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1999 Regular Session (9lr0992)

### ENROLLED BILL

-- Judicial Proceedings/Commerce and Government Matters --

Introduced by Senators Van Hollen and Dorman

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	Read and Examined by Proofreaders:	
		Proofreader.
	d with the Great Seal and presented to the Governor, for his approval this	Proofreader.
	_ day of at o'clock,M.	
		President.
	CHAPTER	
1 A	N ACT concerning	
2	Parking Access for Individuals with Disabilities	
3 F0 4 5 6 7 8 9 10 11	OR the purpose of clarifying and adding certain physical conditions that qualify an individual for special registration plates, placards, and temporary placards; authorizing certain medical professionals to certify that individuals have certain physical conditions necessary to qualify for special registration plates, placards, and temporary placards; authorizing an applicant for special registration under this Act to self-certify the presence of certain conditions under certain circumstances; requiring certain individuals to pay certain parking meter fees under certain conditions; requiring certain individuals to have certain identification available for inspection by certain individuals at certain times; requiring certain boards to develop and maintain certain databases by a certain	

<u>date</u>; requiring the Motor Vehicle Administration to establish certain automated

systems by a certain date; limiting the number of placards and special vehicle

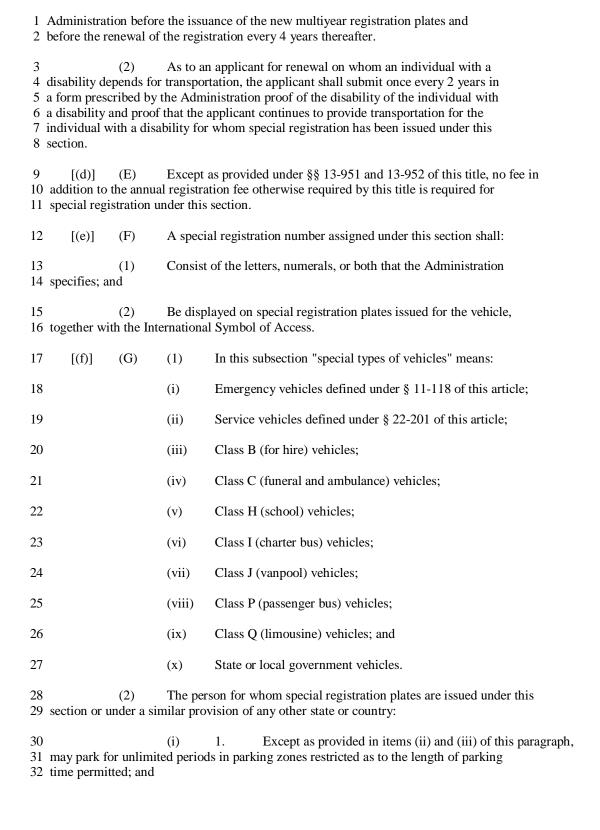
registration plates an individual may receive under certain circumstances;

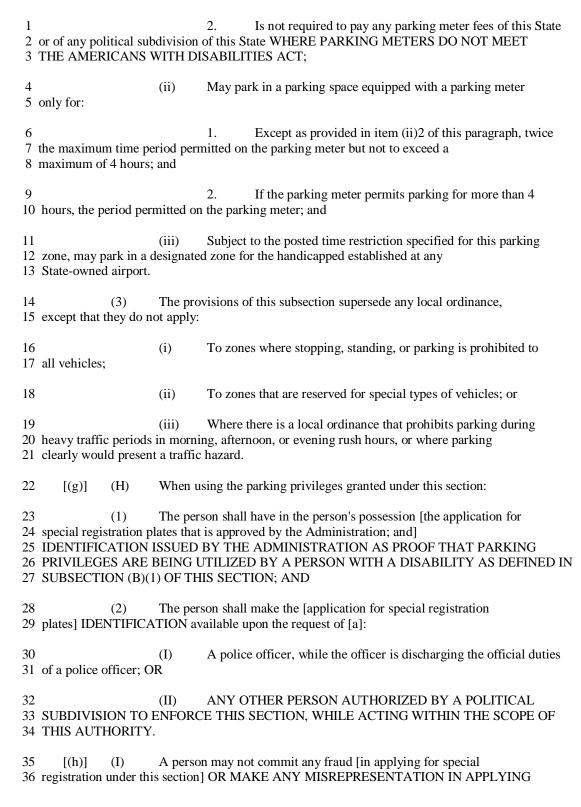
prohibiting a person from fraudulently certifying the presence of certain physical conditions; defining certain terms; making stylistic changes; clarifying

