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SENATE BILL NO. 45

Offered January 13, 2010

Prefiled January 4, 2010

A BILL to amend and reenact §§ 46.2-1240 and 46.2-1259 of the Code of Virginia and to repeal § 46.2-1257 of the Code of Virginia, relating to windshield placards; contents.

 Patron—Stuart

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1240 and 46.2-1259 of the Code of Virginia are amended and reenacted as follows:
 § 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 judgment including, but not limited to, an autism spectrum disorder; (ix) has been diagnosed with Alzheimer's disease or another form of dementia; (x) is legally blind or deaf; or (xi) has some other condition that, in the view of a licensed physician creates a safety concern while walking because of impaired judgment or other physical, developmental, or mental limitation. For the purposes of this definition, a determination of a disability by a podiatrist or chiropractor shall be limited to those conditions specified in items (i), (ii), (vi) or (vii) of this definition.

Any licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor who signs a certification that states that an applicant is disabled under clause (vii) of this definition shall specify, in a space provided on the certification form, the medical condition that limits or impairs the applicant's ability to walk. Any licensed physician, licensed nurse practitioner, or licensed physician assistant who signs a certification that states that an applicant is disabled under clause (xi) of this definition shall specify, in a space provided on the certification form, the physical, developmental, or mental condition that creates the safety concern.

"Temporary removable windshield placard" means a two-sided, hooked placard which includes on

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

67 § 46.2-1259. Placard issuance; additional requirements.

68 In developing and issuing organizational, permanent, and temporary removable windshield placards
69 pursuant to the requirements of § 46.2-1240, the Commissioner shall, in consultation with representatives
70 of law-enforcement and disability services boards, develop and issue placards that are (i) resistant to
71 tampering, alteration, and counterfeiting, (ii) clear and legible, and (iii) protective of the privacy rights
72 of the placard user to the extent the requirements of § 46.2-1240 allow. ~~The Commissioner shall begin~~
73 ~~issuing placards meeting the requirements of this section and § 46.2-1240, on July 1, 1997.~~

74 **2. Upon implementation of this act, current placard holders may permanently cover their name,**
75 **age, and sex on the placard or they may seek a replacement placard from the Department of**
76 **Motor Vehicles.**

77 **3. That § 46.2-1257 of the Code of Virginia is repealed.**