

(5) "Disabled veteran" means a disabled driver who is a former member of the United States armed forces or a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the United States, as defined in § 58-1-102.

History.

Acts 1975, ch. 163, § 2; T.C.A., § 59-2202; Acts 1981, ch. 101, § 1; 1987, ch. 202, § 1; 1994, ch. 634, § 1; 1995, ch. 217, § 1; 2004, ch. 666, §§ 1, 2; 2007, ch. 484, § 95; 2008, ch. 777, § 1; 2014, ch. 720, § 1.

Compiler's Notes.

Acts 2014, ch. 720 § 3 provided that the commissioner of revenue is authorized to promulgate rules to effectuate the purposes of this

act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Amendments.

The 2014 amendment added the definition of "disabled veteran".

Effective Dates.

Acts 2014, ch. 720, § 4. April 16, 2014.

55-21-103. Distinguishing registration, license plates, placards — Issuance to disabled or wheelchair-confined persons — Motor vehicle rentals — Cost — Expiration.

Compiler's Notes.

The effective date note has been set out to substitute "June 6, 2012" for "July 1, 2012".

Effective Dates.

Acts 2012, ch. 845, § 4. June 6, 2012.

55-21-105. Parking privileges.

(a) Except as provided in § 12-10-109(e), no state agency, county, city, town or other municipality or any agency thereof shall exact any fee for parking on any street or highway or in any metered parking space or in parking lots municipally owned or leased, or both municipally owned and leased, or a parking place owned or leased, or both owned and leased, by a municipal parking utility or authority. No state postsecondary education institution or any agent thereof shall exact any fee from any visitor to the institution, or from any visitor attending programs of the institution not for credit, for parking on any parking lot owned or leased by a state postsecondary education institution, or both owned and leased by a state postsecondary education institution. The parking privileges granted by this section are limited to any disabled driver or disabled passenger to whom the distinctive license plates or placards were issued, and to qualified operators acting under the express direction of a disabled passenger to whom the distinctive license plate or placards were issued, while the disabled person is a passenger in the motor vehicle. Any disabled veteran who qualifies for and receives a disabled veteran's license plate shall also be afforded the same privileges as granted to a disabled person who qualifies for and receives a disabled license plate or placard as provided for in § 55-21-103.

(b)(1) Any business, firm, or other person transacting business with the public from a permanent location shall provide specially marked parking spaces for the exclusive use of persons qualifying for the rights and privileges extended by this part.

(2) The number of accessible parking spaces shall be:

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 or greater	9

(3) In addition, if there are no less than four (4) parking spaces designated with the wheelchair disabled sign, then at least one (1) of the parking spaces shall be van accessible, but if more than four (4) spaces are designated as disabled parking spaces, then at least two (2) spaces per eight (8) disabled parking spaces shall be van accessible. A van accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle that is at least eight feet (8') wide.

(4) The access aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share a common access aisle.

(5) Van accessible parking spaces shall have an additional sign marked "Van Accessible — Priority for Wheelchair User" mounted below the sign required by subsection (c). The van accessible parking spaces may have an additional sign marked "Priority Should Be Given to Disabled Van Access. Other Disabled Vehicles Should Use Only If No Other Available Disabled Spaces" mounted below other required signs. Van accessible parking spaces are not restricted to disabled van access; provided, that disabled vehicles other than vans should not use van accessible parking spaces when another accessible disabled parking space is available.

(c) Each such parking space shall be marked and maintained with the stylized wheelchair symbol designated by § 55-21-104, after July 1, 1983. The marking may be by a sign on a pole. Nonconforming markings or signs shall be acceptable during the useful life of the markings or signs, which may not be extended by other than normal maintenance as long as the markings or signs provide reasonable notice of the specially marked parking space.

(d) The department is authorized to enter into reciprocal agreements with similar authorities in other states whereby holders of disabled license plates or distinguishing placards in those states may be granted the same parking privileges granted by this section.

(e)(1) Any business, firm, or other person transacting business that provides specially marked parking spaces pursuant to this part shall also provide

van-accessible parking spaces. Van-accessible parking spaces shall have an access aisle that is no less than ninety-six inches (96") to accommodate a wheelchair lift, have vertical clearance to accommodate van height at the van parking space and adjacent access aisle, and have an additional sign or marking identifying the parking space as van accessible.

