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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3420

02/12/2024 Authored by Hicks; Hanson, J.; Curran; Clardy and Coulter The bill was referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; modifying disability parking privilege eligibility to
1.3 include persons with a developmental disability under certain circumstances;
1.4 revising terminology; making technical changes; amending Minnesota Statutes
1.5 2022, sections 168.021, as amended; 169.345, subdivisions 1, 2a, 3; 169.346,
1.6 subdivisions 1, 1a, 2, 3, 4; Minnesota Statutes 2023 Supplement, section 169.345,
1.7 subdivision 2.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2022, section 168.021, as amended by Laws 2023, chapter
1.10 68, article 4, section 128, is amended to read:

1.11 168.021 PLATES FOR ~~PHYSICALLY DISABLED PERSONS WITH A~~
1.12 DISABILITY.

1.13 Subdivision 1. ~~Disability plates; Application and issuance.~~ (a) When a motor vehicle
1.14 registered under section 168.017, a motorcycle, a motorized bicycle, a one-ton pickup truck,
1.15 or a self-propelled recreational vehicle is owned or primarily operated by a ~~permanently~~
1.16 ~~physically disabled~~ person with a permanent disability or a custodial parent or guardian of
1.17 a ~~permanently physically disabled~~ person with a permanent disability, the owner may apply
1.18 for and secure from the commissioner (1) immediately, a temporary permit valid for 30
1.19 days ~~if the applicant is eligible for the disability plates issued under this section~~ and (2) two
1.20 disability plates ~~with attached emblems, one plate to be attached to the front, and one to the~~
1.21 ~~rear of the motor vehicle, truck, or recreational vehicle,~~ or, in the case of a motorcycle or a
1.22 motorized bicycle, one disability plate ~~the same size as a regular motorcycle plate.~~

1.23 (b) The commissioner ~~shall~~ must not issue more than one plate to the owner of a
1.24 motorcycle or a motorized bicycle and not more than one set of plates to any owner of

2.1 another vehicle described in paragraph (a) at the same time unless the state Council on  
 2.2 Disability approves the issuance of a second plate or set of plates to an owner.

2.3 (c) When the owner first applies for the disability plate or plates, the owner must submit  
 2.4 a medical statement in a format approved by the commissioner under section 169.345, or  
 2.5 proof of ~~physical~~ disability provided for in that section.

2.6 (d) No medical statement or proof of disability is required when an owner applies for a  
 2.7 plate or plates for one or more vehicles listed in paragraph (a) that are specially modified  
 2.8 for and used exclusively by ~~permanently physically disabled~~ persons with a permanent  
 2.9 disability.

2.10 (e) The owner of a vehicle listed in paragraph (a) may apply for and secure (i)  
 2.11 immediately, a temporary permit valid for 30 days, ~~if the applicant is eligible to receive the~~  
 2.12 ~~disability plate or plates issued under this section~~, and (ii) a disability plate or plates for the  
 2.13 vehicle if:

2.14 (1) the owner employs a ~~permanently physically disabled~~ person with a permanent  
 2.15 disability who would qualify for the disability plate or plates under this section; and

2.16 (2) the owner furnishes the motor vehicle to the ~~physically disabled~~ person with a  
 2.17 permanent disability for the exclusive use of that person in the course of employment.

2.18 Subd. 1a. **Scope of privilege.** If a ~~physically disabled~~ person with a permanent disability  
 2.19 parks a vehicle described in subdivision 1, displaying the disability plate or plates described  
 2.20 in this section, or a temporary permit ~~valid for 30 days and issued to an eligible person~~  
 2.21 ~~awaiting receipt of the disability plate or plates described in this section~~, or any person parks  
 2.22 the motor vehicle for a ~~physically disabled~~ person with a permanent disability, that person  
 2.23 is entitled to park the motor vehicle as provided in section 169.345.

2.24 Subd. 2. **Plate design; furnished by commissioner.** The commissioner ~~shall~~ must design  
 2.25 and furnish two disability plates, or one disability plate for a motorcycle or a motorized  
 2.26 bicycle that is the same size as a regular motorcycle plate, with attached emblem or emblems  
 2.27 to an eligible owner. The emblem must bear the internationally accepted wheelchair symbol,  
 2.28 as designated in section 326B.106, subdivision 9, approximately three inches square. The  
 2.29 emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant  
 2.30 eligible for a disability plate or plates ~~shall~~ must pay the motor vehicle registration fee  
 2.31 authorized by sections 168.013 and 168.09.

