

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

A BILL ENTITLED

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,
21 That the Laws of Maryland read as follows:

22 **Article – Transportation**

23 13–616.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

25 (b) (1) The owner of any vehicle described in paragraph (3) of this subsection
26 may apply to the Administration for the assignment to that vehicle of a special disability
27 registration number and special disability registration plates, if a certified nurse
28 practitioner, licensed physician, licensed physician assistant, licensed chiropractor,
29 licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in
30 accordance with paragraph (2) of this subsection, that 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, or
33 arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

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

- 1 (iii) Is unable to walk 200 feet without stopping to rest;
- 2 (iv) Is unable to walk without the use of, or assistance from, a brace,
3 cane, crutch, another person, prosthetic device, or other assistive device;
- 4 (v) Requires a wheelchair for mobility;
- 5 (vi) Has lost a foot, leg, hand, or arm;
- 6 (vii) Has lost the use of a foot, leg, hand, or arm;
- 7 (viii) Has a permanent impairment of both eyes so that:
- 8 1. The central visual acuity is 20/200 or less in the better eye,
9 with corrective glasses; or
- 10 2. There is a field defect in which the peripheral field has
11 contracted to such an extent that the widest diameter of visual field subtends an angular
12 distance no greater than 20 degrees in the better eye; or
- 13 (ix) Has a permanent disability that adversely impacts the
14 ambulatory ability of the applicant and which is so severe that the person would endure a
15 hardship or be subject to a risk of injury if the privileges accorded a person for whom a
16 vehicle is specially registered under this section were denied.
- 17 (2) For the purposes of this section, the qualifying disabilities specified in
18 paragraph (1) of this subsection shall be certified as follows:
- 19 (i) A licensed physician, licensed physician assistant, or certified
20 nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this
21 subsection;
- 22 (ii) A licensed chiropractor, licensed podiatrist, or licensed physical
23 therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this
24 subsection;
- 25 (iii) A licensed optometrist may certify the condition specified in
26 paragraph (1)(viii) of this subsection; and
- 27 (iv) Notwithstanding any provision of paragraph (1) of this
28 subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this
29 subsection by appearing in person with proper identification at a full-service Motor Vehicle
30 Administration office during normal business hours.
- 31 (3) This section applies only to:
- 32 (i) A Class A (passenger) vehicle;

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

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

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

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

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

21 13-616.1.

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

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

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

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

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

1 **(II) ON RECEIPT OF NOTIFICATION OF THE DEATH OF THE**
2 **PLACARD HOLDER, THE ADMINISTRATION SHALL MARK THE RECORD OF THE**
3 **PLACARD AS EXPIRED AND SHALL SEND NOTICE TO THE LAST KNOWN ADDRESS OF**
4 **THE PLACARD HOLDER REQUESTING THE RETURN OF THE PLACARD TO THE**
5 **ADMINISTRATION.**

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

10 13-616.2.

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

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

14 **(II)** The applicant, a dependent of the applicant, or any individual
15 who depends on the applicant for transportation has a disability, as described in §
16 13-616(b)(1) of this subtitle; and

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

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

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

27 **1. SUBMITS PROOF SATISFACTORY TO THE**
28 **ADMINISTRATION THAT THE INDIVIDUAL HAS A DISABILITY AS DESCRIBED IN §**
29 **13-616(B)(1) OF THIS SUBTITLE; AND**

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

32 **B. IS SERVING IN THE ARMED FORCES OF THE UNITED**

1 STATES AND IS STATIONED IN THE STATE;

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

4 D. IS SUBJECT TO ANY OTHER CIRCUMSTANCES THAT
5 WOULD REQUIRE THE USE OF A TEMPORARY PARKING PLACARD AS DETERMINED BY
6 THE ADMINISTRATOR.

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