
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 498 Session of
2007

INTRODUCED BY HARHAI, DERMODY, CALTAGIRONE, COSTA, COX,
CREIGHTON, FABRIZIO, GERGELY, GINGRICH, HERSHEY, W. KELLER,
KOTIK, KULA, MAHONEY, NAILOR, PALLONE, PETRONE, SOLOBAY,
STABACK AND WOJNAROSKI, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 26, 2007

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7 Consolidated Statutes is repealed:

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

1 the person's forced (respiratory) expiratory volume for one
2 second, when measured by spirometry, is less than one liter
3 or the arterial oxygen tension is less than 60 mm/hg on room
4 air at rest;

5 (6) uses portable oxygen;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 attempt to use any special privilege or benefit otherwise
2 accorded to vehicles displaying the plate.

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

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

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

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

15 Section 2. Title 75 is amended by adding a section to read:
16 § 1338.1. Special registration plate and parking placard for
17 person with disability.

18 (a) Special registration plate.--

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

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

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

1 following conditions:

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

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

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

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

12 (v) Uses portable oxygen.

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

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

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

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

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

24 (iii) A motorcycle.

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

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

30 (ii) The signature of a physician certifying the

1 disability.

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

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

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

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

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

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

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

30 (ii) An organization may apply to the department for

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

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

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

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

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

17 (2) A permanent parking placard shall expire four years
18 from the date it is issued, and a temporary parking placard
19 shall expire at the department's discretion but no later than
20 120 days from the date it is issued.

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

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

30 (5) A parking placard issued under this subsection is

1 for the exclusive and personal use of the person for whom or
2 organization for which it was issued, and it may not be used
3 by any other person or organization.

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

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

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

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

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

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

28 (4) A disability parking placard shall be returned to
29 the department when the person for whom or the organization
30 for which it was issued no longer meets the qualifications

1 for issuance of a placard, including, in the case of an
2 organization, that it no longer regularly transports persons
3 with disabilities.

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

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

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

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

23 (e) Penalty for false information.--A person who
24 intentionally gives false information to the physician
25 certifying disability or to the department in order to obtain a
26 disability registration plate or parking placard commits a
27 misdemeanor of the third degree. A first offense shall be
28 punishable be a fine of \$500, a second offense shall be
29 punishable by a fine of \$1,000, and a third or subsequent
30 offense shall be punishable by a fine of \$1,500 and a term of

1 imprisonment not to exceed 30 days.

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

10 (g) Recertification.--

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

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

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

28 (4) If a person with a disability registration plate
29 fails to be recertified as a person with a disability, the
30 department shall issue a standard registration plate to that

1 person. If a person with a parking placard is not
2 recertified, the department shall require that any placard
3 issued for that person is returned to the department.

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

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

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