2.32 Subd. 2a. **Plate transfer.** (a) When ownership of a vehicle described in subdivision 1,  
 2.33 is transferred, the owner of the vehicle ~~shall~~ must remove the disability plate or plates. The

3.1 buyer of the motor vehicle is entitled to receive a regular plate or plates for the vehicle  
 3.2 without further cost for the remainder of the registration period.

3.3 (b) Notwithstanding section 168.12, subdivision 1, the disability plate or plates may be  
 3.4 transferred to a replacement vehicle on notification to the commissioner. However, the  
 3.5 disability plate or plates may not be transferred unless the replacement vehicle (1) is listed  
 3.6 under section 168.012, subdivision 1, and, in the case of a single plate for a motorcycle or  
 3.7 a motorized bicycle, the replacement vehicle is a motorcycle or a motorized bicycle, and  
 3.8 (2) is owned or primarily operated by the ~~permanently physically disabled~~ person with a  
 3.9 permanent disability.

3.10 Subd. 2b. **When not eligible.** On becoming ineligible for the disability plate or plates,  
 3.11 the owner of the motor vehicle ~~shall~~ must remove the disability plate or plates. The owner  
 3.12 may receive regular plates for the vehicle without further cost for the remainder of the  
 3.13 registration period.

3.14 Subd. 3. **Penalties for unauthorized use of plates.** (a) A person who uses the disability  
 3.15 plate or plates or temporary permit provided under this section on a motor vehicle in violation  
 3.16 of this section is guilty of a misdemeanor, and is subject to a fine of \$500.

3.17 (b) This subdivision does not preclude a person who is not ~~physically~~ disabled from  
 3.18 operating a vehicle bearing the disability plates or permit if:

3.19 (1) the person is the owner of the vehicle described in subdivision 1 and permits its  
 3.20 operation by a ~~physically disabled~~ person with a physical disability;

3.21 (2) the person operates the vehicle with the consent of the owner who is ~~physically~~  
 3.22 ~~disabled~~ a person with a physical disability; or

3.23 (3) the person is the owner of the vehicle, is the custodial parent or guardian of a  
 3.24 ~~permanently physically disabled~~ minor with a permanent physical disability, and operates  
 3.25 the vehicle to transport the minor.

3.26 ~~(b)~~ (c) A driver who is not disabled is not entitled to the parking privileges provided in  
 3.27 this section and in section 169.346 unless parking the vehicle for a ~~physically disabled~~  
 3.28 person with a disability.

3.29 Subd. 4. **Fees; disposition.** All fees collected from the sale of a disability plate or plates  
 3.30 under this section must be deposited in the state treasury to the credit of the driver and  
 3.31 vehicle services operating account under section 299A.705, subdivision 1.

3.32 Subd. 5. **Definitions.** (a) For the purposes of this section, the ~~term~~ following terms have  
 3.33 the meanings given.

4.1 ~~(b) "physically disabled Person with a permanent disability" has the meaning given it~~  
 4.2 means a person with a disability, as defined in section 169.345, subdivision 2, whose  
 4.3 disability is likely to continue indefinitely.

4.4 (c) "Temporary permit" means a permit issued to an eligible person who is awaiting  
 4.5 receipt of the disability plate or plates as provided in this section.

4.6 Subd. 6. **Driver's license law not affected.** This section must not be construed to revoke,  
 4.7 limit, or amend chapter 171.

4.8 Sec. 2. Minnesota Statutes 2022, section 169.345, subdivision 1, is amended to read:

4.9 Subdivision 1. **Scope of privilege.** (a) A vehicle described in section 168.021, subdivision  
 4.10 1, paragraph (a), that prominently displays the certificate authorized by this section or that  
 4.11 bears the disability plate or plates issued under section 168.021 may be parked by or solely  
 4.12 for the benefit of a ~~physically disabled person~~ with a disability:

4.13 (1) in a designated parking space for ~~disabled persons~~ with a disability, as provided in  
 4.14 section 169.346;

4.15 (2) in a metered parking space without obligation to pay the meter fee and without time  
 4.16 restrictions unless time restrictions are separately posted on official signs; and

4.17 (3) without time restrictions in a nonmetered space where parking is otherwise allowed  
 4.18 for passenger vehicles but restricted to a maximum period of time and that does not  
 4.19 specifically prohibit the exercise of disabled parking privileges in that space.

4.20 A person may park the vehicle for a ~~physically disabled person~~ with a disability in a parking  
 4.21 space described in clause (1) or (2) only when actually transporting the ~~physically disabled~~  
 4.22 person with a disability for the sole benefit of that person and when the parking space is  
 4.23 within a reasonable distance from the drop-off point.

