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**HOUSE BILL NO. 1539**

Offered January 12, 2005

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*A BILL to amend and reenact §§ 46.2-731, 46.2-1240, and 46.2-1241 of the Code of Virginia, relating to issuance of disabled parking license plates and placards.*

Patrons—Cosgrove, Bell, Black, Frederick and Plum

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-731, 46.2-1240, and 46.2-1241 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-731. Disabled parking license plates; owners of vehicles specially equipped and used to transport persons with disabilities; fees.

On receipt of an application, the Commissioner shall issue appropriately designed disabled parking license plates to persons with physical disabilities that limit or impair their ability to walk or that create a concern for his safety while walking or to the parents or legal guardians of such persons. The Commissioner shall request that the application be accompanied by a certification of a licensed physician, *podiatrist*, or *chiropractor* that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk" contained in § 46.2-1240. The issuance of a disabled parking license plate shall not preclude the issuance of a permanent removable windshield placard.

On application of an organization, the Commissioner shall issue disabled parking license plates for vehicles registered in the applicant's name if the vehicles are primarily used to transport persons with disabilities. The application shall include a certification by the applicant, under criteria determined by the Commissioner, that the vehicle is primarily used to transport persons with disabilities that limit or impair their ability to walk, as defined in § 46.2-1240.

The fee for the issuance of a disabled parking license plate under this section may not exceed the fee charged for a similar license plate for the same class vehicle.

§ 46.2-1240. Definitions.

"Disabled parking sign" means any sign used to identify parking spaces for use by vehicles bearing valid organizational, permanent, or temporary removable windshield placards, disabled parking license plates, or disabled parking license plates issued under § 46.2-739. All disabled parking signs shall be erected and maintained in accordance with signage requirements specified in § 36-99.11.

"Organizational removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background; (ii) the name of the institution or organization; (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) the seal or identifying symbol of the issuing authority.

"Permanent removable windshield placard" means a two-sided, hooked placard which includes on each side: (i) the international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background; (ii) the name, age, and sex of the person to whom issued; (iii) an identification number; (iv) an expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) the seal or other identifying symbol of the issuing authority. However, the person to whom the placard is issued may cover his name and/or age, as shown on the placard, with opaque, removable tape, provided that no other data on the placard is covered or obscured by such tape.

"Person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" means a person who, as determined by a licensed physician, *podiatrist*, or *chiropractor*: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or when at rest, his arterial oxygen tension is less than 60 millimeters of mercury on room air; (iv) uses portable oxygen; (v) has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; (vi) is severely limited in his ability to

59 walk due to an arthritic, neurological, or orthopedic condition; (vii) has some other debilitating condition  
60 that, in the view of a licensed physician, *podiatrist*, or *chiropractor*, limits or impairs his ability to  
61 walk; (viii) has been diagnosed with a mental or developmental amentia or delay that impairs judgement  
62 including, but not limited to, an autism spectrum disorder; (ix) has been diagnosed with Alzheimer's  
63 disease or another form of dementia; (x) is legally blind or deaf; or (xi) has some other condition that,  
64 in the view of a licensed physician, *podiatrist*, or *chiropractor*, creates a safety concern while walking  
65 because of impaired judgement or other physical, developmental, or mental limitation.

66 Any physician, *podiatrist*, or *chiropractor* certifying an applicant's disability under clause (vii) of this  
67 definition shall specify, in a space provided on the certification form, the medical condition that limits  
68 or impairs his patient's ability to walk. Any physician, *podiatrist*, or *chiropractor* certifying a patient's  
69 disability under clause (xi) of this definition shall specify, in a space provided on the certification form,  
70 the physical, developmental, or mental condition that creates the safety concern.

71 "Temporary removable windshield placard" means a two-sided, hooked placard which includes on  
72 each side: (i) the international symbol of access at least three inches in height, centered on the placard,  
73 and shown in white on a red background; (ii) the name, age, and sex of the person to whom issued; (iii)  
74 an identification number; (iv) an expiration date imprinted on the placard and indicated by a month and  
75 year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline  
76 number; (vi) a warning of the penalties for placard misuse; and (vii) the seal or other identifying symbol  
77 of the issuing authority. However, the person to whom the placard is issued may cover his name and/or  
78 age, as shown on the placard, with opaque, removable tape, provided that no other data on the placard is  
79 covered or obscured by such tape.