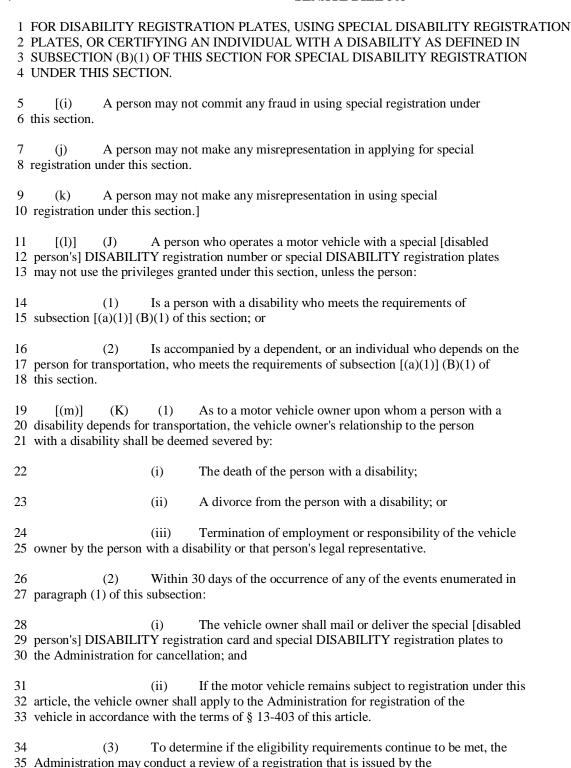
- **SENATE BILL 505** 1 terms; and generally relating to special registration plates, placards, and temporary placards for individuals with disabilities. 2 3 BY repealing and reenacting, with amendments, Article - Transportation 4 5 Section 13-616, 13-616.1, and 13-616.2 Annotated Code of Maryland 6 7 (1998 Replacement Volume and 1998 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8 9 MARYLAND, That the Laws of Maryland read as follows: 10 **Article - Transportation** 11 13-616. 12 (a) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 13 INDICATED. 14 "LICENSED CHIROPRACTOR" MEANS A CHIROPRACTOR WHO IS 15 LICENSED BY THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO PRACTICE 16 CHIROPRACTIC OR CHIROPRACTIC WITH THE RIGHT TO PRACTICE PHYSICAL 17 THERAPY AS DESCRIBED IN § 3-301 OF THE HEALTH OCCUPATIONS ARTICLE. "LICENSED OPTOMETRIST" MEANS AN OPTOMETRIST WHO IS 18 (3)19 LICENSED BY THE STATE BOARD OF EXAMINERS IN OPTOMETRY TO PRACTICE 20 OPTOMETRY AS DESCRIBED IN § 11-101 OF THE HEALTH OCCUPATIONS ARTICLE. "LICENSED PHYSICIAN" MEANS A PHYSICIAN, INCLUDING A DOCTOR 21 22 OF OSTEOPATHY, WHO IS LICENSED BY THE STATE BOARD OF PHYSICIAN QUALITY 23 ASSURANCE TO PRACTICE MEDICINE AS DESCRIBED IN § 14-101 OF THE HEALTH 24 OCCUPATIONS ARTICLE. 25 "LICENSED PODIATRIST" MEANS A PODIATRIST WHO IS LICENSED BY (5) 26 THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS TO PRACTICE PODIATRY AS 27 DESCRIBED IN § 16-101 OF THE HEALTH OCCUPATIONS ARTICLE. The owner of any vehicle described in paragraph [(2)] (3) of this 28 29 subsection may apply to the Administration for the assignment to that vehicle of a 30 special[, disabled person's] DISABILITY registration number and special DISABILITY 31 registration plates, if A LICENSED PHYSICIAN, LICENSED CHIROPRACTOR, LICENSED 32 OPTOMETRIST, OR LICENSED PODIATRIST CERTIFIES, IN ACCORDANCE WITH 33 PARAGRAPH (2) OF THIS SUBSECTION, THAT the applicant, a dependent of the 34 applicant, or any individual who depends on the applicant for transportation: 35 (i) [Has permanently lost the use of a leg or an arm;
- 36 Is so severely and permanently disabled as to be unable to move (ii) 37 without a wheelchair or crutches:

