

[First Reprint]
ASSEMBLY, No. 1314

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROMANO and Assemblywoman GILL

1 AN ACT concerning restricted parking spaces for certain senior
2 citizens and amending P.L.1991, c.285, R.S.39:4-138, P.L.1977,
3 c.202, R.S.39:4-198, and P.L.1949, c.280.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1991, c.285 (C.39:4-8.1) is amended to read as
9 follows:

10 1. Any municipality, which pursuant to the provisions of
11 R.S.39:4-8, R.S.39:4-197, section 1 of P.L.1977, c.202
12 (C.39:4-197.5) or section 1 of P.L.1977, c.309 (C.39:4-197.6)
13 designates restricted parking spaces for use by handicapped persons
14 or persons who are age 70 years or older, may, in lieu of having the
15 Department of Transportation inspect those parking spaces and any
16 signs erected in association therewith, designate the municipal
17 engineer to determine whether or not those parking spaces and signs
18 conform to the current standards prescribed by the Manual of Uniform
19 Traffic Control Devices for Streets and Highways, adopted by the
20 Commissioner of Transportation, and any other Department of
21 Transportation rules and regulations governing such parking spaces
22 and signs.

23 Any such parking spaces and signs shall be deemed approved and
24 operational, and in need of no additional inspection by the Department
25 of Transportation, when the municipal engineer, under his seal as a
26 licensed professional engineer, shall certify to the commissioner that
27 the parking spaces and signs:

- 28 a. have been approved by him after investigation; and
29 b. conform to the current standards prescribed by the Manual of
30 Uniform Traffic Control Devices for Streets and Highways, as adopted
31 by the commissioner, and any other Department of Transportation

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASI committee amendments adopted January 29, 1996.

1 rules and regulations governing such parking spaces and signs.

2 The municipal engineer shall submit to the commissioner, together
3 with his certification, detailed information as to the location and
4 number of parking spaces, a certified copy of the ordinance, resolution
5 or regulation designating the restricted parking spaces, and such other
6 information as the commissioner shall deem necessary.

7 (cf: P.L.1991, c.285, s.1)

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9 2. R.S.39:4-138 is amended to read as follows:

10 39:4-138. Except when necessary to avoid conflict with other
11 traffic or in compliance with the directions of a traffic or police officer
12 or traffic sign or signal, no operator of a vehicle shall stand or park the
13 vehicle in any of the following places:

14 a. Within an intersection;

15 b. On a crosswalk;

16 c. Between a safety zone and the adjacent curb or within at least
17 20 feet of a point on the curb immediately opposite the end of a safety
18 zone;

19 d. In front of a public or private driveway;

20 e. Within 25 feet of the nearest crosswalk or side line of a street or
21 intersecting highway, except at alleys;

22 f. On a sidewalk;

23 g. In any appropriately marked "No Parking" space established
24 pursuant to the duly promulgated regulations of the Commissioner of
25 Transportation;

26 h. Within 50 feet of a "stop" sign;

27 i. Within 10 feet of a fire hydrant;

28 j. Within 50 feet of the nearest rail of a railroad crossing;

29 k. Within 20 feet of the driveway entrance to any fire station and
30 on the side of a street opposite the entrance to any fire station within
31 75 feet of said entrance, when properly signposted;

32 l. Alongside or opposite any street excavation or obstruction when
33 stopping, standing, or parking would obstruct traffic, when properly
34 signposted;

35 m. On the roadway side of any vehicle stopped or parked at the
36 edge or curb of a street;

37 n. Upon any bridge or other elevated structure upon a highway, or
38 within a highway tunnel or underpass, or on the immediate approaches
39 thereto except where space for parking is provided;

40 o. In any space on public or private property appropriately marked
41 for vehicles for the physically handicapped pursuant to P.L.1977,
42 c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et seq.) or any
43 other applicable law unless the vehicle is authorized by law to be
44 parked therein and a handicapped person is either the driver or a
45 passenger in that vehicle. State, county or municipal law enforcement
46 officers or parking enforcement authority officers shall enforce the

1 parking restrictions on spaces appropriately marked for vehicles for
2 the physically handicapped on both public and private property.

