
By: **Delegate Mohorovic**

Introduced and read first time: February 17, 1999

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 22, 1999

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Exemptions - Disabled Individuals**

3 FOR the purpose of providing that a motor vehicle for which a special disabled
4 person's registration number and special registration plates have been issued is
5 exempt from the mandatory inspection and testing requirements of the vehicle
6 emissions inspection program if the owners of the vehicle meet certain disability
7 requirements, the vehicle is driven less than a certain number of miles over
8 certain periods, and the exemption is not prohibited by federal law; specifying
9 application procedures; authorizing the Motor Vehicle Administrator to adopt
10 regulations to administer or enforce the provisions of the exemption; and
11 generally relating to the exemption of motor vehicles for which a special
12 disabled person's registration number and special registration plates have been
13 issued from the mandatory inspection and testing requirements of the vehicle
14 emissions inspection program.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 13-616(a) and (b)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1998 Supplement)

20 BY adding to
21 Article - Transportation
22 Section 23-206.2
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1998 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Transportation**

4 13-616.

5 (a) (1) The owner of any vehicle described in paragraph (2) of this subsection
6 may apply to the Administration for the assignment to that vehicle of a special,
7 disabled person's registration number and special registration plates, if the applicant,
8 a dependent of the applicant, or any individual who depends on the applicant for
9 transportation:

10 (i) Has permanently lost the use of a leg or an arm;

11 (ii) Is so severely and permanently disabled as to be unable to move
12 without a wheelchair or crutches;

13 (iii) So suffers from lung disease that his forced expiratory volume,
14 one second, when measured by spirometry, is less than one liter;

15 (iv) Has a permanent impairment of both eyes so that:

16 1. The central visual acuity is 20/200 or less in the better eye,
17 with corrective glasses; or

18 2. There is a field defect in which the peripheral field has
19 contracted to such an extent that the widest diameter of visual field subtends an
20 angular distance no greater than 20 degrees in the better eye; or

21 (v) Has a physical disability, as certified by a licensed physician
22 and determined by the Administration, which is permanent, which substantially
23 impairs the person's mobility, and which is so severe that the person would endure a
24 hardship or be subject to a risk of injury if the privileges accorded a person for whom
25 a vehicle is specially registered under this section were denied.

26 (2) This section applies only to:

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

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

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

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

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

1 (b) (1) Special registration and special registration plates may be issued
2 under this section only if the applicant submits:

3 (i) Proof satisfactory to the Administration that the applicant, the
4 dependent of the applicant, or the individual who depends on the applicant for
5 transportation, as the case may be, is an individual with a disability described in
6 subsection (a)(1) of this section; and

7 (ii) As to an applicant on whom an individual with a disability
8 depends for transportation, a certification of the individual with a disability that the
9 individual with a disability depends on the applicant for transportation.

10 (2) The Administration may not accept applications for special
11 registration under this section from:

12 (i) More than 2 applicants submitting certifications of dependency
13 as required under item (1)(ii) of this subsection from the same individual with a
14 disability;

15 (ii) More than 1 applicant on whom an individual with a disability
16 depends for transportation if the individual with a disability, at the time of
17 application, possesses a valid special registration issued under this section; or

18 (iii) An applicant who, at the time of application, possesses 2 valid
19 special registrations issued under this section.

20 23-206.2.

21 (A) A MOTOR VEHICLE FOR WHICH SPECIAL REGISTRATION PLATES HAVE
22 BEEN ISSUED UNDER § 13-616 OF THIS ARTICLE, IS EXEMPT FROM THE MANDATORY
23 INSPECTIONS REQUIRED BY THIS SUBTITLE IF:

24 (1) ALL OF THE OWNERS OF THE MOTOR VEHICLE MEET THE
25 DISABILITY REQUIREMENTS OF § 13-616(A)(1) OF THIS ARTICLE;

26 (2) THE MOTOR VEHICLE IS DRIVEN LESS THAN 5,000 MILES OR LESS
27 YEARLY; AND

28 (3) THE EXEMPTION IS NOT OTHERWISE PROHIBITED BY FEDERAL LAW.

29 (B) (1) IN ORDER TO QUALIFY FOR THIS EXEMPTION, ALL OWNERS OF THE
30 MOTOR VEHICLE SHALL CERTIFY THE FOLLOWING:

31 (I) THAT THE OWNER OF THE MOTOR VEHICLE MEETS THE
32 DISABILITY REQUIREMENTS OF § 13-616(A)(1) OF THIS ARTICLE;

33 (II) THAT THE MOTOR VEHICLE HAS BEEN ISSUED A SPECIAL
34 DISABLED PERSON'S REGISTRATION NUMBER AND SPECIAL REGISTRATION PLATES
35 UNDER § 13-616 OF THIS ARTICLE;

1 (III) THAT THE MOTOR VEHICLE IS DRIVEN 5,000 MILES OR LESS
2 ANNUALLY; AND

3 (IV) THE CURRENT ODOMETER READING.

4 (2) THE CERTIFICATION REQUIRED IN PARAGRAPH (1) OF THIS
5 SUBSECTION SHALL BE MADE ON A FORM PROVIDED BY THE ADMINISTRATION.

6 (C) THE ADMINISTRATOR MAY ADOPT REGULATIONS AS NECESSARY TO
7 ADMINISTER OR ENFORCE THE PROVISIONS OF THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1999.