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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2272 Session of  
2005

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INTRODUCED BY HARHAI, CALTAGIRONE, CREIGHTON, GERGELY, GINGRICH,  
KOTIK, LaGROTTA, TANGRETTI, WATERS AND YOUNGBLOOD,  
NOVEMBER 28, 2005

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REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 28, 2005

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for special registration plates  
3 and parking placards for persons with disabilities.

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

6 Section 1. Section 1338 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 [§ 1338. Person with disability plate and placard.

9 (a) Person with disability plate.--On the application of any  
10 person who:

11 (1) is blind;

12 (2) does not have full use of an arm or both arms;

13 (3) cannot walk 200 feet without stopping to rest;

14 (4) cannot walk without the use of, or assistance from,  
15 a brace, cane, crutch, another person, prosthetic device,  
16 wheelchair or other assistive device;

17 (5) is restricted by lung disease to such an extent that  
18 the person's forced (respiratory) expiratory volume for one

1 second, when measured by spirometry, is less than one liter  
2 or the arterial oxygen tension is less than 60 mm/hg on room  
3 air at rest;

4 (6) uses portable oxygen;

5 (7) has a cardiac condition to the extent that the  
6 person's functional limitations are classified in severity as  
7 Class III or Class IV according to the standards set by the  
8 American Heart Association;

9 (8) is severely limited in his or her ability to walk  
10 due to an arthritic, neurological or orthopedic condition; or

11 (9) is a person in loco parentis of a person specified  
12 in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

13 the department shall issue a special registration plate for one  
14 passenger car or truck with a registered gross weight of not  
15 more than 9,000 pounds, designating the vehicle so licensed as  
16 being used by a person with a disability. Special plates for  
17 persons with disabilities may also be issued for vehicles  
18 operated exclusively for the use and benefit of persons with  
19 disabilities. In the case of a motorcycle, the department shall  
20 issue a decal containing the international symbol for access for  
21 persons with disabilities for display on the registration plate.

22 (b) Person with disability parking placard.--On the initial  
23 application or renewal application of any person who meets the  
24 qualifications of subsection (a), the department shall issue one  
25 special parking placard of such size and design as the  
26 department shall specify, designating the vehicle in which it is  
27 displayed as being used for the transportation of persons with  
28 disabilities. When parking the designated vehicle, the person  
29 with disability parking placard shall be prominently displayed  
30 in such a manner that it may be viewed from the front and rear

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

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

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

26 (2) Any person applying for a renewal of registration of  
27 a special plate for persons with disabilities must comply  
28 with this subsection. Once a person with a disability has  
29 been duly certified by a physician, podiatrist, chiropractor,  
30 physician assistant or certified registered nurse

1 practitioner as being disabled, as provided in subsection  
2 (a), the applicant need not submit a certification for  
3 subsequent renewals of registration for a special plate for  
4 persons with disabilities. A person who was issued a person  
5 with disability plate under this section and no longer  
6 qualifies for one shall not be charged a replacement fee for  
7 a regular registration plate upon payment of the regular  
8 registration fee.

9 (3) In lieu of a health care provider's statement, a  
10 person applying for a special plate or parking placard may  
11 present a statement from a police officer certifying that the  
12 person does not have full use of a leg, or both legs, or is  
13 blind.

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

17 (c.1) Return of plates and placard.--Upon the death of a  
18 person to whom a plate or placard has been issued under this  
19 section, the plate or placard shall be void 30 days after death  
20 and shall not be displayed on any vehicle. The personal  
21 representative of the deceased shall return the plate to the  
22 department. If there is no personal representative, the spouse  
23 or, if there is no spouse, the next of kin of the deceased shall  
24 return the plate or placard to the department.

25 (c.2) Authorized use.--This section shall not preclude the  
26 operation of a vehicle which bears a person with disability  
27 plate when the vehicle is not being used for the benefit of the  
28 person with a disability or when the person with a disability is  
29 not present in the vehicle, provided the driver does not use or  
30 attempt to use any special privilege or benefit otherwise

1 accorded to vehicles displaying the plate.

2 (d) Penalty.--Any person violating this section commits a  
3 summary offense and shall, upon conviction, be sentenced to pay  
4 a fine of not more than \$100.

5 (e) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection:

8 "Chiropractor." A chiropractor acting within the scope of  
9 practice contained in the act of December 16, 1986 (P.L.1646,  
10 No.188), known as the Chiropractic Practice Act.

11 "Podiatrist." A podiatrist acting within the scope of  
12 practice contained in the act of March 2, 1956 (1955 P.L.1206,  
13 No.375), known as the Podiatry Practice Act.]

14 Section 2. Title 75 is amended by adding a section to read:

15 § 1338.1. Special registration plate and parking placard for  
16 person with disability.

