

SENATE BILL 39

R4

8lr0004

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: October 12, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 26, 2018

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration – Disability Parking Placards**

3 FOR the purpose of establishing that a disability parking placard issued by the Motor
4 Vehicle Administration to a permanently disabled individual is valid until the death
5 of the placard holder; establishing certain procedures the Administration must
6 follow on the death of a permanently disabled individual who holds a placard;
7 authorizing the Administration to issue temporary disability parking placards to
8 certain nonresidents of the State under certain circumstances; and generally relating
9 to disability parking placards.

10 BY repealing and reenacting, without amendments,

11 Article – Transportation

12 Section 13–616(a) and (b) and 13–616.1(a)

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Transportation

17 Section 13–616.1(d) and 13–616.2(a)

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2017 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 That the Laws of Maryland read as follows:

2 **Article – Transportation**

3 13–616.

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

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

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

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

16 (5) “Licensed physical therapist” means a physical therapist who is
17 licensed by the State Board of Physical Therapy Examiners to practice physical therapy as
18 described in § 13–101 of the Health Occupations Article.

19 (6) “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 (7) “Licensed physician assistant” means an individual who is licensed
23 under Title 15 of the Health Occupations Article to practice medicine with physician
24 supervision.

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

28 (b) (1) The owner of any vehicle described in paragraph (3) of this subsection
29 may apply to the Administration for the assignment to that vehicle of a special disability
30 registration number and special disability registration plates, if a certified nurse
31 practitioner, licensed physician, licensed physician assistant, licensed chiropractor,
32 licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in
33 accordance with paragraph (2) of this subsection, that the applicant:

34 (i) Has lung disease to such an extent that forced (respiratory)
35 expiratory volume for one second when measured by spirometry is less than one liter, or

1 arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

2 (ii) Has cardiovascular disease limitations classified in severity as
3 Class III or Class IV according to standards accepted by the American Heart 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 brace,
6 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 eye,
12 with corrective glasses; or

13 2. There is a field defect in which the peripheral field has
14 contracted to such an extent that the widest diameter of visual field subtends an angular
15 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 endure a
18 hardship or be subject to a risk of injury if the privileges accorded a person for whom a
19 vehicle is specially registered under this section were denied.

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

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

25 (ii) A licensed chiropractor, licensed podiatrist, or licensed physical
26 therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this
27 subsection;

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

30 (iv) Notwithstanding any provision of paragraph (1) of this
31 subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this
32 subsection by appearing in person with proper identification at a full-service Motor Vehicle

1 Administration office during normal business hours.

2 (3) This section applies only to:

3 (i) A Class A (passenger) vehicle;

4 (ii) A Class D (motorcycle) vehicle;

5 (iii) A Class M (multipurpose) vehicle;

6 (iv) A Class E (truck) vehicle with a one ton or less manufacturer's
7 rated capacity; or

8 (v) A Class H, I, or J vehicle that is specially equipped for the
9 transportation of individuals with disabilities and is used exclusively for the transportation
10 of individuals with disabilities.

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

16 (ii) An application for special disability registration under this
17 paragraph shall contain:

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

22 2. Any other information or documentation concerning the
23 facility or the vehicle that the Administration requires.

24 13-616.1.

25 (a) A person may apply to the Administration for a parking placard on a form
26 provided by the Administration if the applicant:

27 (1) Is a resident of the State; and

28 (2) (i) Has a permanent disability as described in § 13-616(b)(1) of this
29 subtitle and as certified by a licensed physician, licensed physician assistant, licensed
30 chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as
31 defined in § 13-616(a) of this subtitle; or

32 (ii) Has a permanent disability as described in § 13-616(b)(1)(vi) of

1 this subtitle and as self-certified as provided by § 13-616(b)(2)(iv) of this subtitle.

2 (d) (1) (I) A placard issued under this section to an applicant described in
3 subsection (a) of this section [expires 4 years from the date of issue] **IS VALID UNTIL THE**
4 **DEATH OF THE PLACARD HOLDER.**

5 (II) **ON RECEIPT OF NOTIFICATION OF THE DEATH OF THE**
6 **PLACARD HOLDER, THE ADMINISTRATION SHALL MARK THE RECORD OF THE**
7 **PLACARD AS EXPIRED AND SHALL SEND NOTICE TO THE LAST KNOWN ADDRESS OF**
8 **THE PLACARD HOLDER REQUESTING THE RETURN OF THE PLACARD TO THE**
9 **ADMINISTRATION.**

10 (2) [The placard may be renewed by the placard holder on an application
11 form approved by the Administration] **IF A PLACARD IS LOST, STOLEN, OR DAMAGED,**
12 **THE PLACARD HOLDER MAY APPLY FOR A REPLACEMENT PLACARD ON AN**
13 **APPLICATION FORM AND IN THE MANNER REQUIRED BY THE ADMINISTRATION.**

14 13-616.2.

15 (a) A person may apply to the Administration for a temporary parking placard on
16 a form provided by the Administration if:

17 (1) (I) **THE APPLICANT IS A RESIDENT OF THE STATE;**

18 (II) The applicant, a dependent of the applicant, or any individual
19 who depends on the applicant for transportation has a disability, as described in §
20 13-616(b)(1) of this subtitle; and

21 [(2)] (III) A licensed physician, licensed physician assistant, licensed
22 chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as
23 defined in § 13-616(a) of this subtitle, certifies that the disability is not permanent but
24 would substantially impair the applicant's mobility or limit or impair the applicant's ability
25 to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or
26 be subject to risk of injury if the temporary parking placard were denied; **OR**

27 (2) (I) **THE APPLICANT IS A NONRESIDENT WHO IS TEMPORARILY**
28 **LIVING IN THE STATE; AND**

29 (II) **THE APPLICANT, A DEPENDENT OF THE APPLICANT, OR ANY**
30 **INDIVIDUAL WHO DEPENDS ON THE APPLICANT FOR TRANSPORTATION:**

31 **1. SUBMITS PROOF SATISFACTORY TO THE**
32 **ADMINISTRATION THAT THE INDIVIDUAL HAS A DISABILITY AS DESCRIBED IN §**
33 **13-616(B)(1) OF THIS SUBTITLE; AND**

1 2. **A. IS IN THE STATE TO OBTAIN MEDICAL**
2 **TREATMENT;**

3 **B. IS SERVING IN THE ARMED FORCES OF THE UNITED**
4 **STATES AND IS STATIONED IN THE STATE;**

5 **C. HOLDS A CURRENT MARYLAND NONRESIDENT**
6 **PERMIT ISSUED UNDER § 13-402.1(E) OF THIS TITLE; OR**

7 **D. IS SUBJECT TO ANY OTHER CIRCUMSTANCES THAT**
8 **WOULD REQUIRE THE USE OF A TEMPORARY PARKING PLACARD AS DETERMINED BY**
9 **THE ADMINISTRATOR.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2018.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.