

SENATE BILL 518

R4

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By: **Senator Simonaire**

Introduced and read first time: February 3, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Special Registration Plates and Parking Placards for**
3 **Dependents with Disabilities – Authorized**

4 FOR the purpose of authorizing the owner of a motor vehicle to apply to the Motor
5 Vehicle Administration for a special disability registration number and special
6 disability registration plates or a parking placard if a certain medical
7 professional certifies that a dependent of the applicant has a disability that
8 meets certain requirements; requiring an applicant to submit certain proof;
9 establishing that the relationship between a motor vehicle owner and a
10 dependent with a disability will be considered severed under certain
11 circumstances; requiring a motor vehicle owner to undertake certain actions
12 when a relationship with a dependent with a disability is severed; authorizing
13 the Administration to review the severity and permanency of the disability of a
14 dependent of a motor vehicle owner holding a special registration or parking
15 placard issued under this Act and to revoke the registration or parking placard
16 if eligibility requirements are not being met; repealing a provision authorizing a
17 parent or legal guardian to apply for a special disability parking placard on
18 behalf of a qualified minor; and generally relating to special registration plates
19 and parking placards for owners of motor vehicles who have dependents with
20 disabilities.

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 13–616
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2009 Supplement)
26 (As enacted by Chapter 326 of the Acts of the General Assembly of 2005)

27 BY repealing and reenacting, with amendments,
28 Article – Transportation
29 Section 13–616.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2009 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Transportation**

6 13–616.

7 (a) (1) In this subtitle the following words have the meanings indicated.

8 (2) “Certified nurse practitioner” means an individual who is licensed
9 by the State Board of Nursing to practice registered nursing as described in § 8–101 of
10 the Health Occupations Article and who is certified as a nurse practitioner by the
11 State Board of Nursing.

12 (3) “Licensed chiropractor” means a chiropractor who is licensed by
13 the State Board of Chiropractic and Massage Therapy Examiners to practice
14 chiropractic or chiropractic with the right to practice physical therapy as described in §
15 3–301 of the Health Occupations Article.

16 (4) “Licensed optometrist” means an optometrist who is licensed by
17 the State Board of Examiners in Optometry to practice optometry as described in §
18 11–101 of the Health Occupations Article.

19 (5) “Licensed physician” means a physician, including a doctor of
20 osteopathy, who is licensed by the State Board of Physicians to practice medicine as
21 described in § 14–101 of the Health Occupations Article.

22 (6) “Licensed podiatrist” means a podiatrist who is licensed by the
23 State Board of Podiatric Medical Examiners to practice podiatry as described in §
24 16–101 of the Health Occupations Article.

25 (b) (1) The owner of any vehicle described in paragraph (3) of this
26 subsection may apply to the Administration for the assignment to that vehicle of a
27 special disability registration number and special disability registration plates, if a
28 certified nurse practitioner, licensed physician, licensed chiropractor, licensed
29 optometrist, or licensed podiatrist certifies, in accordance with paragraph (2) of this
30 subsection, that the applicant **OR A DEPENDENT OF THE APPLICANT:**

31 (i) Has lung disease to such an extent that forced (respiratory)
32 expiratory volume for one second when measured by spirometry is less than one liter,
33 or arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

1 (ii) Has cardiovascular disease limitations classified in severity
2 as Class III or Class IV according to standards accepted by the American Heart
3 Association;

4 (iii) Is unable to walk 200 feet without stopping to rest;

5 (iv) Is unable to walk without the use of, or assistance from, a
6 brace, cane, crutch, another person, prosthetic device, or other assistive device;

7 (v) Requires a wheelchair for mobility;

8 (vi) Has lost a foot, leg, hand, or arm;

9 (vii) Has lost the use of a foot, leg, hand, or arm;

10 (viii) Has a permanent impairment of both eyes so that:

11 1. The central visual acuity is 20/200 or less in the better
12 eye, with corrective glasses; or

13 2. There is a field defect in which the peripheral field
14 has contracted to such an extent that the widest diameter of visual field subtends an
15 angular distance no greater than 20 degrees in the better eye; or

16 (ix) Has a permanent disability that adversely impacts the
17 ambulatory ability of the applicant and which is so severe that the person would
18 endure a hardship or be subject to a risk of injury if the privileges accorded a person
19 for whom a vehicle is specially registered under this section were denied.

20 (2) For the purposes of this section, the qualifying disabilities specified
21 in paragraph (1) of this subsection shall be certified as follows:

22 (i) A licensed physician or certified nurse practitioner may
23 certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

24 (ii) A licensed chiropractor or a licensed podiatrist may certify
25 conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

26 (iii) A licensed optometrist may certify the condition specified in
27 paragraph (1)(viii) of this subsection; and

28 (iv) Notwithstanding any provision of paragraph (1) of this
29 subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of
30 this subsection by appearing in person with proper identification at a full-service
31 Motor Vehicle Administration office during normal business hours.