4.24 (b) For purposes of this subdivision, a certificate is prominently displayed if it is displayed  
 4.25 so that it may be viewed from the front and rear of the motor vehicle by hanging it from the  
 4.26 rearview mirror attached to the front windshield of the motor vehicle or, in the case of a  
 4.27 motorcycle or a motorized bicycle, is secured to the vehicle. If there is no rearview mirror  
 4.28 or if the certificate holder's disability precludes placing the certificate on the mirror, the  
 4.29 certificate must be displayed on the dashboard of the vehicle. No part of the certificate may  
 4.30 be obscured.

4.31 (c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not permit  
 4.32 parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces,

5.1 or in parking spaces reserved for specified purposes or vehicles. A local governmental unit  
 5.2 may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to  
 5.3 accommodate heavy traffic during morning and afternoon rush hours and these ordinances  
 5.4 also apply to ~~physically disabled~~ persons with a disability.

5.5 Sec. 3. Minnesota Statutes 2023 Supplement, section 169.345, subdivision 2, is amended  
 5.6 to read:

5.7 Subd. 2. **Definitions.** (a) For the purpose of section 168.021 and this section, the following  
 5.8 terms have the meanings given ~~them in this subdivision~~.

5.9 (b) "Health professional" means a licensed physician, licensed physician assistant,  
 5.10 advanced practice registered nurse, licensed physical therapist, or licensed chiropractor.

5.11 (c) "Long-term certificate" means a certificate issued for a period greater than 12 months  
 5.12 but not greater than 71 months.

5.13 (d) "Organization certificate" means a certificate issued to an entity other than a natural  
 5.14 person for a period of three years.

5.15 (e) "Permit" refers to a permit that is issued for a period of 30 days, in lieu of the  
 5.16 certificate referred to in subdivision 3, while the application is being processed.

5.17 (f) "Person with a developmental disability" has the meaning given in section 252A.02,  
 5.18 subdivision 2, except that the term includes a person of any age. Person with a developmental  
 5.19 disability includes but is not limited to a person diagnosed with autism spectrum disorder.

5.20 (g) "Person with a disability" means a person with a physical disability, a person with  
 5.21 a developmental disability, or both.

5.22 ~~(f)~~ (h) "Physically disabled Person with a physical disability" means a person who:

5.23 (1) because of disability cannot walk without significant risk of falling;

5.24 (2) because of disability cannot walk 200 feet without stopping to rest;

5.25 (3) because of disability cannot walk without the aid of another person, a walker, a cane,  
 5.26 crutches, braces, a prosthetic device, or a wheelchair;

5.27 (4) is restricted by a respiratory disease to such an extent that the person's forced  
 5.28 (respiratory) expiratory volume for one second, when measured by spirometry, is less than  
 5.29 one liter;

5.30 (5) has an arterial oxygen tension (PaO<sub>2</sub>) of less than 60 mm/Hg on room air at rest;

5.31 (6) uses portable oxygen;

6.1 (7) has a cardiac condition to the extent that the person's functional limitations are  
 6.2 classified in severity as class III or class IV according to standards set by the American  
 6.3 Heart Association;

6.4 (8) has lost an arm or a leg and does not have or cannot use an artificial limb;

6.5 (9) has a disability that would be aggravated by walking 200 feet under normal  
 6.6 environmental conditions to an extent that would be life threatening; or

6.7 (10) is legally blind.

6.8 ~~(g)~~ (i) A pregnant person experiencing any of the conditions described in paragraph ~~(f)~~  
 6.9 (h) is eligible for parking privileges pursuant to this section.

6.10 ~~(h)~~ (j) "Short-term certificate" means a certificate issued for a period greater than six  
 6.11 months but not greater than 12 months.

6.12 ~~(i)~~ (k) "Six-year certificate" means a certificate issued for a period of six years.

6.13 ~~(j)~~ (l) "Temporary certificate" means a certificate issued for a period not greater than  
 6.14 six months.

6.15 Sec. 4. Minnesota Statutes 2022, section 169.345, subdivision 2a, is amended to read:

6.16 Subd. 2a. ~~Health professional's Medical statement.~~ (a) The commissioner ~~shall~~ must  
 6.17 develop a format for the medical statement. The medical statement must be signed by: (1)  
 6.18 a health professional who certifies that the applicant is a ~~physically disabled person as~~  
 6.19 ~~defined in subdivision 2~~ with a physical disability; or (2) a licensed physician, licensed  
 6.20 physician assistant, or advanced practice registered nurse who certifies that the applicant is  
 6.21 a person with a developmental disability who has an increased likelihood of experiencing  
 6.22 unsafe parking or traffic conditions due to the applicant's disability. The commissioner may  
 6.23 request additional information from the health professional if needed to verify the applicant's  
 6.24 eligibility. The medical statement ~~that the applicant is a physically disabled person~~ must  
 6.25 specify whether the disability is permanent or temporary and, if temporary, the opinion of  
 6.26 the health professional as to the duration of the disability.

