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**SENATE BILL NO. 362**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact §§ 46.2-731 and 46.2-1241 of the Code of Virginia, relating to issuance of disabled parking license plates and placards to the parents or legal guardians of persons with physical disabilities that limit or impair their ability to walk.*

Patrons—Colgan and Puller; Delegates: Lingamfelter, Marshall, R.G., McQuigg and Parrish

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-731 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 *and 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.

§ 46.2-1241. Issuance of disabled parking placards.

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

1. The Commissioner shall provide for the renewal of such placards every five years. Applications for renewals may require the applicant to certify that his disability is a permanent disability, but renewal applications need not be accompanied by a physician's certification of the applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for the Department to develop a definition of "permanent disability" as used in this subdivision. Notwithstanding any contrary provision of this chapter, no physician'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 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 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 has determined that the applicant will have the disability, not to exceed six months from the

59 date of issuance.

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

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

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

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

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

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