

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1311

(Delegates Conroy and Montgomery)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Registration and Parking for Individuals with Disabilities

This bill alters the eligibility requirements for special disability registration plates and parking placards and other provisions pertaining to special disability registration plates and placards and parking for individuals with disabilities.

The bill takes effect January 1, 2006.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by an estimated \$20,300 in FY 2006 and \$31,700 in FY 2007. Potential significant increase in computer reprogramming expenditures. Revenues would not be affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	20,300	31,700	0	0	0
Net Effect	(\$20,300)	(\$31,700)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. Enforcement could be handled with existing resources.

Small Business Effect: Meaningful impact on small business owners forced to alter parking lots to ensure compliance with the Maryland Accessibility Code.

Analysis

Bill Summary: The bill alters the criteria for permanent disability classification for purposes of eligibility for special disability registration plates (registration plates) and special disability parking placards (placards). Under the bill, a permanent disability must be certified to adversely affect ambulatory ability if the disability is not covered by one of the other criteria. In addition, the individual may only apply for a special disability registration plate for that individual.

A dependent with a certified disability of the applicant and an individual with a disability dependent for transportation upon the applicant are no longer eligible for registration plates. An individual who possesses one registration plate cannot be issued another registration plate.

The bill clarifies that regardless of other eligibility criteria, facilities that routinely provide transportation for individuals with disabilities (*e.g.*, nursing homes) are eligible for registration plates, under specified circumstances.

Individuals who are no longer entitled to placards include:

- nonresidents of the State;
- a dependent with a certified disability of the applicant; or
- an individual with a disability who is dependent for transportation upon the applicant.

A parent or legal guardian may apply for a placard on behalf of a qualified minor.

The Motor Vehicle Administration (MVA) may issue one registration plate and one placard to the same applicant. An applicant who does not possess a registration plate may be issued two placards.

Individuals applying for a renewal of a special disability registration plate or a parking placard are no longer required to provide proof of continued disability.

As of October 1, 2010, all signs designating a parking space or zone for individuals with disabilities must state the maximum fine for illegal parking.

As of October 1, 2010, each parking lot in the State must be compliant with the Maryland Accessibility Code. Buildings owned by the State and local jurisdictions must comply

with the Uniform Federal Accessibility Standards or the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.

Restriping or repaving a parking lot is considered an alteration under the Accessibility Code; therefore, the parking lot must be brought up to the Maryland Accessibility Code when the parking lot is restriped or repaved.

A local legislative body must provide exemptions to local zoning ordinances when necessary to bring an existing parking lot into compliance with the van-accessible parking ratio requirement of the Maryland Accessibility Code in the review and revision of its comprehensive zoning plan next occurring after the effective date of the bill.

Current Law: Individuals with a certified disability, individuals with a dependent with a certified disability, and individuals who an individual with a certified disability depends upon for transportation are eligible to apply for a special disability registration number and registration plates or a special disability parking placard. A person with a certified disability includes an individual who has a permanent disability so severe that a person would suffer hardship or be subject to risk of injury if he or she did not have the privileges of a special disability registration number, or registration plates.

The MVA may not accept applications for special disability registration numbers and plates from:

- more than two applicants submitting certifications of dependency from the same individual with a disability;
- more than one applicant with a certificate of dependency if the individual with a disability holds a special disability registration number and plates; and
- an applicant who at the time of application possesses two special registrations.

The MVA may not issue to an applicant more than two placards or one placard and two special disability registration plates. Special disability parking placards expire four years from the date of issue, and an applicant seeking to renew a special disability parking placard must provide proof of disability. An individual with a special disability registration plate must also provide proof of disability every four years.

Under statutory authority governing statewide building and housing codes, the Department of Housing and Community Development by regulation has adopted the Maryland Accessibility Code to establish minimum requirements that provide for the accessibility and usability of buildings and facilities by individuals with disabilities. All State and local government-owned buildings and facilities, including public transit facilities, shall comply with the standards prescribed in Title II of ADA and 28 CFR 35.