(2) This subsection (e) shall apply to businesses, firms, or persons conducting business with the public from a permanent location who provide specially marked parking spaces after April 24, 2006. Businesses, firms, or persons conducting business with the public from a permanent location who provide specially marked parking spaces on or before April 24, 2006, shall comply with this subsection (e) when it is readily achievable. For the purposes of this subsection (e), "readily achievable" means easily accomplishable and able to be carried out without considerable difficulty or expense.

(3) A business, firm or person conducting business with the public from a permanent location who provides only one (1) specially marked parking space shall convert such specially marked parking space into a van-accessible parking space when such conversion is readily achievable.

History.

Acts 1975, ch. 163, § 5; T.C.A., § 59-2205; Acts 1981, ch. 101, § 4; 1983, ch. 25, § 1; 1986, ch. 791, §§ 9-11; 1988, ch. 601, §§ 1, 2; 1994, ch. 634, § 1; 2006, ch. 562, §§ 1, 2; 2007, ch. 240, § 1; 2008, ch. 956, § 1; 2011, ch. 454, § 1; 2014, ch. 634, § 2.

vided in § 12-10-109(e)," at the beginning of (a).

Effective Dates.

Acts 2014, ch. 634, § 4. April 4, 2014.

Section to Section References.

This section is referred to in §§ 12-10-109, 55-21-108.

Amendments.

The 2014 amendment added "Except as pro-

55-21-111. Disabled veteran decal.

The department shall provide, free of charge, to each disabled veteran who applies for and receives any registration plate issued under chapter 4, part 2 of this title, a disabled veteran decal of distinctive design to affix to such registration plate. Such disabled veteran decal of distinctive design properly affixed shall be a recognized symbol for the purposes of this part.

History.

Acts 2014, ch. 720, § 2.

act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Compiler's Notes.

Acts 2014, ch. 720 § 3 provided that the commissioner of revenue is authorized to promulgate rules to effectuate the purposes of this

Effective Dates.

Acts 2014, ch. 720, § 4. April 16, 2014.

55-21-112 — 55-21-150. [Reserved.]

provide specially marked parking spaces on or before April 24, 2006, shall comply with this subsection (e) when it is readily achievable. For the purposes of this subsection (e), "readily achievable" means easily accomplishable and able to be carried out without considerable difficulty or expense.

(3) A business, firm or person conducting business with the public from a permanent location who provides only one (1) specially marked parking space shall convert such specially marked parking space into a van-accessible parking space when such conversion is readily achievable.

History.

Acts 1975, ch. 163, § 5; T.C.A., § 59-2205; Acts 1981, ch. 101, § 4; 1983, ch. 25, § 1; 1986, ch. 791, §§ 9-11; 1988, ch. 601, §§ 1, 2; 1994, ch. 634, § 1; 2006, ch. 562, §§ 1, 2; 2007, ch. 240, § 1; 2008, ch. 956, § 1; 2011, ch. 454, § 1.

Compiler's Notes.

For transfer of the division of motor vehicles from the department of revenue to the department of safety, see Executive Order No. 37 (June 29, 1990).

For transfer of the division of title and registration to the department of revenue, see Executive Order No. 36, effective July 1, 2006 (April 19, 2006).

Acts 2008, ch. 956, § 2 provided that the act shall only apply to parking spaces constructed after January 1, 2009.

Section to Section References.

This section is referred to in § 55-21-108.

Law Reviews.

Selected Tennessee Legislation of 1983 (N. L. Resener, J. A. Whitson, K. J. Miller), 50 Tenn. L. Rev. 785 (1983).

Attorney General Opinions.

Van accessible handicapped parking, OAG 96-103 (8/14/96).

Proposed legislation relating to "van-accessible only" parking spaces in conflict with Americans with Disabilities Act and Americans with Disabilities Act Accessibility Guidelines, OAG 03-067 (5/23/03).

State law authorizes an airport authority to charge parking fees to handicapped drivers along with other members of the general public, OAG 07-032 (3/23/07).

55-21-106. Disabled veterans and persons with a physical disability — Certificate of identification — Parking.

(a) Any veteran who has been honorably discharged from any of the armed services of the United States and who has a service-connected disability equivalent to the disabilities as prescribed in § 1 of Public Law 187 of the eighty-second congress, first session, and any person with a physical disability who possesses material incapacity for ambulation, shall be entitled to receive, and the department is authorized to issue, under such rules and upon such application as the department shall prescribe, a serially numbered certificate of identification for the personal use of the veteran or person with a physical disability.

