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By: **Delegate McHale (By Request) and Delegates Hammen and Krysiak**

Introduced and read first time: February 23, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                           **Vehicle Emissions Inspection Program - Exemptions - Individuals with**  
3                           **Disabilities**

4 FOR the purpose of exempting a motor vehicle for which a parking placard for  
5 individuals with disabilities has been issued from the mandatory inspection and  
6 testing requirements of the vehicle emissions inspection program if the owner of  
7 the vehicle meets certain disability requirements, the vehicle is driven less than  
8 a certain number of miles over certain periods, and the exemption is not  
9 prohibited by federal law; making conforming changes; specifying application  
10 procedures; and generally relating to exemptions for certain individuals with  
11 disabilities from certain vehicle emissions inspection and testing requirements.

12 BY repealing and reenacting, without amendments,  
13 Article - Transportation  
14 Section 13-616.1  
15 Annotated Code of Maryland  
16 (2002 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section 23-206.2(a)  
20 Annotated Code of Maryland  
21 (2002 Replacement Volume and 2004 Supplement)

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

24                           **Article - Transportation**

25 13-616.1.

26 (a) A person may apply to the Administration for a parking placard on a form  
27 provided by the Administration if the applicant, a dependent of the applicant, or any  
28 individual who depends on the applicant for transportation:

1 (1) Has a permanent disability as described in § 13-616(b)(1) of this  
2 subtitle and as certified by a licensed physician, licensed chiropractor, licensed  
3 optometrist, or licensed podiatrist, as defined in § 13-616(a) of this subtitle; or

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

6 (b) A parking placard for a person with a disability may be issued to an  
7 applicant described in subsection (a) of this section only if the applicant submits proof  
8 satisfactory to the Administration that the applicant, the dependent of the applicant,  
9 or the individual who depends on the applicant for transportation is a person with a  
10 disability as described in § 13-616(b) of this subtitle.

11 (c) (1) The Administration may not issue more than two placards to a  
12 person applying for a placard under this section.

13 (2) The Administration may not issue to a person issued special vehicle  
14 registration plates under § 13-616 of this subtitle a combination of special disability  
15 registration plates and placards exceeding three.

16 (d) (1) A placard issued under this section to an applicant described in  
17 subsection (a) of this section expires 4 years from the date of issue.

18 (2) The placard may be renewed on application with proof of the  
19 disability.

20 (e) (1) A parking placard for a person with a disability shall be issued:

21 (i) Except as provided in item (ii) or item (iii) of this paragraph, in  
22 the form of a removable windshield placard capable of being hung from the inside  
23 rearview mirror and of a size and design as determined by the Administration;

24 (ii) For a vehicle not equipped with an inside rearview mirror or in  
25 which the inside rearview mirror is not visible from the rear of the vehicle, in the  
26 form of a windshield placard of a size and design as determined by the  
27 Administration; or

28 (iii) For a Class D (motorcycle) vehicle, in the form of a sticker of a  
29 size and design as designated by the Administration.

30 (2) A person to whom a parking placard for a person with a disability is  
31 issued shall display the placard described in this section:

32 (i) In a Class A (passenger) vehicle or a Class M (multipurpose)  
33 vehicle;

34 (ii) On a Class D (motorcycle) vehicle as required by the  
35 Administration;

1 (iii) In a Class E (truck) vehicle with a one ton or less  
2 manufacturer's rated capacity and specially equipped for the transportation of or  
3 operation by an individual with a disability; or

4 (iv) In a Class H, I, or J vehicle that is specially equipped for the  
5 transportation of individuals with disabilities and is used exclusively for the  
6 transportation of individuals with disabilities.

7 (f) (1) Except as provided in paragraph (3) of this subsection, when  
8 displayed by the person to whom a removable windshield placard is issued, the  
9 removable windshield placard shall be hung from the inside rearview mirror when  
10 the vehicle is parked.

11 (2) A person may not drive a vehicle while a removable windshield  
12 placard described under paragraph (1) of this subsection is hanging from the inside  
13 rearview mirror.