6.27 (b) A health professional who fraudulently certifies to the commissioner that a person  
 6.28 is a ~~physically disabled person as defined in subdivision 2~~ with a disability, and that the  
 6.29 person is entitled to the disability plates authorized by section 168.021 or to the certificate  
 6.30 authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

6.31 ~~(b)~~ (c) The commissioner may waive the requirement of providing a medical statement  
 6.32 ~~of a health professional~~ if the applicant has previously filed a medical statement with the

7.1 commissioner ~~a statement of a health professional~~ certifying that the applicant has a  
7.2 permanent ~~physical~~ disability.

7.3 Sec. 5. Minnesota Statutes 2022, section 169.345, subdivision 3, is amended to read:

7.4 Subd. 3. **Identifying certificate.** (a) The commissioner ~~shall~~ must issue (1) immediately,  
7.5 a permit valid for 30 days if the person is eligible for the certificate issued under this section  
7.6 and (2) an identifying certificate for a vehicle described in section 168.021, subdivision 1,  
7.7 paragraph (a), when ~~a physically disabled~~ an applicant submits ~~proof of physical disability~~  
7.8 a medical statement as provided under subdivision 2a. The commissioner ~~shall~~ must design  
7.9 separate certificates for persons with permanent and temporary disabilities that can be readily  
7.10 distinguished from each other from outside a vehicle at a distance of 25 feet or, in the case  
7.11 of a motorcycle or a motorized bicycle, can be readily secured to the motorcycle or motorized  
7.12 bicycle. An applicant may be issued up to two certificates if the applicant has not been  
7.13 issued disability plates under section 168.021.

7.14 (b) The operator of a vehicle displaying a certificate has the parking privileges provided  
7.15 in subdivision 1 only while the vehicle is actually parked while transporting a ~~physically~~  
7.16 ~~disabled~~ person with a disability.

7.17 (c) The commissioner ~~shall~~ must cancel all certificates issued to an applicant who fails  
7.18 to comply with the requirements of this subdivision.

7.19 Sec. 6. Minnesota Statutes 2022, section 169.346, subdivision 1, is amended to read:

7.20 Subdivision 1. **Disability parking space prohibitions.** A person ~~shall~~ must not:

7.21 (1) park a motor vehicle in or obstruct access to a parking space or associated access  
7.22 aisle designated and reserved for ~~the physically disabled~~ persons with a disability as defined  
7.23 in section 169.345, subdivision 2, on either private or public property;

7.24 (2) park a motor vehicle in or obstruct access to an area designated by a local  
7.25 governmental unit as a transfer zone for ~~disabled~~ persons with a disability;

7.26 (3) alter a certificate issued under section 169.345;

7.27 (4) exercise the parking privilege provided in section 169.345, unless:

7.28 (i) that person is a ~~physically disabled~~ person with a disability as defined in section  
7.29 169.345, subdivision 2, or the person is transporting or parking a motor vehicle for a  
7.30 ~~physically disabled~~ person with a disability; and

8.1 (ii) the motor vehicle visibly displays one of the following: a disability plate issued under  
 8.2 section 168.021, a certificate issued under section 169.345, a permit valid for 30 days issued  
 8.3 under section 168.021 or 169.345, or an equivalent certificate, insignia, or plate issued by  
 8.4 another state, a foreign country, or one of its political subdivisions; or

8.5 (5) park a motor vehicle in an area used as a regular route transit stopping point where  
 8.6 a transit vehicle that is accessible to ~~the physically disabled~~ persons with a physical disability  
 8.7 regularly stops and a sign that bears the international symbol of access in white on blue is  
 8.8 posted. A sign posted under this clause may display other information relating to the regular  
 8.9 route transit service. For purposes of this clause, an area used as a regular route transit  
 8.10 stopping point consists of the 80 feet immediately preceding the sign described in this clause.

8.11 Sec. 7. Minnesota Statutes 2022, section 169.346, subdivision 1a, is amended to read:

8.12 Subd. 1a. **Disability parking when designated spaces occupied or unavailable.** In  
 8.13 the event the designated disability parking spaces are either occupied or unavailable, a  
 8.14 vehicle bearing a valid disability parking certificate issued under section 169.345 or license  
 8.15 plates for ~~physically disabled~~ persons with a disability under section 168.021 may park at  
 8.16 an angle and occupy two standard parking spaces.

