STATE OF NEW YORK

9805

IN ASSEMBLY

April 18, 2022

Introduced by M. of A. MAGNARELLI, BARCLAY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the enforcement of parking in disabled access parking spaces

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 4 and 6 of section 1203-c of the vehicle and traffic law, subdivision 4 as amended by chapter 613 of the laws of 2003 and subdivision 6 as added by chapter 508 of the laws of 1992, are amended to read as follows:

4. Except as otherwise provided by local law which imposes a larger maximum fine, any person who stops, stands or parks in spaces clearly marked for use by the handicapped **either: (a)** in accordance with this section**; or (b) in the parking area of a shopping center or facility with at least one but less than five separate retail stores and at least twenty off street parking spaces provided for use by the shopping public, in accordance with the state fire prevention and building code**, without a special vehicle identification parking permit, a special municipal parking permit or whose motor vehicle is not registered in accordance with section four hundred four-a of this chapter and being used for the transportation of a handicapped person; or with such permit or registration and such person is not the one to whom the permit or registration was issued or is not transporting the person issued the permit or registration; or any person who parks in a handicapped parking access aisle; shall be subject to a fine of not less than fifty dollars nor more than seventy-five dollars for the first offense and seventy-five to one hundred fifty dollars for the second offense occurring within a period of two years within the same municipality. The arresting or ticketing officer shall issue a summons to violators of this section. A ticketing officer issuing a summons pursuant to this section may provide for the removal and storage of a motor vehicle illegally parked in a handicapped parking space, or a handicapped parking access aisle.

6. Notwithstanding any other state or local law to the contrary, a state, county or municipal law enforcement officer seeking to enforce

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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subdivision four of this section[~~,~~] may enter onto the parking lot of any shopping center or facility as described in subdivision one **or four** of this section or any other parking lot as described in the state fire prevention and building code, which is required to contain accessible and designated parking spaces for people with disabilities, regardless of the existence or absence of any state or local law or rule otherwise permitting or restricting such access for such law enforcement officer.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.