Unofficial Copy R5 1999 Regular Session 9lr0992 CF 9lr0818

By: Senators Van Hollen and Dorman

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

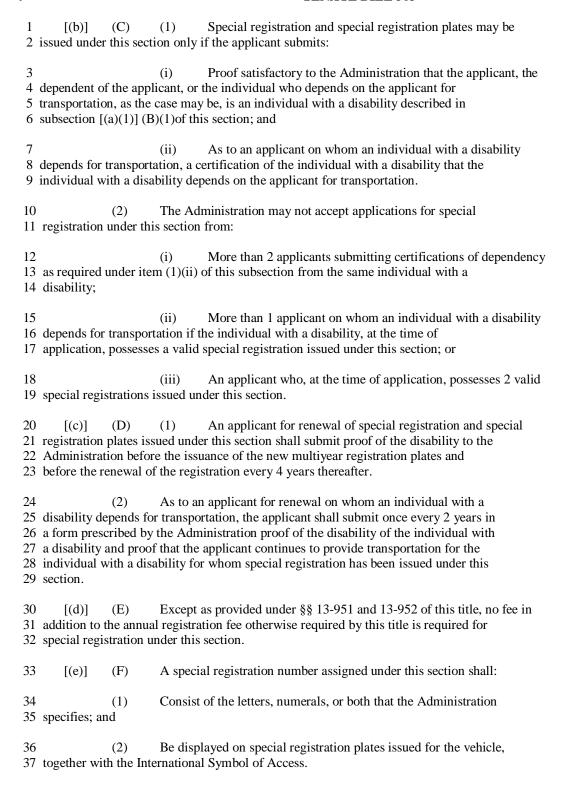
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1	ΔN	A("I	concerning

_	Parking .	Access 10	or Individ	duals with	Disabilities

- 3 FOR the purpose of clarifying and adding certain physical conditions that qualify an
- 4 individual for special registration plates, placards, and temporary placards;
- 5 authorizing certain medical professionals to certify that individuals have certain
- 6 physical conditions necessary to qualify for special registration plates, placards,
- and temporary placards; authorizing an applicant for special registration under
- 8 this Act to self-certify the presence of certain conditions under certain
- 9 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; 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 terms; and generally
- relating to special registration plates, placards, and temporary placards for
- 19 individuals with disabilities.
- 20 BY repealing and reenacting, with amendments,
- 21 Article Transportation
- 22 Section 13-616, 13-616.1, and 13-616.2
- 23 Annotated Code of Maryland
- 24 (1998 Replacement Volume and 1998 Supplement)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 26 MARYLAND, That the Laws of Maryland read as follows:
- 27 Article Transportation
- 28 13-616.
- 29 (a) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
- 30 INDICATED.