32 (3) This section applies only to:

- 1 (i) A Class A (passenger) vehicle;
- 2 (ii) A Class D (motorcycle) vehicle;
- 3 (iii) A Class M (multipurpose) vehicle;
- 4 (iv) A Class E (truck) vehicle with a one ton or less
5 manufacturer's rated capacity; or
- 6 (v) A Class H, I, or J vehicle that is specially equipped for the
7 transportation of individuals with disabilities and is used exclusively for the
8 transportation of individuals with disabilities.

9 (4) (i) Notwithstanding the provisions of paragraph (1) of this
10 subsection, a nursing home, health care facility, adult day care facility, retirement
11 home, or other facility that regularly provides transportation for individuals with
12 disabilities may apply to the Administration for special disability registration for
13 vehicles owned by the facility.

14 (ii) An application for special disability registration under this
15 paragraph shall contain:

16 1. The certification of the owner or operator of the
17 facility that the vehicle for which the registration is sought is used exclusively for the
18 transportation of individuals with disabilities as described in paragraph (1) of this
19 subsection; and

20 2. Any other information or documentation concerning
21 the facility or the vehicle that the Administration requires.

22 (c) (1) Except as otherwise provided in subsection (b)(4) of this section,
23 special registration and special registration plates may be issued under this section
24 only if the applicant submits proof satisfactory to the Administration that the
25 applicant **OR THE DEPENDENT OF THE APPLICANT** is an individual with a disability
26 described in subsection (b)(1) of this section.

27 (2) Except as provided by subsection (b)(4) of this section, the
28 Administration may not accept applications for special registration under this section
29 from an applicant who, at the time of application:

30 (i) Possesses one valid special registration issued under this
31 section; or

32 (ii) Possesses two parking placards issued under § 13–616.1 of
33 this subtitle.

1 (d) Except as provided under §§ 13–951 and 13–952 of this title, no fee in
2 addition to the annual registration fee otherwise required by this title is required for
3 special registration under this section.

4 (e) A special registration number assigned under this section shall:

5 (1) Consist of the letters, numerals, or both that the Administration
6 specifies; and

7 (2) Be displayed on special registration plates issued for the vehicle,
8 together with the International Symbol of Access.

9 (f) (1) In this subsection, “special types of vehicles” means:

10 (i) Emergency vehicles defined under § 11–118 of this article;

11 (ii) Service vehicles defined under § 22–201 of this article;

12 (iii) Class B (for hire) vehicles;

13 (iv) Class C (funeral and ambulance) vehicles;

14 (v) Class H (school) vehicles;

15 (vi) Class I (charter bus) vehicles;

16 (vii) Class J (vanpool) vehicles;

17 (viii) Class P (passenger bus) vehicles;

18 (ix) Class Q (limousine) vehicles; and

19 (x) State or local government vehicles.

20 (2) The person for whom special registration plates are issued under
21 this section or under a similar provision of any other state or country:

22 (i) 1. Except as provided in items (ii) and (iii) of this
23 paragraph, may park for unlimited periods in parking zones restricted as to the length
24 of parking time permitted; and

25 2. Is not required to pay any parking meter fees of this
26 State or of any political subdivision of this State where parking meters do not meet the
27 requirements of the Americans with Disabilities Act;

28 (ii) May park in a parking space equipped with a parking meter
29 only for:

1 1. Except as provided in item (ii)2 of this paragraph,
2 twice the maximum time period permitted on the parking meter but not to exceed a
3 maximum of 4 hours; and

4 2. If the parking meter permits parking for more than 4
5 hours, the period permitted on the parking meter; and

6 (iii) Subject to the posted time restriction specified for this
7 parking zone, may park in a designated zone for the handicapped established at any
8 State-owned airport.

9 (3) The provisions of this subsection supersede any local ordinance,
10 except that they do not apply:

11 (i) To zones where stopping, standing, or parking is prohibited
12 to all vehicles;

13 (ii) To zones that are reserved for special types of vehicles; or

14 (iii) Where there is a local ordinance that prohibits parking
15 during heavy traffic periods in morning, afternoon, or evening rush hours, or where
16 parking clearly would present a traffic hazard.

17 (g) When using the parking privileges granted under this section:

18 (1) The person shall have in the person's possession identification
19 issued by the Administration as proof that parking privileges are being utilized by a
20 person with a disability as defined in subsection (b)(1) of this section; and

21 (2) The person shall make the identification available upon the
22 request of:

23 (i) A police officer, while the officer is discharging the official
24 duties of a police officer; or

25 (ii) Any other person authorized by a political subdivision to
26 enforce this section, while acting within the scope of this authority.