3 p. In any designated space at shopping centers or malls which is
4 appropriately marked for vehicles of shoppers who are age 70 or
5 older, which has been established as a restricted parking place
6 pursuant to section 1 of P.L.1977, c.202 (C.39:4-197.5) and the
7 owner of the property has made a written request for enforcement
8 from the municipality.

9 No person shall move a vehicle not lawfully under his control into
10 any such prohibited area or away from a curb such distance as is
11 unlawful.

12 (cf: P.L.1989, c.201, s.1)

13

14 3. Section 1 of P.L.1977, c.202 (C.39:4-197.5) is amended to read
15 as follows:

16 1. Any municipality may, by ordinance, resolution or regulation,
17 establish restricted parking spaces in front of residences, schools,
18 hospitals and other public buildings and in shopping and business
19 districts for use by handicapped persons who have been issued special
20 vehicle identification cards by the Division of Motor Vehicles pursuant
21 to the provisions of section 2 of P.L.1949, c.280 (C.39:4-205), when
22 using a motor vehicle on which is displayed a certificate, for which a
23 special vehicle identification card has been issued, pursuant to section
24 3 of [said law] P.L.1949, c.280 (C.39:4-206). Restricted parking
25 spaces may also be established by a municipality in a shopping center
26 or mall and enforced for the use of shoppers age 70 years or older who
27 have been issued senior citizen placards pursuant to section 3 of
28 P.L.1949, c.280 (C.39:4-206), provided that the owner of the property
29 has arranged for their installation and has made a written request for
30 enforcement.

31 (cf: P.L.1980, c.178, s.2)

32

33 4. R.S.39:4-198 is amended to read as follows:

34 39:4-198. No ordinance, resolution or regulation enacted, passed,
35 or adopted by local authorities nor any regulation adopted by the
36 Commissioner of Transportation under any power given by this
37 chapter or any supplement thereto shall be effective unless due notice
38 thereof is given to the public by placing a sign at the places where the
39 ordinance, resolution or regulation is effective, and by briefing its
40 provisions on signs according to specifications contained in this
41 chapter or as specified by the current Manual on Uniform Traffic
42 Control Devices for streets and highways. These signs shall be so
43 placed as to be easily read by pedestrians or operators of vehicles.
44 Except, in the case of "No Passing" zones, in lieu of or in addition to
45 signs, notice shall be given to the public by highway pavement
46 markings which conform to the current Manual on Uniform Traffic

1 Control Devices for streets and highways.

2 In addition to the specifications in the Manual on Uniform Traffic
3 Control Devices, any sign erected after the effective date of this
4 amendatory and supplementary act to notify the public that parking in
5 a space is reserved for the handicapped or reserved for persons who
6 are age 70 or older shall also state the penalties set forth in paragraph
7 c. of subsection (3) of R.S.39:4-197 which may be imposed for a
8 violation. Signs which were erected prior to the effective date shall be
9 modified within 12 months after the effective date to include the
10 penalty information.

11 (cf: P.L.1989, c.201, s.5)

12

13 5. Section 1 of P.L.1949, c.280 (C.39:4-204) is amended to read
14 as follows:

15 1. The term "handicapped person" as employed herein shall include
16 any person who has lost the use of one or more limbs as a
17 consequence of paralysis, amputation, or other permanent disability or
18 who is permanently disabled as to be unable to ambulate without the
19 aid of an assisting device or whose mobility is otherwise limited as
20 certified by a physician with a plenary license to practice medicine and
21 surgery or a podiatrist licensed to practice in this State or a bordering
22 state.

23 The term "senior citizen" as used in connection with restricted
24 parking spaces means a person who is age 70 or older as indicated by
25 a driver's license.