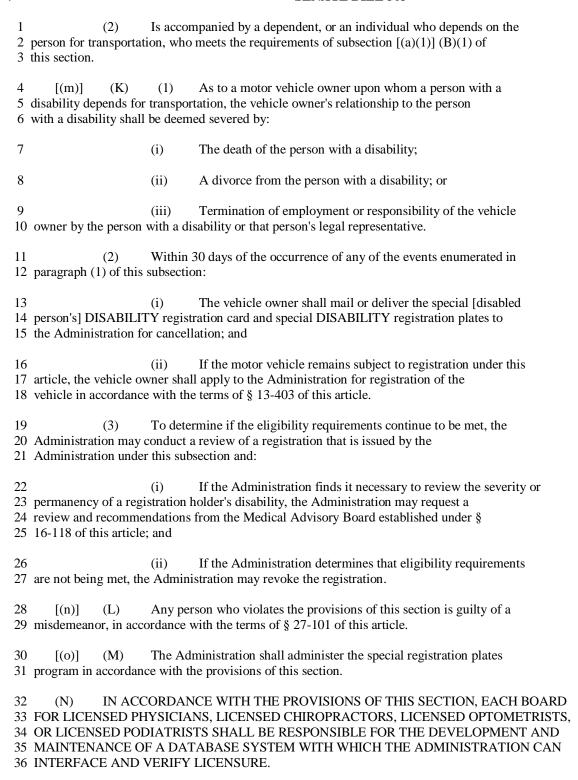
"LICENSED CHIROPRACTOR" MEANS A CHIROPRACTOR WHO IS 1 (2)2 LICENSED BY THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO PRACTICE 3 CHIROPRACTIC OR CHIROPRACTIC WITH THE RIGHT TO PRACTICE PHYSICAL 4 THERAPY AS DESCRIBED IN § 3-301 OF THE HEALTH OCCUPATIONS ARTICLE. "LICENSED OPTOMETRIST" MEANS AN OPTOMETRIST WHO IS 5 6 LICENSED BY THE STATE BOARD OF EXAMINERS IN OPTOMETRY TO PRACTICE 7 OPTOMETRY AS DESCRIBED IN § 11-101 OF THE HEALTH OCCUPATIONS ARTICLE. "LICENSED PHYSICIAN" MEANS A PHYSICIAN. INCLUDING A DOCTOR 8 9 OF OSTEOPATHY, WHO IS LICENSED BY THE STATE BOARD OF PHYSICIAN QUALITY 10 ASSURANCE TO PRACTICE MEDICINE AS DESCRIBED IN § 14-101 OF THE HEALTH 11 OCCUPATIONS ARTICLE. 12 "LICENSED PODIATRIST" MEANS A PODIATRIST WHO IS LICENSED BY 13 THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS TO PRACTICE PODIATRY AS 14 DESCRIBED IN § 16-101 OF THE HEALTH OCCUPATIONS ARTICLE. 15 (B) The owner of any vehicle described in paragraph [(2)] (3) of this (1) 16 subsection may apply to the Administration for the assignment to that vehicle of a 17 special[, disabled person's] DISABILITY registration number and special DISABILITY 18 registration plates, if A LICENSED PHYSICIAN, LICENSED CHIROPRACTOR, LICENSED 19 OPTOMETRIST, OR LICENSED PODIATRIST CERTIFIES, IN ACCORDANCE WITH 20 PARAGRAPH (2) OF THIS SUBSECTION, THAT the applicant, a dependent of the 21 applicant, or any individual who depends on the applicant for transportation: [Has permanently lost the use of a leg or an arm; 22 (i) 23 (ii) Is so severely and permanently disabled as to be unable to move 24 without a wheelchair or crutches; 25 So suffers from lung disease that his forced expiratory volume, (iii) 26 one second, when measured by spirometry, is less than one liter] HAS LUNG DISEASE 27 TO SUCH AN EXTENT THAT FORCED (RESPIRATORY) EXPIRATORY VOLUME FOR ONE 28 SECOND WHEN MEASURED BY SPIROMETRY IS LESS THAN ONE LITER, OR ARTERIAL 29 OXYGEN TENSION (P02) IS LESS THAN 60 MM/HG ON ROOM AIR AT REST; HAS CARDIOVASCULAR DISEASE LIMITATIONS CLASSIFIED IN 31 SEVERITY AS CLASS III OR CLASS IV ACCORDING TO STANDARDS ACCEPTED BY THE 32 AMERICAN HEART ASSOCIATION; IS UNABLE TO WALK 200 FEET WITHOUT STOPPING TO REST; 33 (III)34 IS UNABLE TO WALK WITHOUT THE USE OF, OR ASSISTANCE 35 FROM, A BRACE, CANE, CRUTCH, ANOTHER PERSON, PROSTHETIC DEVICE, OR OTHER 36 ASSISTIVE DEVICE; 37 (V) REQUIRES A WHEELCHAIR FOR MOBILITY; 38 (VI) HAS LOST, OR LOST THE USE OF, A FOOT OR LEG;

