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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 268

01/21/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; increasing penalties for violating disability parking space
1.3 prohibitions; amending Minnesota Statutes 2020, section 169.346, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 169.346, subdivision 3, is amended to read:

1.6 Subd. 3. **Misdemeanor; enforcement.** (a) A person who violates subdivision 1 is guilty
1.7 of a misdemeanor and must be fined ~~not less than \$100 and not more than \$200~~ \$400.

1.8 (b) A person who violates subdivision 1 a second time within two years is guilty of a
1.9 misdemeanor and must be fined \$800.

1.10 (c) A person who violates subdivision 1 a third time within two years is guilty of a
1.11 misdemeanor and must be fined \$1,000.

1.12 (d) A person who violates subdivision 1 a fourth time or more within two years is guilty
1.13 of a misdemeanor and must be fined \$1,000, and the local authority shall impound the
1.14 person's vehicle pursuant to chapter 168B.

1.15 (e) This subdivision must be enforced in the same manner as parking ordinances or
1.16 regulations in the governmental subdivision in which the violation occurs. Law enforcement
1.17 officers may tag motor vehicles parked on either private or public property in violation of
1.18 subdivision 1. Parking enforcement employees or agents of statutory or home rule charter
1.19 cities or towns may tag or otherwise issue citations for motor vehicles parked on public
1.20 property in violation of subdivision 1.

1.21 (f) If a holder of a disability certificate or disability plates allows a person who is not
1.22 otherwise eligible to use the certificate or plates, then the holder is not eligible to be issued

2.1 or to use a disability certificate or plates for 12 months after the date of violation. A person
2.2 who uses a disability certificate or disability plates under this paragraph and is not
2.3 transporting or parking a motor vehicle for a physically disabled person is guilty of identity
2.4 theft and shall be punished pursuant to section 609.527, subdivision 3.

2.5 (g) Except when the permit or certificate is expired by, or is otherwise invalid for, more
2.6 than 90 days, a physically disabled person, or a person parking a motor vehicle for a disabled
2.7 person, who is charged with violating subdivision 1 because the person parked in a parking
2.8 space for physically disabled persons without the required certificate, license plates, or
2.9 permit must not be convicted if the person (1) produces in court or before the court
2.10 appearance the required certificate, permit, or evidence that the person has been issued
2.11 plates under section 168.021, (2) surrenders the expired permit or certificate, and (3)
2.12 demonstrates entitlement to the certificate, plates, or permit at the time of arrest or tagging.
2.13 To be valid, the certificate or permit must show that it is owned by the same person that
2.14 owned the expired certificate or permit displayed at the time the tag was issued.

2.15 (h) The registered vehicle owner is subject to the provisions of this subdivision.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
2.17 that occur on or after that date. Enhanced penalties for subsequent violations under this
2.18 section apply only to first violations that occur on or after August 1, 2021.