

HOUSE BILL 504

R6
HB 1482/05 – ENV

71r2061

By: **Delegate McHale (By Request) and Delegates Hammen and Krysiak**
Introduced and read first time: February 6, 2007
Assigned to: Environmental Matters

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; specifying application procedures; and generally
10 relating to exemptions for certain individuals with disabilities from certain
11 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 (2006 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 23–206.2(a)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

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13–616.1.

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

(1) Is a resident of the State; and

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

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

(b) (1) A parking placard for a person with a disability may be issued to an applicant described in subsection (a) of this section only if the applicant submits proof satisfactory to the Administration that the applicant is a person with a disability as described in § 13–616(b) of this subtitle.

(2) A parent or legal guardian may apply for a special disability parking placard on behalf of a qualified minor.

(c) (1) The Administration may not issue to an applicant:

(i) More than one placard if the applicant requests one set of special registration plates under § 13–616 of this subtitle; or

(ii) More than two placards if the applicant does not request a set of special registration plates under § 13–616 of this subtitle.

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

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

(2) The placard may be renewed by the placard holder on an application form approved by the Administration.

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

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

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

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

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

13 (i) In a Class A (passenger) vehicle or a Class M (multipurpose)
14 vehicle;

15 (ii) On a Class D (motorcycle) vehicle as required by the
16 Administration;

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

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

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

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

30 (3) The removable windshield placard shall be placed inside a vehicle
31 that is not equipped with an inside rearview mirror, in a position from which the

1 removable windshield placard can be viewed from the outside of the vehicle through
2 the lower portion of the windshield on the driver's side of the vehicle.

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

6 (g) When using the parking privileges granted under § 13-616(f) of this
7 subtitle:

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

11 (2) The person shall make the identification available upon the
12 request of:

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

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

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

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

23 (i) A person with a disability who meets the requirements of §
24 13-616(b)(1) of this subtitle; or

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

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

1 (i) If the Administration finds it necessary to review the
2 severity or permanency of a placard holder's disability, the Administration may
3 request a review and recommendations from the Medical Advisory Board established
4 under § 16–118 of this article; and

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

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

10 (j) The Administration shall:

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

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

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

20 23–206.2.

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

25 (i) All of the owners of the motor vehicle meet the disability
26 requirements of § 13–616(b)(1) of this article;

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

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

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

1 (i) That the owner of the motor vehicle meets the disability
2 requirements of § 13-616(b)(1) of this article;

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.