1		(VII)	HAS LC	OST, OR LOST THE USE OF, AN ARM OR A HAND;
2		[(iv)]	(VIII)	Has a permanent impairment of both eyes so that:
3	with corrective glasse	s; or	1.	The central visual acuity is 20/200 or less in the better eye,
				There is a field defect in which the peripheral field has dest diameter of visual field subtends an rees in the better eye; or
10 11	substantially impairs would endure a hards	the perso	n's mobil subject t	Has a [physical] PERMANENT disability[, as certified by a the Administration, which is permanent, which lity, and] which is so severe that the person to a risk of injury if the privileges accorded a registered under this section were denied.
	(2) DISABILITIES SPE CERTIFIED AS FOI	CIFIED I		OSES OF THIS SECTION, THE QUALIFYING GRAPH (1) OF THIS SUBSECTION SHALL BE
16 17	IN PARAGRAPH (1	(I))(I) THR		NSED PHYSICIAN MAY CERTIFY CONDITIONS SPECIFIED (X) OF THIS SUBSECTION;
	CERTIFY CONDITI			NSED CHIROPRACTOR OR A LICENSED PODIATRIST MAY IN PARAGRAPH (1)(III) THROUGH (VII) AND (IX) OF
21 22	SPECIFIED IN PAR	(III) AGRAPI		NSED OPTOMETRIST MAY CERTIFY THE CONDITION I) OF THIS SUBSECTION; AND
25 26	PARAGRAPH (1)(V	I) AND (CATION	PPLICAI VII) OF AT A FU	THSTANDING ANY PROVISION OF PARAGRAPH (1) OF NT MAY SELF-CERTIFY CONDITIONS SPECIFIED IN THIS SUBSECTION BY APPEARING IN PERSON WITH JLL-SERVICE MOTOR VEHICLE ADMINISTRATION ESS HOURS.
28	(3)	This sec	tion appl	ies only to:
29		(i)	A Class	A (passenger) vehicle;
30		(ii)	A Class	D (motorcycle) vehicle;
31		(iii)	A Class	M (multipurpose) vehicle;
32 33	rated capacity; or	(iv)	A Class	E (truck) vehicle with a one ton or less manufacturer's
	transportation of indi transportation of indi		ith disab	H, I, or J vehicle that is specially equipped for the ilities and is used exclusively for the ilities.



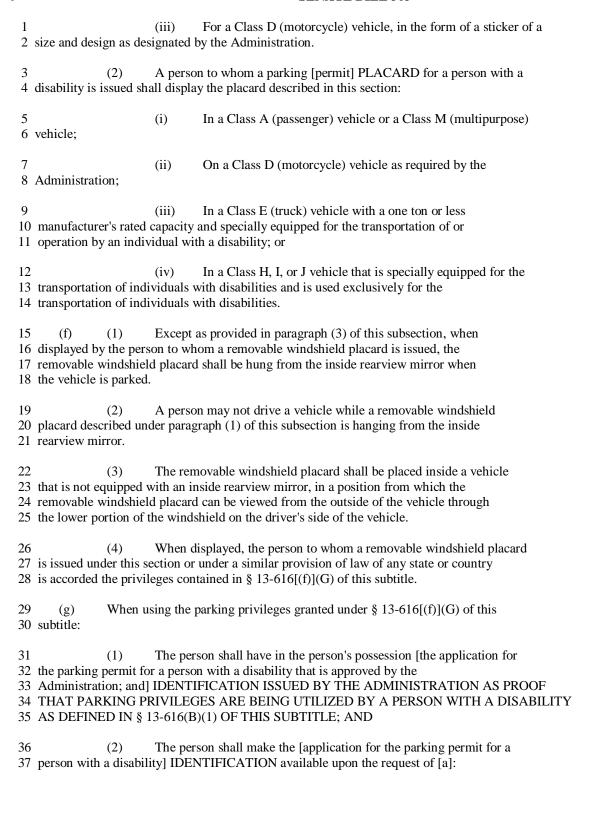
1	[(f)]	(G)	(1)	In this subsection "special types of vehicles" means:	
2			(i)	Emergency vehicles defined under § 11-118 of this article;	
3			(ii)	Service vehicles defined under § 22-201 of this article;	
4			(iii)	Class B (for hire) vehicles;	
5			(iv)	Class C (funeral and ambulance) vehicles;	
6			(v)	Class H (school) vehicles;	
7			(vi)	Class I (charter bus) vehicles;	
8			(vii)	Class J (vanpool) vehicles;	
9			(viii)	Class P (passenger bus) vehicles;	
10			(ix)	Class Q (limousine) vehicles; and	
11			(x)	State or local government vehicles.	
12 13 s	section or	(2) under a si		rson for whom special registration plates are issued under this evision of any other state or country:	
14 (i) 1. Except as provided in items (ii) and (iii) of this paragraph, 15 may park for unlimited periods in parking zones restricted as to the length of parking 16 time permitted; and					
17 2. Is not required to pay any parking meter fees of this State 18 or of any political subdivision of this State WHERE PARKING METERS DO NOT MEET 19 THE AMERICANS WITH DISABILITIES ACT;					
20 21 o	only for:		(ii)	May park in a parking space equipped with a parking meter	
	he maxim naximum			1. Except as provided in item (ii)2 of this paragraph, twice rmitted on the parking meter but not to exceed a	
25 26 h	nours, the	period pe	rmitted o	2. If the parking meter permits parking for more than 4 n the parking meter; and	
	zone, may State-owne			Subject to the posted time restriction specified for this parking ed zone for the handicapped established at any	
30 (3) The provisions of this subsection supersede any local ordinance, 31 except that they do not apply:					

