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Date: (Filing No. H-)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 256, L.D. 390, Bill, “An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability”

Amend the bill by striking out the title and substituting the following:

'An Act To Enforce Restrictions in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability'

Amend the bill in section 1 in subsection 9-A by striking out all of the last sentence (page 1, lines 15 to 18 in L.D.) and inserting the following: 'Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this subsection, "person with a disability" has the same meaning as in subsection 1.'

Amend the bill by adding after section 1 the following:

'Sec. 2. 29-A MRSA §521, sub-§9-B, as amended by PL 2013, c. 381, Pt. C, §2, is further amended to read:

9-B. Registered owner's liability for vehicle illegally parked in disability parking space or access aisle. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. Anyone who observes a violation of subsection 9-A may report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a

COMMITTEE AMENDMENT

1 vehicle was parked in violation of this subsection is prima facie evidence of a
2 violation of this subsection. For purposes of this paragraph, "person with a
3 disability" has the same meaning as in subsection 1.

4 B. The investigating officer may cause the registered owner of the vehicle to be
5 served with a summons for a violation of this subsection.

6 C. Except as provided in paragraph D, it is not a defense to a violation of this
7 subsection that a registered owner was not operating the vehicle at the time of the
8 violation.

9 D. The following are defenses to a violation of this subsection.

10 (1) If a person other than the owner is found to be operating the vehicle at the
11 time of the violation and is adjudicated of violating subsection 9-A, then the
12 registered owner may not be found in violation of this subsection.

13 (2) If the registered owner is a lessor of vehicles and at the time of the violation
14 the vehicle was in the possession of a lessee, and the lessor provides the
15 investigating officer with a copy of the lease agreement containing the
16 information required by section 254, then the lessee and not the lessor may be
17 charged under this subsection.

18 (3) If the vehicle is operated using a dealer or transporter registration plate and at
19 the time of the violation the vehicle was operated by any person other than the
20 dealer or transporter, and if the dealer or transporter provides the investigating
21 officer with the name and address of the person who had control over the vehicle
22 at the time of the violation, then that person and not the dealer or transporter may
23 be charged under this subsection.

24 (4) If a report that the vehicle was stolen is given to a law enforcement officer or
25 agency before the violation occurs or within a reasonable time after the violation
26 occurs, then the registered owner may not be charged under this subsection.

27 E. A person who violates this subsection is subject to a fine of not less than \$200 and
28 not more than \$500.'

29 **SUMMARY**

30 This amendment provides that testimony under oath with clear photographic evidence
31 from a person with a disability or the driver of a vehicle transporting a person with a
32 disability is prima facie evidence that a violation of a disability parking restriction has
33 occurred. This provision applies to the registered owner's liability for a vehicle illegally
34 parked in a disability parking space or access aisle.