

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1413 Session of
2009

INTRODUCED BY WAGNER, BELFANTI, BRENNAN, CONKLIN, D. COSTA,
DALEY, EVERETT, FLECK, FRANKEL, GERGELY, GIBBONS, GRUCELA,
HARHAI, HENNESSEY, HESS, HORNAMAN, KULA, MAHONEY,
McILVAINE SMITH, MILLARD, MILNE, MYERS, M. O'BRIEN, RAPP,
SANTONI, SCAVELLO, SIPTROTH, K. SMITH, M. SMITH, SONNEY,
STERN, SWANGER, VULAKOVICH, WHITE AND YOUNGBLOOD, MAY 4, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 4, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for person with disability plate
3 and placard.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 1338(b), (c) and (d) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1338. Person with disability plate and placard.

9 * * *

10 (b) Person with disability parking placard.--On the initial
11 application or renewal application of any person who meets the
12 qualifications of subsection (a), the department shall issue one
13 special parking placard of such size and design as the
14 department shall specify, with a photograph of the disabled
15 person displayed thereon, designating the vehicle in which it is
16 displayed as being used for the transportation of persons with

1 disabilities. When parking the designated vehicle, the person
2 with disability parking placard shall be prominently displayed
3 in such a manner that it may be viewed from the front and rear
4 of the vehicle by hanging it from the front windshield rearview
5 mirror of a vehicle only when that vehicle is utilizing a
6 parking space reserved for persons with disabilities. When there
7 is no rearview mirror, or the placard is not designed in such a
8 manner to accommodate hanging from a rearview mirror, the
9 placard shall be displayed on the dashboard. Placards may also
10 be issued for use in vehicles when operated for the use and
11 benefit of persons with disabilities provided that a person with
12 a disability is being transported in the vehicle. Organizations
13 that transport persons with disabilities shall upon application
14 be issued not more than eight placards in the organization's
15 name. These placards may be used in a vehicle of the
16 organization or the personal vehicle of an employee or volunteer
17 of the organization when the employee or volunteer operates the
18 vehicle for the benefit and use of persons with disabilities
19 provided that a person with a disability is being transported in
20 the vehicle.

21 (c) Health care provider's statement.--

22 (1) Any person applying for a special plate or parking
23 placard for persons with disabilities must present a
24 statement, certified by a physician, podiatrist,
25 chiropractor, physician assistant or certified registered
26 nurse practitioner licensed or certified to practice in this
27 Commonwealth or in a contiguous state, that the person with a
28 disability is disabled as provided in subsection (a).

29 (2) Any person applying for a renewal of registration of
30 a special plate or parking placard for persons with

1 disabilities must comply with this subsection. [Once a person
2 with a disability has been duly certified by a physician,
3 podiatrist, chiropractor, physician assistant or certified
4 registered nurse practitioner as being disabled, as provided
5 in subsection (a), the applicant need not submit a
6 certification for subsequent] The applicant must submit a
7 certification as provided in subsection (a) every five years
8 for renewals of registration for a special plate or parking
9 placard for persons with disabilities. A person who was
10 issued a person with disability plate under this section and
11 no longer qualifies for one shall not be charged a
12 replacement fee for a regular registration plate upon payment
13 of the regular registration fee.

14 (3) In lieu of a health care provider's statement, a
15 person applying for or renewing a special plate or parking
16 placard may present a statement from a police officer
17 certifying that the person does not have full use of a leg,
18 or both legs, or is blind.

19 (4) The department shall phase out existing handicapped
20 placards as soon as practicable and issue a new series to
21 persons who comply with this section.

22 * * *

23 (d) Penalty.--

24 (1) Any person [violating] who has been issued a special
25 registration plate or special parking placard by the
26 department under this section and who violates this section
27 commits a summary offense and shall, upon conviction, be
28 sentenced to pay a fine of not more than \$100.

29 (2) Except as otherwise provided under paragraph (1),
30 any person who violates this section commits a summary

1 offense and shall, upon conviction, be sentenced to pay a
2 fine of not more than \$250.

3 (3) All fines collected under paragraph (1) shall be
4 disposed of as follows:

5 (i) Ninety-five percent shall be paid to the
6 Department of Revenue, transmitted to the Treasury
7 Department and credited to the Department of Public
8 Welfare for use in the Attendant Care Program.

9 (ii) Five percent shall be paid to the police
10 department of the municipality in which the offense
11 occurred or, if no police department exists in the
12 municipality, to the municipality.

13 (4) All fines collected under paragraph (2) shall be
14 disposed of as follows:

15 (i) Sixty percent shall be paid to the Department of
16 Revenue, transmitted to the Treasury Department and
17 credited to the Department of Public Welfare for use in
18 the Attendant Care Program.

19 (ii) Forty percent shall be paid to the police
20 department of the municipality in which the offense
21 occurred or, if no police department exists in the
22 municipality, to the municipality.

23 * * *

24 Section 2. This act shall take effect in 60 days.