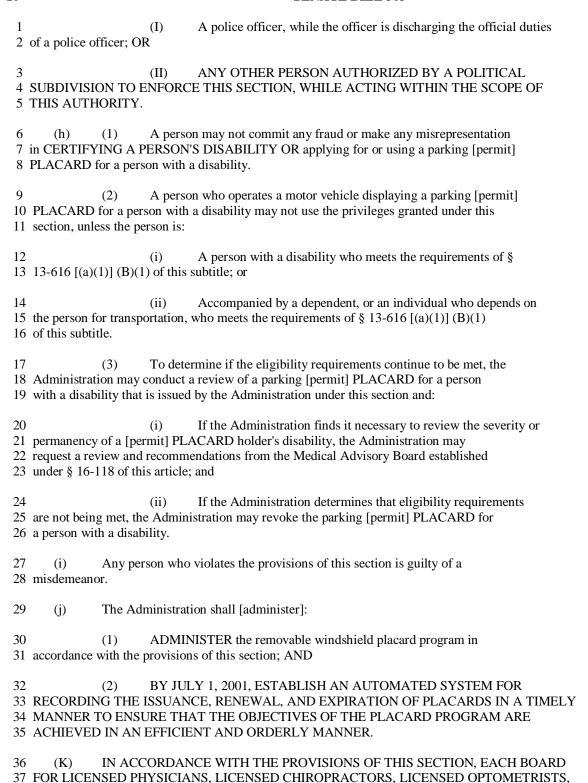
1 2	all vehicles;	(i)	To zones where stopping, standing, or parking is prohibited to
3		(ii)	To zones that are reserved for special types of vehicles; or
	heavy traffic periods clearly would present		Where there is a local ordinance that prohibits parking during ng, afternoon, or evening rush hours, or where parking hazard.
7	[(g)] (H)	When u	sing the parking privileges granted under this section:
10 11	IDENTIFICATION :	ates that ISSUED BEING U	son shall have in the person's possession [the application for is approved by the Administration; and] BY THE ADMINISTRATION AS PROOF THAT PARKING JTILIZED BY A PERSON WITH A DISABILITY AS DEFINED IN IS SECTION; AND
13 14	(2) plates] IDENTIFICA		son shall make the [application for special registration vailable upon the request of [a]:
15 16	of a police officer; O	(I) R	A police officer, while the officer is discharging the official duties
	SUBDIVISION TO THIS AUTHORITY		ANY OTHER PERSON AUTHORIZED BY A POLITICAL CE THIS SECTION, WHILE ACTING WITHIN THE SCOPE OF
22 23 24	registration under thi FOR DISABILITY I PLATES, OR CERT	s section REGISTR IFYING () OF TH	n may not commit any fraud [in applying for special] OR MAKE ANY MISREPRESENTATION IN APPLYING RATION PLATES, USING SPECIAL DISABILITY REGISTRATION AN INDIVIDUAL WITH A DISABILITY AS DEFINED IN IS SECTION FOR SPECIAL DISABILITY REGISTRATION
26 27	[(i) A perso this section.	n may no	ot commit any fraud in using special registration under
28 29	(j) A perso registration under thi		ot make any misrepresentation in applying for special
30 31	(k) A perso registration under thi		t make any misrepresentation in using special .]
		ΓY regist	n who operates a motor vehicle with a special [disabled ration number or special DISABILITY registration plates nted under this section, unless the person:
35 36	(1) subsection [(a)(1)] (E		son with a disability who meets the requirements of nis section; or