3 4	one second, when measured by STO SUCH AN EXTENT THAT SECOND WHEN MEASURED	spiromet FORCE BY SPI	rs from lung disease that his forced expiratory volume, ry, is less than one liter] HAS LUNG DISEASE ED (RESPIRATORY) EXPIRATORY VOLUME FOR ONE IROMETRY IS LESS THAN ONE LITER, OR ARTERIAL HAN 60 MM/HG ON ROOM AIR AT REST;
	` '	CLASS	RDIOVASCULAR DISEASE LIMITATIONS CLASSIFIED IN IV ACCORDING TO STANDARDS ACCEPTED BY THE
9	(III)	IS UNAI	BLE TO WALK 200 FEET WITHOUT STOPPING TO REST;
	, ,		BLE TO WALK WITHOUT THE USE OF, OR ASSISTANCE ANOTHER PERSON, PROSTHETIC DEVICE, OR OTHER
13	(V) I	REQUIR	RES A WHEELCHAIR FOR MOBILITY;
14	(VI)	HAS LO	ST, OR LOST THE USE OF, A FOOT OR LEG;
15	(VII) I	HAS LO	ST, OR LOST THE USE OF, AN ARM OR A HAND;
16	[(iv)]	(VIII)	Has a permanent impairment of both eyes so that:
17 18	with corrective glasses; or	1.	The central visual acuity is 20/200 or less in the better eye,
		t the wid	There is a field defect in which the peripheral field has dest diameter of visual field subtends an rees in the better eye; or
24 25	B licensed physician, and determine substantially impairs the person would endure a hardship or be s	ned by the subject to	Has a [physical] PERMANENT disability[, as certified by a he Administration, which is permanent, which ity, and] which is so severe that the person of a risk of injury if the privileges accorded a registered under this section were denied.
			OSES OF THIS SECTION, THE QUALIFYING GRAPH (1) OF THIS SUBSECTION SHALL BE
30 31	(I) IN PARAGRAPH (1)(I) THRO		NSED PHYSICIAN MAY CERTIFY CONDITIONS SPECIFIED X) OF THIS SUBSECTION;
	. ,		NSED CHIROPRACTOR OR A LICENSED PODIATRIST MAY IN PARAGRAPH (1)(III) THROUGH (VII) AND (IX) OF
35 36			NSED OPTOMETRIST MAY CERTIFY THE CONDITION () OF THIS SUBSECTION; AND

3 4	PARAGRAPH (1)(VI	) AND ( CATION	NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (1) OF PPLICANT MAY SELF-CERTIFY CONDITIONS SPECIFIED IN VII) OF THIS SUBSECTION BY APPEARING IN PERSON WITH AT A FULL-SERVICE MOTOR VEHICLE ADMINISTRATION BUSINESS HOURS.			
6	(3)	This section applies only to:				
7		(i)	A Class A (passenger) vehicle;			
8		(ii)	A Class D (motorcycle) vehicle;			
9		(iii)	A Class M (multipurpose) vehicle;			
10 11	rated capacity; or	(iv)	A Class E (truck) vehicle with a one ton or less manufacturer's			
	(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.					
15 16	[(b)] (C) issued under this sect	(1) ion only	Special registration and special registration plates may be if the applicant submits:			
19		case may	Proof satisfactory to the Administration that the applicant, the the individual who depends on the applicant for y be, is an individual with a disability described in is section; and			
			As to an applicant on whom an individual with a disability tertification of the individual with a disability that the pends on the applicant for transportation.			
24 25	(2) registration under this		ministration may not accept applications for special from:			
	as required under iter disability;	(i) n (1)(ii) o	More than 2 applicants submitting certifications of dependency of this subsection from the same individual with a			
			More than 1 applicant on whom an individual with a disability ne individual with a disability, at the time of special registration issued under this section; or			
32 33	special registrations i	(iii) ssued un	An applicant who, at the time of application, possesses 2 valid der this section.			
34 35	[(c)] (D) registration plates iss	(1) ued unde	An applicant for renewal of special registration and special restriction shall submit proof of the disability to the			

