 | " <u>placard.</u> " the following: ' <u>Notwithstanding section 2604, a person</u> who violates this subsection is subject to a fine of not less |
| 26 | than \$200 and not more than \$500.' |
| 28 | Further amend the bill by inserting after section 1 the |
| 30 | following: |
| 30 | 'Sec. 2. 29-A MRSA §521, sub-§9-B is enacted to read: |
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| | <u>9-B. Registered owner's liability for vehicle illegally</u> |
| 34 | parked in disability parking space access aisle. A person who is |
| 26 | a registered owner of a vehicle at the time that vehicle is |
| 36 | involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" |
| 38 | includes a person issued a dealer or transporter registration |
| 50 | plate. |
| 40 | |
| | A. Anyone who observes a violation of subsection 9-A may |
| 42 | report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the |
| 44 | location of the violation and the registration plate number |
| | and a description of the vehicle involved. The officer |
| 46 | shall initiate an investigation of the reported violation |
| 4.0 | and, if possible, contact the registered owner of the motor |
| 48 | vehicle involved and request that the registered owner supply information identifying the operator. |
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COMMITTEE AMENDMENT

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2 B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation 4 of this subsection. 6 C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. 8 10 D. The following are defenses to a violation of this subsection. 12 (1) If a person other than the owner is found to be 14 operating the vehicle at the time of the violation and is adjudicated of violating subsection 9-A, then the registered owner may not be found in violation of this 16 subsection. 18 (2) If the registered owner is a lessor of vehicles 20 and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the 22 investigating officer with a copy of the lease agreement containing the information required by 24 section 254, then the lessee and not the lessor may be charged under this subsection. 26 (3) If the vehicle is operated using a dealer or 28 transporter registration plate and at the time of the violation the vehicle was operated by any person other 30 than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the 32 name and address of the person who had control over the vehicle at the time of the violation, then that person 34 and not the dealer or transporter may be charged under this subsection. 36 (4) If a report that the vehicle was stolen is given 38 to a law enforcement officer or agency before the violation occurs or within a reasonable time after the 40 violation occurs, then the registered owner may not be charged under this subsection. 42 E. Notwithstanding section 2604, a person who violates this 44 subsection is subject to a fine of not less than \$200 and not more than \$500. 46 Sec. 3. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 2003, c. 117, §1, is further amended to read: 48 50 D. The following provisions apply to the establishment and

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "K" to H.P. 1213, L.D. 1706

P. 015.

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policing of parking spaces <u>and access aisles</u> for handieapped <u>disabled</u> persons.

- 4 (1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, 6 Title 5, chapter 337, subchapter 5. The municipality shall post a sign adjacent to and visible from each 8 handieapped <u>disability</u> parking space established by the municipality. The sign must display the international 10 symbol for accessibility.
- 12 (2-A) Enforcement of handicapped <u>disability</u> parking restrictions must be in accordance with Title 29-A,
 14 section 521, subsection 9-A.
- 16 (3) Any vehicle or motorcycle parked in a parking space clearly marked as a handieapped disability 18 parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by 20 another state, must be cited for a forfeiture fine of not less than \$100 \$200 and not more than \$500. 22 "Clearly marked" includes painted signs on pavement and 24 vertical standing signs that are visible in existing weather conditions. 26
- (4) The municipal officers may establish and enforce
 the time limit for use of a parking space reserved as a handicapped <u>disability</u> parking space on a public way or
 public parking area.'
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SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Transportation, increases the fine for persons who illegally park in a disability parking space or an access aisle. This amendment also provides that the registered owner of a vehicle illegally parked in an access aisle also commits a traffic infraction and is also subject to a fine. The amendment provides for defenses for the registered owner of the vehicle found to be illegally parked in an access aisle. Finally, the amendment changes the term "handicapped parking space" to "disability parking space."

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1706

LR 2621(03)

An Act to Prohibit Parking in Access Aisles

Fiscal Note for Bill as Amended by Committee Amendment "" Committee: Transportation Fiscal Note Required: Yes Minority Report

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new traffic infraction.

The collection of additional fines may increase General Fund revenue by minor amounts.