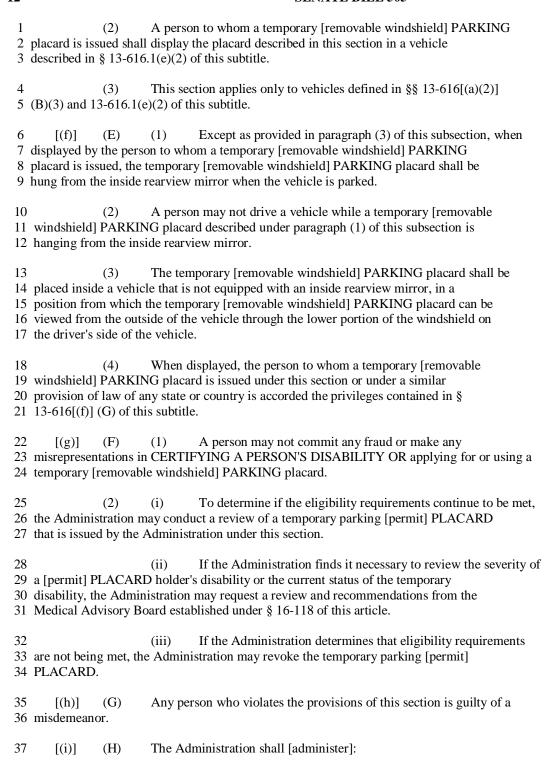
1 13-616.1.

- 2 (a) A person may apply to the Administration for a parking [permit for a
- 3 person with a disability] PLACARD on a form provided by the Administration if the
- 4 applicant, A DEPENDANT OF THE APPLICANT, OR ANY INDIVIDUAL WHO DEPENDS ON
- 5 THE APPLICANT FOR TRANSPORTATION:
- 6 (1) [has] HAS a permanent [physical] disability as described in §
- 7 13-616 [(a)(1)] (B)(1) of this subtitle AND as certified by a LICENSED physician,
- 8 LICENSED CHIROPRACTOR, LICENSED OPTOMETRIST, OR LICENSED PODIATRIST, AS
- 9 DEFINED IN § 13-616(A) OF THIS SUBTITLE [and determined by the Administration];
- 10 OR
- 11 (2) HAS A PERMANENT DISABILITY AS DESCRIBED IN § 13-616(B)(1)(VI) OR
- 12 (VII) OF THIS SUBTITLE AND AS SELF-CERTIFIED AS PROVIDED BY § 13-616(B)(2)(IV)
- 13 OF THIS SUBTITLE.
- 14 (b) A parking [permit] PLACARD for a person with a disability may be issued
- 15 to an applicant described in subsection (a) of this section only if the applicant submits
- 16 proof satisfactory to the Administration that the applicant is a person with a
- 17 disability as described in § 13-616[(a)] (B) of this subtitle.
- 18 [(c) The Administration may establish and charge a fee for the issuance of the
- 19 permit and for the issuance of a duplicate permit.]
- 20 (C) (1) THE ADMINISTRATION MAY NOT ISSUE MORE THAN TWO PLACARDS
- 21 TO A PERSON APPLYING FOR A PLACARD UNDER THIS SECTION.
- 22 (2) THE ADMINISTRATION MAY NOT ISSUE TO A PERSON ISSUED
- 23 SPECIAL VEHICLE REGISTRATION PLATES UNDER § 13-616 OF THIS SUBTITLE A
- 24 COMBINATION OF SPECIAL DISABILITY REGISTRATION PLATES AND PLACARDS
- 25 EXCEEDING THREE.
- 26 (d) (1) A [permit] PLACARD issued under this section to an applicant
- 27 described in subsection (a) of this section expires 2 years from the date of issue.
- 28 (2) The [permit] PLACARD may be renewed on application with proof of
- 29 the [handicap or] disability [and payment of the prescribed fee].
- 30 (e) (1) A parking [permit] PLACARD for a person with a disability shall be
- 31 issued:
- 32 (i) Except as provided in item (ii) or item (iii) of this paragraph, in
- 33 the form of a removable windshield placard capable of being hung from the inside
- 34 rearview mirror and of a size and design as determined by the Administration;
- 35 (ii) For a vehicle not equipped with an inside rearview mirror or in
- 36 which the inside rearview mirror is not visible from the rear of the vehicle, in the
- 37 form of a windshield placard of a size and design as determined by the
- 38 Administration; or