17 (a) Special registration plate.--

18 (1) (i) The owner of a vehicle may apply to the  
19 department for a disability registration plate if a  
20 physician certifies that the applicant or a member of the  
21 applicant's household is a person with a disability.

22 (ii) An organization that owns a vehicle may apply  
23 to the department for a disability registration plate for  
24 that vehicle if the organization certifies that the  
25 vehicle is used exclusively to transport persons with  
26 disabilities.

27 (2) A person with a disability is a person who has a  
28 physical impairment that permanently limits or impairs the  
29 ability to walk and who satisfies at least one of the  
30 following conditions:

1           (i) Cannot walk 200 feet without stopping to rest.

2           (ii) Cannot walk without use of or assistance from a  
3 brace, cane, crutch, another person, prosthetic device or  
4 other assistive device.

5           (iii) Requires use of a wheelchair for mobility.

6           (iv) Is restricted by lung disease to such an extent  
7 that the person's forced respiratory expiratory volume  
8 for one second, when measured by spirometry, is less than  
9 one liter or the arterial oxygen tension is less than 60  
10 mm/hg on room air at rest.

11          (v) Uses portable oxygen.

12          (vi) Is limited in functioning by cardiovascular  
13 disease to Class III or IV according to American Heart  
14 Association standards.

15          (vii) Is severely limited in walking because of an  
16 arthritic, neurological or orthopedic condition.

17          (3) The following vehicles qualify for a person with a  
18 disability registration plate:

19           (i) A passenger car with a registered gross weight  
20 of not more than 9,000 pounds.

21           (ii) A truck with a registered gross weight of not  
22 more than 9,000 pounds.

23           (iii) A motorcycle.

24          (4) The department shall issue a person with disability  
25 registration plate if the applicant provides:

26           (i) Proof satisfactory to the department that the  
27 applicant or a member of the applicant's household is a  
28 person with a disability as set forth in paragraph (2).

29           (ii) The signature of a physician certifying the  
30 disability.

1           (iii) In the case of an application on behalf of a  
2           household member, an explanation of the relationship of  
3           the applicant to the household member and the member's  
4           age.

5           (iv) In the case of an application by an  
6           organization, explanation of the organization's use of  
7           the vehicle exclusively to transport persons with  
8           disabilities.

9           (v) The fee established by the department, which fee  
10          may not exceed the fee for issuance of a standard  
11          registration plate for the particular vehicle.

12          (5) A person with a disability registration plate must  
13          be renewed annually pursuant to section 1309 (relating to  
14          renewal of registration).

15          (6) Every four years, when the department sends its  
16          application for renewal of registration pursuant to section  
17          1309, the department shall send notice that the applicant  
18          must resubmit a physician certification that satisfies the  
19          provisions of paragraph (2). In the case of an organization,  
20          the department shall send notice that the applicant must  
21          resubmit proof that the organization uses the vehicle  
22          exclusively to transport persons with disabilities.

23          (b) Parking placard for person with disability.--

24           (1) (i) A person may apply to the department for a  
25           permanent parking placard for a person with a disability  
26           if a physician certifies that the applicant or a member  
27           of the applicant's household is a person with a  
28           disability under subsection (a)(2).

29           (ii) An organization may apply to the department for  
30           a permanent parking placard if the organization certifies

1 that the placard will be used for a vehicle owned by the  
2 organization or by a volunteer or employee of the  
3 organization when that vehicle is being used exclusively  
4 to transport persons with disabilities.

5 (iii) A person may apply to the department for a  
6 temporary parking placard if a physician certifies:

7 (A) That the applicant or a member of the  
8 applicant's household has a temporary physical  
9 impairment that limits or impairs the ability to walk  
10 and satisfies at least one of the criteria under  
11 subsection (a)(2).

12 (B) That the impairment is expected to last for  
13 at least six weeks from the date of impairment.

14 (C) The length of time that the temporary  
15 impairment is expected to last.

16 (2) A permanent parking placard shall expire four years  
17 from the date it is issued, and a temporary parking placard  
18 shall expire at the department's discretion but no later than  
19 120 days from the date it is issued.

20 (3) The department may issue up to two parking placards  
21 to a person or up to eight parking placards to an  
22 organization.

23 (4) A parking placard shall be hung from the front  
24 windshield rearview mirror such that it can be seen from both  
25 the front and the rear of the vehicle. If the vehicle does  
26 not have a rearview mirror, the parking placard shall be  
27 displayed on the dashboard so that it may be read by a person  
28 standing outside the vehicle on the driver's side.

29 (5) A parking placard issued under this subsection is  
30 for the exclusive and personal use of the person for whom or



1 organization for which it was issued, and it may not be used  
2 by any other person or organization.