27 (h) A person may not commit any fraud or make any misrepresentation in
28 applying for disability registration plates, using special disability registration plates,
29 or certifying an individual with a disability as defined in subsection (b)(1) of this
30 section for special disability registration under this section.

31 (i) A person who operates a motor vehicle with a special disability
32 registration number or special disability registration plates may not use the privileges
33 granted under this section, unless the person:

1 (1) Is a person with a disability who meets the requirements of
2 subsection (b)(1) of this section; or

3 (2) Is accompanied by a dependent, or an individual who depends on
4 the person for transportation, who meets the requirements of subsection (b)(1) of this
5 section.

6 **(J) (1) THE RELATIONSHIP BETWEEN A VEHICLE OWNER AND A**
7 **DEPENDENT WITH A DISABILITY SHALL BE CONSIDERED SEVERED BY THE**
8 **DEATH OF THE PERSON WITH A DISABILITY OR A DIVORCE FROM THE PERSON**
9 **WITH A DISABILITY.**

10 **(2) WITHIN 30 DAYS OF ANY SEVERANCE OF THE RELATIONSHIP**
11 **BETWEEN A VEHICLE OWNER AND A DEPENDENT WITH A DISABILITY, THE**
12 **VEHICLE OWNER SHALL:**

13 **(I) MAIL OR DELIVER THE SPECIAL DISABILITY**
14 **REGISTRATION CARD AND SPECIAL DISABILITY REGISTRATION PLATES TO THE**
15 **ADMINISTRATION FOR CANCELLATION; AND**

16 **(II) IF THE MOTOR VEHICLE REMAINS SUBJECT TO**
17 **REGISTRATION UNDER THIS ARTICLE, APPLY TO THE ADMINISTRATION FOR**
18 **REGISTRATION OF THE VEHICLE IN ACCORDANCE WITH § 13-403 OF THIS TITLE.**

19 **[(j)] (K)** To determine if the eligibility requirements continue to be met, the
20 Administration may conduct a review of a registration that is issued by the
21 Administration under this subsection and:

22 (1) If the Administration finds it necessary to review the severity or
23 permanency of [a registration holder's disability] **THE DISABILITY OF A**
24 **REGISTRATION HOLDER OR A REGISTRATION HOLDER'S DEPENDENT**, the
25 Administration may request a review and recommendations from the Medical
26 Advisory Board established under § 16-118 of this article; and

27 (2) If the Administration determines that eligibility requirements are
28 not being met, the Administration may revoke the registration.

29 **[(k)] (L)** Any person who violates the provisions of this section is guilty of a
30 misdemeanor, in accordance with the terms of § 27-101 of this article.

31 **[(l)] (M)** The Administration shall administer the special registration plates
32 program in accordance with the provisions of this section.

33 **[(m)] (N)** In accordance with the provisions of this section, by July 1, 2001,
34 each board for licensed physicians, licensed chiropractors, licensed optometrists, or

1 licensed podiatrists shall be responsible for the development and maintenance of a
2 database system with which the Administration can interface and verify licensure.

3 13-616.1.

4 (a) A person may apply to the Administration for a parking placard on a
5 form provided by the Administration if [the applicant]:

6 (1) [Is] **THE APPLICANT IS** a resident of the State; and

7 (2) **THE APPLICANT OR A DEPENDENT OF THE APPLICANT:**

8 (i) Has a permanent disability as described in § 13-616(b)(1) of
9 this subtitle and as certified by a licensed physician, licensed chiropractor, licensed
10 optometrist, or licensed podiatrist, as defined in § 13-616(a) of this subtitle; or

11 (ii) Has a permanent disability as described in § 13-616(b)(1)(vi)
12 of this subtitle and as self-certified as provided by § 13-616(b)(2)(iv) of this subtitle.

13 (b) [(1)] A parking placard for a person with a disability may be issued to
14 an applicant described in subsection (a) of this section only if the applicant submits
15 proof satisfactory to the Administration that the applicant **OR A DEPENDENT OF THE**
16 **APPLICANT** is a person with a disability as described in § 13-616(b) of this subtitle.

17 [(2)] A parent or legal guardian may apply for a special disability
18 parking placard on behalf of a qualified minor.]

19 (c) (1) The Administration may not issue to an applicant:

20 (i) More than one placard if the applicant requests one set of
21 special registration plates under § 13-616 of this subtitle; or

22 (ii) More than two placards if the applicant does not request a
23 set of special registration plates under § 13-616 of this subtitle.

24 (2) The Administration may not issue to a person issued special
25 vehicle registration plates under § 13-616 of this subtitle a combination of special
26 disability registration plates and placards exceeding two.

