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SENATE BILL NO. 993

Offered January 10, 2007

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A BILL to amend and reenact §§ 46.2-731, 46.2-739, 46.2-1240, and 46.2-1241 of the Code of Virginia, relating to disabled parking license plates, special license plates for certain disabled veterans, and disabled parking placards.

Patrons—Blevins; Delegate: Watts

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-731, 46.2-739, 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 *or licensed physician assistant* 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.

§ 46.2-739. Special license plates for certain disabled veterans; fees.

A. On receipt of an application, the Commissioner shall issue special license plates to applicants who are disabled veterans as defined in § 46.2-100 or unmarried surviving spouses of such disabled veterans. These license plates shall be special permanent red, white, and blue license plates bearing the letters "DV." The application shall be accompanied by a certification from the U.S. Veterans Administration that the veteran has been so designated and that his disability is service-connected. License plates issued under this subsection shall not permit the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

B. On receipt of an application, the Commissioner shall issue special DV disabled parking license plates displaying the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts to the background to veterans who are also persons with disabilities that limit or impair their ability to walk as defined in § 46.2-100. The Commissioner shall require that such application be accompanied by a certification from a licensed physician *or licensed physician assistant* to that effect. Special DV disabled parking license plates issued under this subsection shall authorize the vehicles upon which they are displayed to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk.

No annual registration fee, as prescribed in § 46.2-694, and no annual fee, as set forth in subdivision 3 of subsection B of § 46.2-725, shall be required for any one motor vehicle owned and used personally by any veteran, provided such vehicle displays license plates issued under this section.

The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall not apply to license plates issued under this section.

§ 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

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59 identification number; (iv) an expiration date imprinted on the placard and indicated by a month and
60 year hole-punch system or an alternative system designed by the Department; (v) a misuse hotline
61 number designated by the Department; (vi) a warning of the penalties for placard misuse; and (vii) the
62 seal or identifying symbol of the issuing authority.

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

72 "Person with a disability that limits or impairs his ability to walk or that creates a concern for his
73 safety while walking" means a person who, as determined by a licensed physician, *physician assistant*,
74 podiatrist, or chiropractor: (i) cannot walk 200 feet without stopping to rest; (ii) cannot walk without the
75 use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
76 assistive device; (iii) is restricted by lung disease to such an extent that his forced (respiratory)
77 expiratory volume for one second, when measured by spirometry, is less than one liter, or when at rest,
78 his arterial oxygen tension is less than 60 millimeters of mercury on room air; (iv) uses portable
79 oxygen; (v) has a cardiac condition to the extent that his functional limitations are classified in severity
80 as Class III or Class IV according to standards set by the American Heart Association; (vi) is severely
81 limited in his ability to walk due to an arthritic, neurological, or orthopedic condition; (vii) has some
82 other debilitating condition that, in the view of a licensed physician, *physician assistant*, podiatrist, or
83 chiropractor, limits or impairs his ability to walk; (viii) has been diagnosed with a mental or
84 developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum
85 disorder; (ix) has been diagnosed with Alzheimer's disease or another form of dementia; (x) is legally
86 blind or deaf; or (xi) has some other condition that, in the view of a licensed physician *or physician*
87 *assistant* creates a safety concern while walking because of impaired judgment or other physical,
88 developmental, or mental limitation. For the purposes of this definition, a determination of a disability
89 by a podiatrist or chiropractor shall be limited to those conditions specified in items (i), (ii), (vi) or (vii)
90 of this definition and shall be valid only for the issuance of temporary placards under subsection B of
91 § 46.2-1241.

92 Any *licensed physician*, *physician assistant*, podiatrist, or chiropractor certifying an applicant's
93 disability under clause (vii) of this definition shall specify, in a space provided on the certification form,
94 the medical condition that limits or impairs his patient's ability to walk. Any *licensed physician or*
95 *licensed physician assistant* certifying a patient's disability under clause (xi) of this definition shall
96 specify, in a space provided on the certification form, the physical, developmental, or mental condition
97 that creates the safety concern.

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

107 § 46.2-1241. Issuance of disabled parking placards.

108 A. Upon application of a person with a disability that limits or impairs his ability to walk or that
109 creates a concern for his safety while walking, the Commissioner shall issue a permanent removable
110 windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require
111 that each original application be accompanied by a certification from a licensed physician *or licensed*
112 *physician assistant* on forms prescribed by the Commissioner that the applicant meets the definition of
113 "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety
114 while walking" contained in § 46.2-1240.

115 1. The Commissioner shall provide for the renewal of such placards every five years. Applications
116 for renewals may require the applicant to certify that his disability is a permanent disability, but renewal
117 applications need not be accompanied by a physician's *or physician assistant's* certification of the
118 applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for
119 the Department to develop a definition of "permanent disability" as used in this subdivision.
120 Notwithstanding any contrary provision of this chapter, no physician's *or physician assistant's*

certification of an applicant's disability shall be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued under § 46.2-731.

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

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

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

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

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

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

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

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

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

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