14 (3) The removable windshield placard shall be placed inside a vehicle  
15 that is not equipped with an inside rearview mirror, in a position from which the  
16 removable windshield placard can be viewed from the outside of the vehicle through  
17 the lower portion of the windshield on the driver's side of the vehicle.

18 (4) When displayed, the person to whom a removable windshield placard  
19 is issued under this section or under a similar provision of law of any state or country  
20 is accorded the privileges contained in § 13-616(g) of this subtitle.

21 (g) When using the parking privileges granted under § 13-616(g) of this  
22 subtitle:

23 (1) The person shall have in the person's possession identification issued  
24 by the Administration as proof that parking privileges are being utilized by a person  
25 with a disability as defined in § 13-616(b)(1) of this subtitle; and

26 (2) The person shall make the identification available upon the request  
27 of:

28 (i) A police officer, while the officer is discharging the official  
29 duties of a police officer; or

30 (ii) Any other person authorized by a political subdivision to enforce  
31 this section, while acting within the scope of this authority.

32 (h) (1) A person may not commit any fraud or make any misrepresentation  
33 in certifying a person's disability or applying for or using a parking placard for a  
34 person with a disability.

35 (2) A person who operates a motor vehicle displaying a parking placard  
36 for a person with a disability may not use the privileges granted under this section,  
37 unless the person is:

1 (i) A person with a disability who meets the requirements of §  
2 13-616(b)(1) of this subtitle; or

3 (ii) Accompanied by a dependent, or an individual who depends on  
4 the person for transportation, who meets the requirements of § 13-616(b)(1) of this  
5 subtitle.

6 (3) To determine if the eligibility requirements continue to be met, the  
7 Administration may conduct a review of a parking placard for a person with a  
8 disability that is issued by the Administration under this section and:

9 (i) If the Administration finds it necessary to review the severity or  
10 permanency of a placard holder's disability, the Administration may request a review  
11 and recommendations from the Medical Advisory Board established under § 16-118 of  
12 this article; and

13 (ii) If the Administration determines that eligibility requirements  
14 are not being met, the Administration may revoke the parking placard for a person  
15 with a disability.

16 (i) Any person who violates the provisions of this section is guilty of a  
17 misdemeanor.

18 (j) The Administration shall:

19 (1) Administer the removable windshield placard program in accordance  
20 with the provisions of this section; and

21 (2) By July 1, 2001, establish an automated system for recording the  
22 issuance, renewal, and expiration of placards in a timely manner to ensure that the  
23 objectives of the placard program are achieved in an efficient and orderly manner.

24 (k) In accordance with the provisions of this section, by July 1, 2001, each  
25 board for licensed physicians, licensed chiropractors, licensed optometrists, or  
26 licensed podiatrists shall be responsible for the development and maintenance of a  
27 database system, with which the Administration can interface and verify licensure.

28 23-206.2.

29 (a) (1) A motor vehicle for which special registration plates have been issued  
30 under § 13-616 of this article, **OR FOR WHICH A PARKING PLACARD HAS BEEN ISSUED**  
31 **UNDER § 13-616.1 OF THIS ARTICLE**, is exempt from the mandatory inspections  
32 required by this subtitle if:

33 (i) All of the owners of the motor vehicle meet the disability  
34 requirements of § [13-616(a)(1)] 13-616(B)(1) of this article;

35 (ii) The motor vehicle is driven 5,000 miles or less annually; and

36 (iii) The exemption is not otherwise prohibited by federal law.

1 (2) In order to qualify for an exemption under paragraph (1) of this  
2 subsection, all owners of the motor vehicle shall certify the following:

3 (i) That the owner of the motor vehicle meets the disability  
4 requirements of § [13-616(a)(1)] 13-616(B)(1) of this article;

5 (ii) That the motor vehicle has been issued a special disabled  
6 person's registration number and special registration plates under § 13-616 of this  
7 article OR HAS BEEN ISSUED A PARKING PLACARD UNDER § 13-616.1 OF THIS  
8 ARTICLE;

9 (iii) That the motor vehicle is driven 5,000 miles or less annually;  
10 and

11 (iv) The motor vehicle's odometer reading at the time of the  
12 certification.

13 (3) The certification required in paragraph (2) of this subsection shall be  
14 made on a form provided by the Administration.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2005.