8.17 Sec. 8. Minnesota Statutes 2022, section 169.346, subdivision 2, is amended to read:

8.18 Subd. 2. **Disability parking space signs.** (a) Parking spaces reserved for ~~physically~~  
 8.19 ~~disabled~~ persons with a disability must be designated and identified by the posting of signs  
 8.20 incorporating the international symbol of access in white on blue and indicating that violators  
 8.21 are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons  
 8.22 with motor vehicles displaying the required certificate, plates, permit valid for 30 days, or  
 8.23 insignia.

8.24 (b) For purposes of this subdivision, a parking space that is clearly identified as reserved  
 8.25 for ~~physically disabled~~ persons with a disability by a permanently posted sign that does not  
 8.26 meet all design standards, is considered designated and reserved for ~~physically disabled~~  
 8.27 persons with a disability. A sign posted for the purpose of this section must be visible from  
 8.28 inside a motor vehicle parked in the space, be kept clear of snow or other obstructions which  
 8.29 block its visibility, and be nonmovable.

8.30 Sec. 9. Minnesota Statutes 2022, section 169.346, subdivision 3, is amended to read:

8.31 Subd. 3. **Misdemeanor; enforcement.** (a) A person who violates subdivision 1 is guilty  
 8.32 of a misdemeanor and must be fined not less than \$100 and not more than \$200. This

9.1 subdivision must be enforced in the same manner as parking ordinances or regulations in  
 9.2 the governmental subdivision in which the violation occurs.

9.3 (b) Law enforcement officers may tag motor vehicles parked on either private or public  
 9.4 property in violation of subdivision 1. Parking enforcement employees or agents of statutory  
 9.5 or home rule charter cities or towns may tag or otherwise issue citations for motor vehicles  
 9.6 parked on public property in violation of subdivision 1.

9.7 (c) If a holder of a disability certificate or disability plates allows a person who is not  
 9.8 otherwise eligible to use the certificate or plates, then the holder is not eligible to be issued  
 9.9 or to use a disability certificate or plates for 12 months after the date of violation.

9.10 (d) Except when the permit or certificate is expired by, or is otherwise invalid for, more  
 9.11 than 90 days, a ~~physically disabled~~ person with a disability, or a person parking a motor  
 9.12 vehicle for a ~~disabled~~ person with a disability, who is charged with violating subdivision 1  
 9.13 because the person parked in a parking space reserved for ~~physically disabled~~ persons with  
 9.14 a disability without the required certificate, license plates, or permit must not be convicted  
 9.15 if the person (1) produces in court or before the court appearance the required certificate,  
 9.16 permit, or evidence that the person has been issued plates under section 168.021, (2)  
 9.17 surrenders the expired permit or certificate, and (3) demonstrates entitlement to the certificate,  
 9.18 plates, or permit at the time of arrest or tagging. To be valid, the certificate or permit must  
 9.19 show that it is owned by the same person that owned the expired certificate or permit  
 9.20 displayed at the time the tag was issued. The registered vehicle owner is subject to the  
 9.21 provisions of this subdivision.

9.22 Sec. 10. Minnesota Statutes 2022, section 169.346, subdivision 4, is amended to read:

9.23 Subd. 4. **Local ordinance; citizen enforcement program.** (a) A statutory or home rule  
 9.24 charter city may, by ordinance, establish a program to enforce the parking restrictions of  
 9.25 this section or any similar local ordinance, relating to parking spaces for ~~the physically~~  
 9.26 ~~disabled~~ persons with a disability, by using citizen volunteers to issue citations to violators.  
 9.27 The ordinance ~~shall~~ must contain a process for training program participants in the  
 9.28 requirements of the law, the method of issuing citations, and other related matters.

9.29 (b) Program participants who satisfy the training requirements of the ordinance are  
 9.30 authorized to issue citations for violations of this section and are exempt from any other  
 9.31 training or licensure requirements imposed on law enforcement officers by chapter 626.

10.1      Sec. 11. **REVISOR INSTRUCTION.**

10.2            Wherever the terms appear in Minnesota Statutes, sections 13.69, 85.053, 168.002,  
10.3 168.021, 168.125, and 169.345, the revisor of statutes must change the following: (1)  
10.4 "physically disabled person" to "person with a physical disability"; (2) "physically disabled  
10.5 persons" to "persons with a physical disability"; (3) "permanently physically disabled person"  
10.6 to "person with a permanent physical disability"; and (4) "permanently physically disabled  
10.7 persons" to "persons with a permanent physical disability." The revisor must make any  
10.8 necessary grammatical changes or changes to sentence structure necessary to preserve the  
10.9 meaning of the text as a result of the changes.