27 (d) (1) A placard issued under this section to an applicant described in
28 subsection (a) of this section expires 4 years from the date of issue.

29 (2) The placard may be renewed by the placard holder on an
30 application form approved by the Administration.

31 (e) (1) A parking placard for a person with a disability shall be issued:

1 (i) Except as provided in item (ii) or item (iii) of this paragraph,
2 in the form of a removable windshield placard capable of being hung from the inside
3 rearview mirror and of a size and design as determined by the Administration;

4 (ii) For a vehicle not equipped with an inside rearview mirror or
5 in which the inside rearview mirror is not visible from the rear of the vehicle, in the
6 form of a windshield placard of a size and design as determined by the Administration;
7 or

8 (iii) For a Class D (motorcycle) vehicle, in the form of a sticker of
9 a size and design as designated by the Administration.

10 (2) A person to whom a parking placard for a person with a disability
11 is issued shall display the placard described in this section:

12 (i) In a Class A (passenger) vehicle or a Class M (multipurpose)
13 vehicle;

14 (ii) On a Class D (motorcycle) vehicle as required by the
15 Administration;

16 (iii) In a Class E (truck) vehicle with a one ton or less
17 manufacturer's rated capacity and specially equipped for the transportation of or
18 operation by an individual with a disability; or

19 (iv) In a Class H, I, or J vehicle that is specially equipped for the
20 transportation of individuals with disabilities and is used exclusively for the
21 transportation of individuals with disabilities.

22 (f) (1) Except as provided in paragraph (3) of this subsection, when
23 displayed by the person to whom a removable windshield placard is issued, the
24 removable windshield placard shall be hung from the inside rearview mirror when the
25 vehicle is parked.

26 (2) A person may not drive a vehicle while a removable windshield
27 placard described under paragraph (1) of this subsection is hanging from the inside
28 rearview mirror.

29 (3) The removable windshield placard shall be placed inside a vehicle
30 that is not equipped with an inside rearview mirror, in a position from which the
31 removable windshield placard can be viewed from the outside of the vehicle through
32 the lower portion of the windshield on the driver's side of the vehicle.

33 (4) When displayed, the person to whom a removable windshield
34 placard is issued under this section or under a similar provision of law of any state or
35 country is accorded the privileges contained in § 13-616(f) of this subtitle.

1 (g) When using the parking privileges granted under § 13-616(f) of this
2 subtitle:

3 (1) The person shall have in the person's possession identification
4 issued by the Administration as proof that parking privileges are being utilized by a
5 person with a disability as defined in § 13-616(b)(1) of this subtitle; and

6 (2) The person shall make the identification available upon the
7 request of:

8 (i) A police officer, while the officer is discharging the official
9 duties of a police officer; or

10 (ii) Any other person authorized by a political subdivision to
11 enforce this section, while acting within the scope of this authority.

12 (h) (1) A person may not commit any fraud or make any
13 misrepresentation in certifying a person's disability or applying for or using a parking
14 placard for a person with a disability.

15 (2) A person who operates a motor vehicle displaying a parking
16 placard for a person with a disability may not use the privileges granted under this
17 section, unless the person is:

18 (i) A person with a disability who meets the requirements of §
19 13-616(b)(1) of this subtitle; or

20 (ii) Accompanied by a dependent, or an individual who depends
21 on the person for transportation, who meets the requirements of § 13-616(b)(1) of this
22 subtitle.

23 (3) To determine if the eligibility requirements continue to be met, the
24 Administration may conduct a review of a parking placard for a person with a
25 disability that is issued by the Administration under this section and:

26 (i) If the Administration finds it necessary to review the
27 severity or permanency of [a placard holder's disability] **THE DISABILITY OF A**
28 **PLACARD HOLDER OR A DEPENDENT OF THE PLACARD HOLDER**, the
29 Administration may request a review and recommendations from the Medical
30 Advisory Board established under § 16-118 of this article; and

31 (ii) If the Administration determines that eligibility
32 requirements are not being met, the Administration may revoke the parking placard
33 for a person with a disability.

34 (i) Any person who violates the provisions of this section is guilty of a
35 misdemeanor.

1 (j) The Administration shall:

2 (1) Administer the removable windshield placard program in
3 accordance with the provisions of this section; and

4 (2) By July 1, 2001, establish an automated system for recording the
5 issuance, renewal, and expiration of placards in a timely manner to ensure that the
6 objectives of the placard program are achieved in an efficient and orderly manner.

7 (k) In accordance with the provisions of this section, by July 1, 2001, each
8 board for licensed physicians, licensed chiropractors, licensed optometrists, or licensed
9 podiatrists shall be responsible for the development and maintenance of a database
10 system, with which the Administration can interface and verify licensure.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.