(b) The veteran or person with a physical disability shall be entitled to courtesy in the parking of the automobile which shall relieve the veteran or person with a physical disability from liability for any violations with respect to parking, other than in violation of this section or § 55-8-160(a)(15).

(c) Any local authority may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extending to veterans and persons with physical disabilities in this section shall not apply on streets or highways where and at the times the parking is so prohibited.

(d) Any certificate issued as provided in this section shall be displayed

prominently upon the automobile while being parked by or under the direction of the veteran or person with a physical disability pursuant to this section.

(e) Upon conviction of any offense involving a violation of the special privileges conferred upon holders of these special certificates, a magistrate or judge trying the case shall be authorized, as a part of any penalty imposed therein, to confiscate the serially numbered certificate provided for in this section and to return the certificate to the secretary of state, together with a certified copy of the sentence so imposed.

(f) Any person, other than the veteran or person with a physical disability to whom it was issued, who uses any certificate of identification for the purpose of parking an automobile as permitted by this section, commits a Class A misdemeanor.

(g) As to any application for a certificate, any official finding or rating as to disability within the requirements of this section by the United States veterans' administration shall be sufficient evidence of the qualifications of the applicant.

(h) As used in this section, "certificate" includes registration and license plates issued free to disabled veterans under the authority of § 55-4-237.

History.

Acts 1955, ch. 329, § 60; impl. am. Acts 1959, ch. 9, § 3; impl. am. Acts 1972, ch. 829, § 7; Acts 1978, ch. 810, §§ 1, 2; T.C.A., § 59-861; Acts 1983, ch. 128, § 1; 1985, ch. 138, § 2; T.C.A., § 55-8-160; Acts 1989, ch. 591, §§ 1, 6; 1994, ch. 634, § 1; 2011, ch. 47, § 61.

Code Commission Notes.

The misdemeanor in this section has been designated as a Class A misdemeanor by authority of § 40-35-110, which provides that an offense designated a misdemeanor without specification as to category is a Class A misdemeanor. See also § 39-11-114.

Compiler's Notes.

Former § 55-21-106 (Acts 1975, ch. 163, § 6; T.C.A., § 59-2206), concerning display of distress flags, was repealed by Acts 1986, ch. 598, § 7.

For transfer of the division of motor vehicles from the department of revenue to the depart-

ment of safety, see Executive Order No. 37 (June 29, 1990).

Acts 2011, ch. 47, § 107 provided that nothing in the legislation shall be construed to alter or otherwise affect the eligibility for services or the rights or responsibilities of individuals covered by the provision on the day before the date of enactment of this legislation, which was July 1, 2011.

Acts 2011, ch. 47, § 108 provided that the provisions of the act are declared to be remedial in nature and all provisions of the act shall be liberally construed to effectuate its purposes.

Cross-References.

Penalty for Class A misdemeanor, § 40-35-111.

Responsibility for illegal parking, § 55-8-186.

Section to Section References.

This section is referred to in § 55-8-186.

55-21-107. [Reserved.]

55-21-108. Unauthorized use of disabled parking or placard — Violations — Penalties.

(a)(1)(A) Any person, except a person who meets the requirements for the issuance of a distinguishing placard or license plate, a disabled veteran's license plate, or who meets the requirements of § 55-21-105(d), who parks in any parking space designated with the wheelchair disabled sign, commits a misdemeanor, punishable by a fine of two hundred dollars (\$200), which fine shall not be suspended or waived and, in addition, not more than five (5) hours of community service work may be imposed. Any

community service requirements imposed by this section shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to handicapped centers or to disabled veterans, or other such purposes. The agreement may designate the entity that is responsible for the supervision and control of the offenders.

(B) In order to furnish the general assembly with information necessary to make an informed determination as to whether the increase in the cost of living has resulted in the fine authorized by subdivision (a)(1)(A) no longer being commensurate with the amount of fine deserved for the offense committed, every five (5) years, on or before January 15, the fiscal review committee shall report to the chief clerks of the senate and of the house of representatives of the general assembly and report to the general assembly the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and shall also report to the clerks what the amount of the fine would be if adjusted to reflect the compounded cost-of-living increases during the five-year period.