26 (cf: P.L.1991, c.49, s.1)

27

28 6. Section 2 of P.L.1949, c.280 (C.39:4-205) is amended to read
29 as follows:

30 2. The Director of the Division of Motor Vehicles in the
31 Department of Transportation shall issue, at the expense of the State
32 of New Jersey, handicapped person and senior citizen identification
33 cards upon the application of qualifying handicapped persons and
34 senior citizens, as heretofore defined, and after due investigation of the
35 qualifying status of each applicant. [Said card] These cards shall,
36 [amongst] among other things, identify the handicapped persons or
37 senior citizens, and the registration number of the vehicle for which
38 any wheelchair symbol license plates have been issued under the
39 provisions of section 3 of [this act] P.L.1949, c.280 (C.39:4-206) and
40 shall state that he is a handicapped person or, as the case may be, a
41 senior citizen validly qualified hereunder to receive such card, that
42 [said] the card is for the exclusive use of the person to whom it has
43 been duly issued, is nontransferable and will be forfeited if presented
44 by any other person, and that any abuse of any privilege, benefit,
45 precedence or consideration granted to any person to whom such card
46 may be issued will be sufficient cause for revocation of [said] the card,

1 corresponding windshield placard and wheelchair symbol license
2 plates, and the same may be forfeited or revoked accordingly, and in
3 the absence of any such forfeiture or revocation [said] the card shall
4 be valid indefinitely.

5 (cf: P.L.1981, c.36, s,2)

6
7 7. Section 3 of P.L.1949, c.280 (C.39:4-206) is amended to read
8 as follows:

9 3. The director shall issue to such applicant, also, a placard of such
10 size and design as shall be determined by the director in consultation
11 with the Division of Vocational Rehabilitation Services in the
12 Department of Labor or the Division on Aging in the Department of
13 Community Affairs for the senior citizen placard, indicating that a
14 handicapped person or senior citizen identification card has been
15 issued to the person designated therein, which shall be displayed in
16 such manner as the director shall determine on the motor vehicle used
17 to transport the handicapped person or senior citizen, when the vehicle
18 is parked overtime or in special parking places established for use by
19 handicapped persons or senior citizens.

20 Notwithstanding any provision of this act to the contrary, the chief
21 of police of each municipality in this State shall issue to any person
22 who has temporarily lost the use of one or more limbs or is
23 temporarily disabled as to be unable to ambulate without the aid of an
24 assisting device or whose mobility is otherwise temporarily limited, as
25 certified by a physician with a plenary license to practice medicine and
26 surgery or a podiatrist licensed to practice in this State or a bordering
27 state, a temporary placard of not more than six months' duration.
28 Each temporary handicapped placard issued under the provisions of
29 this section shall set forth the date on which it shall become invalid.

30 The temporary placard shall be granted upon written certification
31 by a physician with a plenary license to practice medicine and surgery
32 or a podiatrist licensed to practice in this State or a bordering state
33 that the person meets the conditions constituting temporary disability
34 as provided in this section. This certification shall be provided on a
35 standard form to be developed by the director in consultation with
36 local chiefs of police and representatives of the handicapped. The
37 form shall contain only those conditions constituting temporary
38 disability as are provided in this section. The physical presence of the
39 handicapped person shall not be required for the issuance of a
40 temporary handicapped placard.

41 The placard may be renewed one time at the discretion of the
42 issuing authority for a period of not more than six months' duration.
43 The placard shall be displayed on the motor vehicle used by the
44 temporarily handicapped person and shall give the person the right to
45 park overtime or to use special parking places established for use by
46 handicapped persons in any municipality of this State.

1 The fee for the issuance of such temporary or permanent placard
2 issued pursuant to this section shall be \$4.00 and payable to the
3 Director of the Division of Motor Vehicles.

4 The director may, in addition, issue license plates bearing the
5 national wheelchair symbol for [not] ¹]:

6 a. ~~Not] not~~¹ more than two motor vehicles owned, operated or
7 leased by a handicapped person or by any person furnishing
8 transportation on his behalf ¹]; he may also issue special license plates
9 for not more than two motor vehicles owned, operated or leased by a
10 senior citizen or by any person furnishing transportation on his behalf;
11 or

12 b. Any two motorcycles owned, operated or leased by a
13 handicapped person or senior citizen]¹.

14 The fee for the issuance of such plates shall be \$10.00 for each
15 vehicle.

16 (cf: P.L.1993, c.277, s.1)

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18 8. This bill shall take effect the first day of the sixth month after
19 enactment.

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24 _____
Authorizes senior citizen parking spaces to be established.