3 (6) The department shall ensure that the permanent  
4 parking placard, the temporary parking placard and the  
5 parking placard issued to an organization are different  
6 colors.

7 (7) The department may not charge a fee for the issuance  
8 or reissuance of a parking placard under this subsection, but  
9 it may charge a reasonable fee for replacement of a lost or  
10 damaged parking placard.

11 (c) When disability registration plate or parking placard  
12 must be returned to department.--

13 (1) A disability registration plate shall be returned to  
14 the department within 30 days of the death of the person to  
15 whom it has been issued. During that 30-day period, if  
16 another person operates the vehicle bearing the disability  
17 registration plate, that person may not park in a space  
18 designated for persons with disabilities.

19 (2) A disability parking placard shall become void upon  
20 the death of the person to whom it was issued, and it shall  
21 be returned to the department within ten days of the death of  
22 the person to whom it was issued. During that ten-day period,  
23 the placard may not be displayed and may not be used to park  
24 in a space designated for persons with disabilities.

25 (3) A disability parking placard shall be returned to  
26 the department when it expires.

27 (4) A disability parking placard shall be returned to  
28 the department when the person for whom or the organization  
29 for which it was issued no longer meets the qualifications  
30 for issuance of a placard, including, in the case of an

1 organization, that it no longer regularly transports persons  
2 with disabilities.

3 (d) Authorized use of disability registration plate or  
4 parking placard.--

5 (1) (i) The person for whom a disability registration  
6 plate or parking placard is issued must be the driver of  
7 or a passenger in the vehicle bearing the plate or  
8 displaying the placard when the vehicle is parked in a  
9 space designated for persons with disabilities.

10 (ii) This section shall not be construed to preclude  
11 the operation of a vehicle bearing a disability  
12 registration plate when the person for whom the  
13 disability registration plate is issued is not present in  
14 the vehicle, provided, however, that the vehicle shall  
15 not be parked in a space designated for persons with  
16 disabilities.

17 (2) A disability parking placard may not be displayed in  
18 a vehicle if the person for whom it was issued is not present  
19 in the vehicle or, in the case of an organization, if the  
20 vehicle is not being used to transport persons with  
21 disabilities.

22 (e) Penalty for false information.--A person who  
23 intentionally gives false information to the physician  
24 certifying disability or to the department in order to obtain a  
25 disability registration plate or parking placard commits a  
26 misdemeanor of the third degree. A first offense shall be  
27 punishable be a fine of \$500, a second offense shall be  
28 punishable by a fine of \$1,000, and a third or subsequent  
29 offense shall be punishable by a fine of \$1,500 and a term of  
30 imprisonment not to exceed 30 days.

1     (f) False certification.--A physician who certifies that a  
2 person is a person with a disability under the provisions of  
3 subsection (a)(2) when that person does not meet the criteria  
4 commits a misdemeanor of the third degree. A first offense shall  
5 be punishable by a fine of \$2,500, a second offense shall be  
6 punishable by a fine of \$5,000, and a third or subsequent  
7 offense shall be punishable by a fine of \$10,000 and a term of  
8 imprisonment not to exceed 30 days.

9     (g) Recertification.--

10         (1) Each disability registration plate shall be void on  
11 the date that the annual registration sticker next expires,  
12 and each person for whom the plate was issued shall apply to  
13 be recertified as a person with a disability in order for the  
14 plate to be valid and a new annual sticker to be issued.

15         (2) Each permanent disability parking placard shall be  
16 void on the next birthday of the person for whom it was  
17 issued, and each person shall apply to be recertified as a  
18 person with a disability in order for a new placard to be  
19 issued.

20         (3) The department shall give reasonable notice to each  
21 person of the requirement that the person be recertified as a  
22 person with a disability by the date that the registration  
23 plate or placard expires. Reasonable notice shall provide an  
24 amount of time sufficient for the person to be recertified as  
25 a person with a disability before the applicable expiration  
26 date.

27         (4) If a person with a disability registration plate  
28 fails to be recertified as a person with a disability, the  
29 department shall issue a standard registration plate to that  
30 person. If a person with a parking placard is not

1     recertified, the department shall require that any placard  
2     issued for that person is returned to the department.

3     (h) Violations.--Except as otherwise provided under this  
4     section, a violation of this section is a misdemeanor of the  
5     third degree. A first offense is punishable by a fine of \$500, a  
6     second offense is punishable by a fine of \$1,000 and a third or  
7     subsequent offense is punishable by a fine of \$1,500 and a term  
8     of imprisonment not to exceed 30 days.

9     (i) Regulations.--The department may adopt any rules or  
10    promulgate any regulations necessary to implement this section.

11    Section 3. This act shall take effect in 180 days.