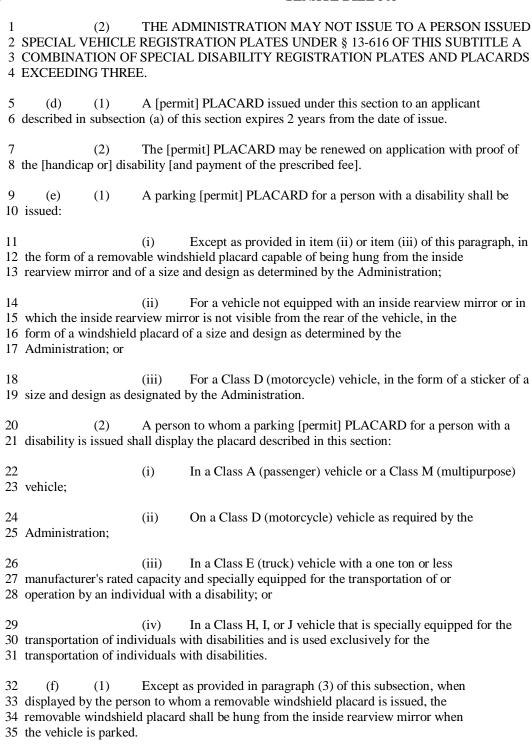


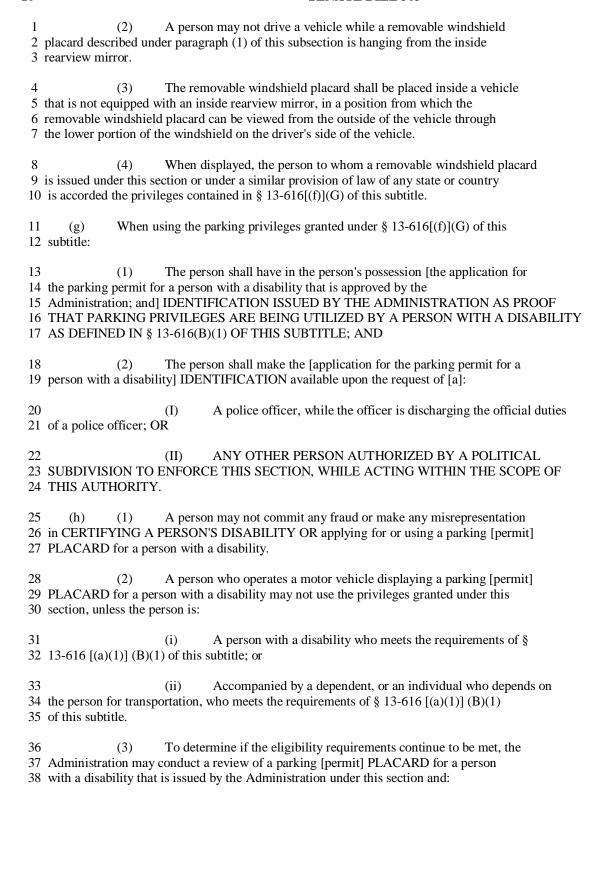




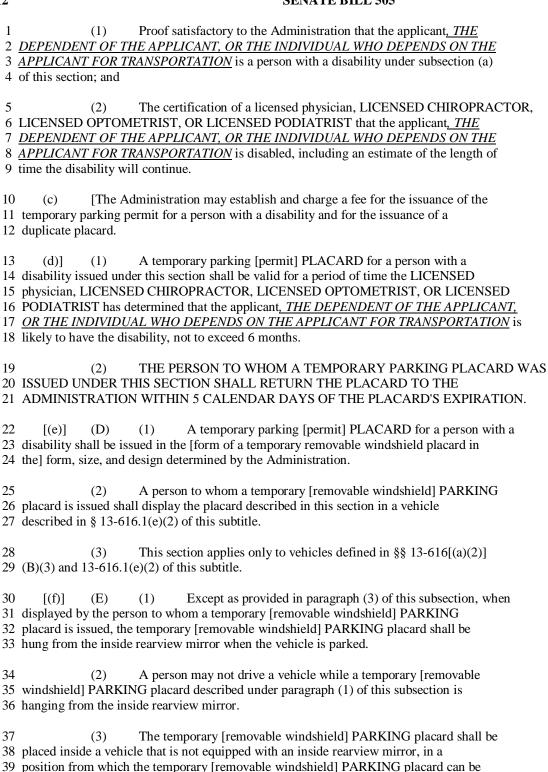
36 Administration under this subsection and:

- SENATE BILL 505 1 If the Administration finds it necessary to review the severity or (i) 2 permanency of a registration holder's disability, the Administration may request a 3 review and recommendations from the Medical Advisory Board established under § 4 16-118 of this article; and (ii) If the Administration determines that eligibility requirements 6 are not being met, the Administration may revoke the registration. 7 Any person who violates the provisions of this section is guilty of a 8 misdemeanor, in accordance with the terms of § 27-101 of this article. 9 The Administration shall administer the special registration plates [(0)](M) program in accordance with the provisions of this section. 11 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, BY JULY 1, 12 2001, EACH BOARD FOR LICENSED PHYSICIANS, LICENSED CHIROPRACTORS, 13 LICENSED OPTOMETRISTS, OR LICENSED PODIATRISTS SHALL BE RESPONSIBLE FOR 14 THE DEVELOPMENT AND MAINTENANCE OF A DATABASE SYSTEM WITH WHICH THE 15 ADMINISTRATION CAN INTERFACE AND VERIFY LICENSURE. 16 13-616.1. 