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HOUSE BILL NO. 1539

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 17, 2005)

(Patron Prior to Substitute—Delegate Cosgrove)

*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.***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 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 walk due to an arthritic, neurological, or orthopedic condition; (vii) has some other debilitating condition that, in the view of a licensed physician, *podiatrist, or chiropractor*, limits or impairs his ability to walk; (viii) has been diagnosed with a mental or developmental amentia or delay that impairs judgement

60 *judgment* including, but not limited to, an autism spectrum disorder; (ix) has been diagnosed with
61 Alzheimer's disease or another form of dementia; (x) is legally blind or deaf; or (xi) has some other
62 condition that, in the view of a licensed physician creates a safety concern while walking because of
63 impaired ~~judgement~~ *judgment* or other physical, developmental, or mental limitation. *For the purposes of*
64 *this definition, a determination of a disability by a podiatrist or chiropractor shall be limited to those*
65 *conditions specified in items (i), (ii), (vi) or (vii) of this definition and shall be valid only for the*
66 *issuance of temporary placards under subsection B of § 46.2-1241.*

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

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

81 § 46.2-1241. Issuance of disabled parking placards.

82 A. Upon application of a person with a disability that limits or impairs his ability to walk or that
83 creates a concern for his safety while walking, the Commissioner shall issue a permanent removable
84 windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require
85 that each original application be accompanied by a certification from a licensed physician on forms
86 prescribed by the Commissioner that the applicant meets the definition of "person with a disability that
87 limits or impairs his ability to walk or that creates a concern for his safety while walking " contained in
88 § 46.2-1240.

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

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

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

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

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

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

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

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

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

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

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