All State and local buildings must comply with the Uniform Federal Accessibility Standards or the ADA Accessibility Guidelines for Buildings and Facilities.

To be in compliance with the Maryland Accessibility Code, residences with more than four units must have at least 2% of the parking spaces serving covered dwelling units accessible and located on an accessible route to wheelchair users. Also, if a resident requests an accessible space, additional accessible parking spaces would be necessary if the minimum number of spaces are already reserved.

For all other types of buildings, at least one in every four accessible parking spaces must be served by an access aisle at least 96 inches wide and designated van accessible.

Parking lots that are altered must conform to the requirements of the Maryland Accessibility Code. The regulation does not specifically define the term "altered."

All signs installed after October 1, 2002 designating a parking space or zone for individuals with disabilities must state the maximum fine for parking illegally.

State Expenditures: TTF expenditures would increase by \$20,286 in fiscal 2006 and by \$31,739 for one contractual employee for 18 months at the MVA to assist with the changes in eligibility for parking placard and registration plates.

Motor Vehicle Administration

The MVA will need one contractual employee for two years to process the return of plates for individuals no longer eligible and to field questions about changes in regulations. For this reason, MVA expenditures will increase by \$20,285 in fiscal 2006 and by \$31,739 in fiscal 2007.

The MVA advises that computer reprogramming costs associated with this bill would cost approximately \$310,946 in fiscal 2006 and \$175,948 in fiscal 2007. The Department of Legislative Services (DLS) advises that if other legislation is passed that requires changes to the registration system, economies of scale could be realized and thus lower programming costs.

Maryland Aviation Administration

The Maryland Aviation Administration estimates that expenditures could increase by \$2,000 to \$10,000 to alter or replace approximately 200 signs at Baltimore-Washington

International Airport and Martin State Airport. DLS advises that signs would be altered in fiscal 2011.

State Highway Administration

The State Highway Administration (SHA) estimates that it would have to replace approximately 1,600 signs – 1,000 curbside signs, 250 at local Park and Rides, 150 at rest and welcome areas, and 200 in SHA parking lots. At a cost of \$200 a sign, that adds up to \$320,000. However, SHA advises that it had to replace 59 signs in calendar 2003, which now display the maximum fine. Assuming that SHA has had to replace a similar number in each calendar year since October 1, 2002, SHA should only have to replace 1,128 signs in fiscal 2011. The cost to replace these signs would be approximately \$225,600, adjusted for inflation.

SHA advises that procurement of materials for signs would take 30 days, and it can produce approximately 400 signs per day. SHA also advises that it takes two to three days to remove and replace 50 signs. Based on this information, SHA would have enough time in fiscal 2011 to manufacture and replace the required signs by the October 1, 2010 deadline; therefore, there would be no additional expenditures in fiscal 2010.

Maryland Transportation Authority

The Maryland Transportation Authority advises that it would need to do an assessment of its parking lots to determine if those lots are compatible with the Maryland Accessibility Code. However, the Maryland Accessibility Code already applies to State facilities; therefore, the parking lots should already be in compliance.

Local Expenditures: Local expenditures could increase minimally to alter signs to demonstrate the maximum fine for parking illegally in a van-accessible spot; however, this expense is minimal and absorbable within existing resources.

Small Business Effect: Small businesses would be forced to alter parking lots to ensure that the lots conformed to the Maryland Accessibility Code. Depending on the layout of the parking lot, this could be expensive if altering parking spaces meant moving light fixtures or resurfacing the pavement to ensure that the pavement was level enough for wheelchairs or walkers. Also, the alterations could mean a decrease in the number of available spaces if the parking lot were small. A loss of spaces, especially if 25% of the remaining spaces would be parking for individuals with disabilities, could translate into a loss of customers, and therefore, a loss of business.

Additional Information

Prior Introductions: None.

Cross File: SB 630 (Senators DeGrange and Jacobs) – Judicial Proceedings.

Information Source(s): Department of Disabilities, Department of State Police, Maryland Department of Transportation, Montgomery County, Prince George's County, Garrett County, Dorchester County, Baltimore County, Anne Arundel County, Department of Legislative Services

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