(2) In addition to the fine imposed pursuant to subdivision (a)(1), a vehicle that does not display a disabled license plate or placard, and that is parked in any parking space designated with the wheelchair disabled sign, is subject to being towed. When a vehicle has been towed or removed pursuant to this subdivision (a)(2), it shall be released to its owner, or person in lawful possession, upon demand; provided, that the person making demand for return pays all reasonable towing and storage charges and that the demand is made during the operating hours of the towing company.

(3) It is also a violation of this subsection (a) for any person to park a motor vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner that restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within the disabled parking space.

(4)(A) Signs designating disabled parking shall indicate that unauthorized or improperly parked vehicles may be towed and the driver fined two hundred dollars (\$200), and shall also provide the name and telephone number of the towing company or the name and telephone number of the property owner, lessee or agent in control of the property.

(B) After July 1, 2008, as new signs designating disabled parking are erected, the signs shall indicate the penalties imposed by this section. Nothing in this section shall be construed to require the removal or alteration of any existing sign designating disabled parking.

(b) Notwithstanding any other law to the contrary, subsection (a) shall be enforced by state and local authorities in their respective jurisdictions, whether violations occur on public or private property, in the same manner used to enforce other parking laws.

(c)(1) Any person not meeting the requirements of § 55-21-103 who uses a disabled placard to obtain parking commits a misdemeanor. The disabled placard used to obtain parking by a person not meeting the requirements of § 55-21-103 shall be subject to forfeiture and confiscation by state and local authorities in their respective jurisdictions.

(2) If a state or local law enforcement officer observes a violation of subdivision (c)(1), the officer may confiscate the disabled placard. To recover the placard, a driver must demonstrate by a preponderance of the evidence that the driver was complying with § 55-21-103, at the time of the confiscation.

(d) Any person who unlawfully sells, copies, duplicates, manufactures, or assists in the sale, copying, duplicating or manufacturing of a disabled placard commits a Class A misdemeanor, punishable by a minimum one-thousand-dollar fine and imprisonment for a time in the discretion of the court.

(e) Any person who is not a disabled driver as prescribed in § 55-21-102, and who willfully and falsely represents the person as meeting the requirements to obtain either a permanent or temporary placard commits a Class A misdemeanor, punishable only by a fine of not more than one thousand dollars (\$1,000).

(f) Any violation of § 55-21-103(g) shall be a Class B misdemeanor, punishable by a fine only of two hundred dollars (\$200).

History.

Acts 1975, ch. 163, § 8; 1978, ch. 676, § 3; T.C.A., § 59-2208; Acts 1982, ch. 656, §§ 1, 2; 1983, ch. 25, § 2; 1986, ch. 598, § 9; 1986, ch. 791, § 12; 1988, ch. 601, § 3; 1988, ch. 716, § 1; 1989, ch. 442, §§ 1, 2; 1989, ch. 591, § 1, 6; 1992, ch. 683, § 1; 1992, ch. 947, §§ 1, 3; 1993, ch. 93, § 1; 1994, ch. 634, § 1; 2004, ch. 666, § 5; 2007, ch. 32, §§ 1, 2; 2008, ch. 909, §§ 1-4; 2008, ch. 1001, § 2.

Cross-References.

Penalties for Class A and B misdemeanors, § 40-35-111.

Penalty for unauthorized parking in disabled parking space, § 55-8-160.

Responsibility for illegal parking, § 55-8-186.

Section to Section References.

This section is referred to in §§ 55-8-186, 55-21-103, 55-21-110.

Law Reviews.

Selected Tennessee Legislation of 1983 (N. L. Resener, J. A. Whitson, K. J. Miller), 50 Tenn. L. Rev. 785 (1983).

55-21-109. Computer records — Access by law enforcement officers.

The department shall maintain records of issuance of permanent and temporary placards and license plates for disabled persons pursuant to this part on a computer system that shall be readily accessible to law enforcement officers, so that a law enforcement officer is readily able to confirm whether a person who has parked in a parking space reserved for disabled persons has been issued a placard or license plate by the department entitling the person to use the space. The department shall not sell the list or records maintained pursuant to this section.

History.

Acts 1995, ch. 42, § 1; 2007, ch. 484, § 96.

55-21-110. Volunteer enforcement of disabled parking laws and ordinances.

(a) A law enforcement agency authorized to enforce parking laws may appoint a volunteer to issue a citation for violations of § 55-21-108 or an ordinance dealing with parking privileges for persons with disabilities, pursuant to the following provisions:

(1) A volunteer appointed under this section shall be a resident of the city,