17 A person may apply to the Administration for a parking [permit for a (a) 18 person with a disability] PLACARD on a form provided by the Administration if the 19 applicant, A DEPENDANT OF THE APPLICANT, OR ANY INDIVIDUAL WHO DEPENDS ON 20 THE APPLICANT FOR TRANSPORTATION: 21 [ has] HAS a permanent [physical] disability as described in § 22 13-616 [(a)(1)] (B)(1) of this subtitle AND as certified by a LICENSED physician, 23 LICENSED CHIROPRACTOR, LICENSED OPTOMETRIST, OR LICENSED PODIATRIST, AS 24 DEFINED IN § 13-616(A) OF THIS SUBTITLE [and determined by the Administration]; 25 OR HAS A PERMANENT DISABILITY AS DESCRIBED IN § 13-616(B)(1)(VI) OR 26 (2) 27 (VII) OF THIS SUBTITLE AND AS SELF-CERTIFIED AS PROVIDED BY § 13-616(B)(2)(IV) 28 OF THIS SUBTITLE. 29 A parking [permit] PLACARD for a person with a disability may be issued 30 to an applicant described in subsection (a) of this section only if the applicant submits 31 proof satisfactory to the Administration that the applicant, THE DEPENDENT OF THE 32 APPLICANT, OR THE INDIVIDUAL WHO DEPENDS ON THE APPLICANT FOR 33 TRANSPORTATION is a person with a disability as described in § 13-616[(a)] (B) of 34 this subtitle. 35
- 35 [(c) The Administration may establish and charge a fee for the issuance of the 36 permit and for the issuance of a duplicate permit.]
- 37 (C) (1) THE ADMINISTRATION MAY NOT ISSUE MORE THAN TWO PLACARDS 38 TO A PERSON APPLYING FOR A PLACARD UNDER THIS SECTION.