- 1 OR LICENSED PODIATRISTS SHALL BE RESPONSIBLE FOR THE DEVELOPMENT AND
- 2 MAINTENANCE OF A DATABASE SYSTEM, WITH WHICH THE ADMINISTRATION CAN
- 3 INTERFACE AND VERIFY LICENSURE.
- 4 13-616.2.
- 5 (a) A person may apply to the Administration for a temporary parking
- 6 [permit] PLACARD on a form provided by the Administration if:
- 7 (1) The [person] APPLICANT, A DEPENDENT OF THE APPLICANT, OR
- 8 ANY INDIVIDUAL WHO DEPENDS ON THE APPLICANT FOR TRANSPORTATION has a
- 9 disability, as [certified by a licensed physician] DESCRIBED IN § 13-616(B)(1) OF THIS
- 10 SUBTITLE; and
- 11 (2) [The Administration determines] A LICENSED PHYSICIAN AS
- 12 DEFINED IN § 13-616(A) OF THIS SUBTITLE CERTIFIES that the disability is not
- 13 permanent but would substantially impair the applicant's mobility or limit or impair
- 14 the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant
- 15 would endure a hardship or be subject to risk of injury if the temporary parking
- 16 [permit] PLACARD were denied.
- 17 (b) An application under subsection (a) of this section shall be accompanied
- 18 by:
- 19 (1) Proof satisfactory to the Administration that the applicant is a person
- 20 with a disability under subsection (a) of this section; and
- 21 (2) The certification of a licensed physician, LICENSED CHIROPRACTOR,
- 22 LICENSED OPTOMETRIST, OR LICENSED PODIATRIST that the applicant is disabled,
- 23 including an estimate of the length of time the disability will continue.
- 24 (c) [The Administration may establish and charge a fee for the issuance of the
- 25 temporary parking permit for a person with a disability and for the issuance of a
- 26 duplicate placard.
- 27 (d)] (1) A temporary parking [permit] PLACARD for a person with a
- 28 disability issued under this section shall be valid for a period of time the LICENSED
- 29 physician, LICENSED CHIROPRACTOR, LICENSED OPTOMETRIST, OR LICENSED
- 30 PODIATRIST has determined that the applicant is likely to have the disability, not to
- 31 exceed 6 months.
- 32 (2) THE PERSON TO WHOM A TEMPORARY PARKING PLACARD WAS
- 33 ISSUED UNDER THIS SECTION SHALL RETURN THE PLACARD TO THE
- 34 ADMINISTRATION WITHIN 5 CALENDAR DAYS OF THE PLACARD'S EXPIRATION.
- 35 [(e)] (D) (1) A temporary parking [permit] PLACARD for a person with a
- 36 disability shall be issued in the [form of a temporary removable windshield placard in
- 37 the] form, size, and design determined by the Administration.



- 1 (1) ADMINISTER the temporary [removable windshield] PARKING
- 2 placard program in accordance with the provisions of this section; AND
- 3 (2) BY JULY 1, 2001, ESTABLISH AN AUTOMATED SYSTEM FOR
- 4 RECORDING THE ISSUANCE, RENEWAL, AND EXPIRATION OF TEMPORARY PLACARDS
- 5 IN A TIMELY MANNER TO ENSURE THAT THE OBJECTIVES OF THE TEMPORARY
- 6 PLACARD PROGRAM ARE ACHIEVED IN AN EFFICIENT AND ORDERLY MANNER.
- 7 (I) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, EACH BOARD
- 8 FOR LICENSED PHYSICIANS, LICENSED CHIROPRACTORS, LICENSED OPTOMETRISTS,
- 9 OR LICENSED PODIATRISTS SHALL BE RESPONSIBLE FOR THE DEVELOPMENT AND
- 10 MAINTENANCE OF A DATABASE SYSTEM WITH WHICH THE ADMINISTRATION CAN
- 11 INTERFACE AND VERIFY LICENSURE.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 13 October 1, 1999.