

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:

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

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

27 6. Notwithstanding any other state or local law to the contrary, a
28 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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1 subdivision four of this section[7] may enter onto the parking lot of
2 any shopping center or facility as described in subdivision one or four
3 of this section or any other parking lot as described in the state fire
4 prevention and building code, which is required to contain accessible
5 and designated parking spaces for people with disabilities, regardless
6 of the existence or absence of any state or local law or rule otherwise
7 permitting or restricting such access for such law enforcement officer.

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