80 § 46.2-1241. Issuance of disabled parking placards.

81 A. Upon application of a person with a disability that limits or impairs his ability to walk or that  
82 creates a concern for his safety while walking, the Commissioner shall issue a permanent removable  
83 windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require  
84 that each original application be accompanied by a certification from a licensed physician, *podiatrist*, or  
85 *chiropractor* on forms prescribed by the Commissioner that the applicant meets the definition of "person  
86 with a disability that limits or impairs his ability to walk or that creates a concern for his safety while  
87 walking " contained in § 46.2-1240.

88 1. The Commissioner shall provide for the renewal of such placards every five years. Applications  
89 for renewals may require the applicant to certify that his disability is a permanent disability, but renewal  
90 applications need not be accompanied by a physician's, *podiatrist's*, or *chiropractor's* certification of the  
91 applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for  
92 the Department to develop a definition of "permanent disability" as used in this subdivision.  
93 Notwithstanding any contrary provision of this chapter, no physician's, *podiatrist's*, or *chiropractor's*  
94 certification of an applicant's disability shall be required for the renewal of any disabled parking placard  
95 of an applicant to whom disabled parking license plates have been issued under § 46.2-731.

96 2. The Commissioner shall charge a reasonable fee for each placard, but no fee shall be charged any  
97 person exempted from fees in § 46.2-739.

98 3. The placards shall be of a design approved by the Commissioner pursuant to the specifications and  
99 definitions contained in § 46.2-1240.

100 B. Upon the application of a person with a disability that limits or impairs his ability to walk and  
101 whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard.  
102 The application for a temporary removable windshield placard shall be accompanied by a certification  
103 from a licensed physician, *podiatrist*, or *chiropractor* on forms prescribed by the Commissioner that the  
104 applicant meets the definition of "person with a condition that limits or impairs his ability to walk"  
105 contained in § 46.2-1240 and shall also include the period of time that the physician, *podiatrist*, or  
106 *chiropractor* determines the applicant will have the disability, not to exceed six months.

107 1. The temporary removable windshield placard shall be valid for the period of time for which the  
108 physician, *podiatrist*, or *chiropractor* has determined that the applicant will have the disability, not to  
109 exceed six months from the date of issuance.

110 2. The Commissioner shall provide for a reasonable fee to be charged for the placard. The placards  
111 shall be of a design approved by the Commissioner pursuant to the specifications and definitions  
112 contained in § 46.2-1240.

113 C. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other  
114 institutions and organizations meeting criteria determined by the Commissioner organizational removable  
115 windshield placards, as provided for in the foregoing provisions of this section, for use by volunteers  
116 when transporting disabled persons in passenger vehicles and pickup or panel trucks owned by such  
117 volunteers. The provisions of this section relating to other windshield placards issued under this section  
118 shall also apply, mutatis mutandis, to windshield placards issued to these institutions and organizations,  
119 except that windshield placards issued to institutions and agencies, in addition to their expiration date,  
120 shall bear the name of the institution or organization whose volunteers will be using the windshield

121 placards rather than the name, age, and sex of the person to whom issued.

122 1. The Commissioner shall provide for the renewal of such placards every five years.

123 2. The placards shall be of a design approved by the Commissioner pursuant to the specifications and  
124 definitions contained in § 46.2-1240.

125 D. No person shall use or display an organizational removable windshield placard, permanent  
126 removable windshield placard or temporary removable windshield placard beyond its expiration date.

127 E. Organizational removable windshield placards, permanent removable windshield placards and  
128 temporary removable windshield placards shall be displayed in such a manner that they may be viewed  
129 from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a  
130 parking space reserved for persons with disabilities that limit or impair their ability to walk. When there  
131 is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be  
132 displayed from the rearview mirror while a vehicle is in motion.

INTRODUCED

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