3	(i) If the Administration finds it necessary to review the severity or permanency of a [permit] PLACARD holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16-118 of this article; and
	(ii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the parking [permit] PLACARD for a person with a disability.
8 9	(i) Any person who violates the provisions of this section is guilty of a misdemeanor.
10	(j) The Administration shall [administer]:
11 12	(1) ADMINISTER the removable windshield placard program in accordance with the provisions of this section; AND
15	(2) BY JULY 1, 2001, ESTABLISH AN AUTOMATED SYSTEM FOR RECORDING THE ISSUANCE, RENEWAL, AND EXPIRATION OF PLACARDS IN A TIMELY MANNER TO ENSURE THAT THE OBJECTIVES OF THE PLACARD PROGRAM ARE ACHIEVED IN AN EFFICIENT AND ORDERLY MANNER.
19 20	(K) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, <u>BY JULY 1</u> , <u>2001</u> , EACH BOARD FOR LICENSED PHYSICIANS, LICENSED CHIROPRACTORS, LICENSED OPTOMETRISTS, OR LICENSED PODIATRISTS SHALL BE RESPONSIBLE FOR THE DEVELOPMENT AND MAINTENANCE OF A DATABASE SYSTEM, WITH WHICH THE ADMINISTRATION CAN INTERFACE AND VERIFY LICENSURE.
22	13-616.2.
23 24	(a) A person may apply to the Administration for a temporary parking [permit] PLACARD on a form provided by the Administration if:
27	(1) The [person] APPLICANT, A DEPENDENT OF THE APPLICANT, OR ANY INDIVIDUAL WHO DEPENDS ON THE APPLICANT FOR TRANSPORTATION has a disability, as [certified by a licensed physician] DESCRIBED IN § 13-616(B)(1) OF THIS SUBTITLE; and
31 32 33 34	(2) [The Administration determines] A LICENSED PHYSICIAN. LICENSED CHIROPRACTOR, LICENSED OPTOMETRIST, OR LICENSED PODIATRIST, AS DEFINED IN § 13-616(A) OF THIS SUBTITLE. CERTIFIES that the disability is not permanent but would substantially impair the applicant's mobility or limit or impair the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking [permit] PLACARD were denied.
36 37	(b) An application under subsection (a) of this section shall be accompanied by:



- 1 viewed from the outside of the vehicle through the lower portion of the windshield on 2 the driver's side of the vehicle. 3 (4) When displayed, the person to whom a temporary [removable 4 windshield] PARKING placard is issued under this section or under a similar 5 provision of law of any state or country is accorded the privileges contained in § 6 13-616[(f)] (G) of this subtitle. 7 (F) A person may not commit any fraud or make any [(g)]8 misrepresentations in CERTIFYING A PERSON'S DISABILITY OR applying for or using a 9 temporary [removable windshield] PARKING placard. 10 (2)(i) To determine if the eligibility requirements continue to be met, 11 the Administration may conduct a review of a temporary parking [permit] PLACARD 12 that is issued by the Administration under this section. 13 (ii) If the Administration finds it necessary to review the severity of 14 a [permit] PLACARD holder's disability or the current status of the temporary 15 disability, the Administration may request a review and recommendations from the 16 Medical Advisory Board established under § 16-118 of this article. 17 If the Administration determines that eligibility requirements (iii) 18 are not being met, the Administration may revoke the temporary parking [permit] 19 PLACARD. 20 (G) Any person who violates the provisions of this section is guilty of a [(h)]21 misdemeanor. 22 (H) The Administration shall [administer]: [(i)]23 (1) ADMINISTER the temporary [removable windshield] PARKING 24 placard program in accordance with the provisions of this section; AND 25 BY JULY 1, 2001, ESTABLISH AN AUTOMATED SYSTEM FOR (2) 26 RECORDING THE ISSUANCE, RENEWAL, AND EXPIRATION OF TEMPORARY PLACARDS 27 IN A TIMELY MANNER TO ENSURE THAT THE OBJECTIVES OF THE TEMPORARY 28 PLACARD PROGRAM ARE ACHIEVED IN AN EFFICIENT AND ORDERLY MANNER. 29 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, BY JULY 1, (I) 30 2001, EACH BOARD FOR LICENSED PHYSICIANS, LICENSED CHIROPRACTORS, 31 LICENSED OPTOMETRISTS, OR LICENSED PODIATRISTS SHALL BE RESPONSIBLE FOR 32 THE DEVELOPMENT AND MAINTENANCE OF A DATABASE SYSTEM WITH WHICH THE
- 33 ADMINISTRATION CAN INTERFACE AND VERIFY LICENSURE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 34
- 35 October 1, 1999.