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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

HOUSE FILE No. 721

February 28, 2011

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The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

April 11, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

April 14, 2011

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to traffic regulations; modifying provisions relating to disability parking;
1.3 amending Minnesota Statutes 2010, sections 169.345, subdivision 1; 169.346,
1.4 subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 169.345, subdivision 1, is amended to read:

1.7 Subdivision 1. Scope of privilege. (a) A motor vehicle that prominently displays
1.8 the certificate authorized by this section or that bears disability plates issued under section
1.9 168.021 may be parked by or solely for the benefit of a physically disabled person:

1.10 (1) in a designated parking space for disabled persons, as provided in section
1.11 169.346;

1.12 (2) in a metered parking space without obligation to pay the meter fee and without
1.13 time restrictions unless time restrictions are separately posted on official signs; and

1.14 (3) without time restrictions in a nonmetered space where parking is otherwise
1.15 allowed for passenger vehicles but restricted to a maximum period of time and that does
1.16 not specifically prohibit the exercise of disabled parking privileges in that space.

1.17 A person may park a motor vehicle for a physically disabled person in a parking space
1.18 described in clause (1) or (2) only when actually transporting the physically disabled
1.19 person for the sole benefit of that person and when the parking space is within a reasonable
1.20 distance from the drop-off point.

1.21 (b) For purposes of this subdivision, a certificate is prominently displayed if it is
1.22 displayed so that it may be viewed from the front and rear of the motor vehicle by hanging
1.23 it from the rearview mirror attached to the front windshield of the motor vehicle. If there is
1.24 no rearview mirror or if the certificate holder's disability precludes placing the certificate

2.1 on the mirror, the certificate must be displayed on the dashboard ~~on the driver's side~~ of  
2.2 the vehicle. No part of the certificate may be obscured.

2.3 (c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not  
2.4 permit parking in areas prohibited by sections 169.32 and 169.34, in designated no  
2.5 parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local  
2.6 governmental unit may, by ordinance, prohibit parking on any street or highway to create  
2.7 a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and  
2.8 these ordinances also apply to physically disabled persons.

2.9 Sec. 2. Minnesota Statutes 2010, section 169.346, subdivision 3, is amended to read:

2.10 Subd. 3. **Misdemeanor; enforcement.** A person who violates subdivision 1 is  
2.11 guilty of a misdemeanor and must be fined not less than \$100 and not more than \$200. This  
2.12 subdivision must be enforced in the same manner as parking ordinances or regulations in  
2.13 the governmental subdivision in which the violation occurs. Law enforcement officers  
2.14 may tag motor vehicles parked on either private or public property in violation of  
2.15 subdivision 1. Parking enforcement employees or agents of statutory or home rule charter  
2.16 cities or towns may tag or otherwise issue citations for motor vehicles parked on public  
2.17 property in violation of subdivision 1. If a holder of a disability certificate or disability  
2.18 plates allows a person who is not otherwise eligible to use the certificate or plates, then  
2.19 the holder is not eligible to be issued or to use a disability certificate or plates for 12  
2.20 months after the date of violation. Except when the permit or certificate is expired by, or is  
2.21 otherwise invalid for, more than 90 days, a physically disabled person, or a person parking  
2.22 a motor vehicle for a disabled person, who is charged with violating subdivision 1 because  
2.23 the person parked in a parking space for physically disabled persons without the required  
2.24 certificate, license plates, or permit must not be convicted if the person (1) produces in  
2.25 court or before the court appearance the required certificate, permit, or evidence that the  
2.26 person has been issued plates under section 168.021, (2) surrenders the expired permit or  
2.27 certificate, and (3) demonstrates entitlement to the certificate, plates, or permit at the time  
2.28 of arrest or tagging. To be valid, the certificate or permit must show that it is owned by the  
2.29 same person that owned the expired certificate or permit displayed at the time the tag was  
2.30 issued. The registered vehicle owner is subject to the provisions of this subdivision.