THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2108 Session of 2007

INTRODUCED BY WAGNER, BELFANTI, BENNINGTON, BLACKWELL, BRENNAN, CONKLIN, COSTA, CREIGHTON, DALEY, DePASQUALE, EVERETT, GERGELY, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARKINS, HENNESSEY, HORNAMAN, JOSEPHS, KULA, MAHONEY, MELIO, MILLARD, MURT, MYERS, M. O'BRIEN, PASHINSKI, RAPP, ROEBUCK, RUBLEY, SANTONI, SCAVELLO, SCHRODER, SHIMKUS, SIPTROTH, SWANGER, WALKO, J. WHITE, WOJNAROSKI AND YOUNGBLOOD, DECEMBER 11, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 11, 2007

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 (d) Penalty.--

23   (1) Any person [violating] who has been issued a special

24 registration plate or special parking placard by the

25 department under this section and who violates this section

26 commits a summary offense and shall, upon conviction, be

27 sentenced to pay a fine of not more than $100.

28   (2) Except as otherwise provided under paragraph (1),

29 any person who violates this section commits a summary

30 offense and shall, upon conviction, be sentenced to pay a

1   fine of not more than $250.

2   (3) All fines collected under paragraph (1) shall be

3   disposed of as follows:

4   (i) Ninety-five percent shall be paid to the

5   Department of Revenue, transmitted to the Treasury

6   Department and credited to the Department of Public

7   Welfare for use in the Attendant Care Program.

8   (ii) Five percent shall be paid to the police

9   department of the municipality in which the offense

10   occurred or, if no police department exists in the

11   municipality, to the municipality.

12   (4) All fines collected under paragraph (2) shall be

13   disposed of as follows:

14   (i) Sixty percent shall be paid to the Department of

15   Revenue, transmitted to the Treasury Department and

16   credited to the Department of Public Welfare for use in

17   the Attendant Care Program.

18   (ii) Forty percent shall be paid to the police

19   department of the municipality in which the offense

20   occurred or, if no police department exists in the

21   municipality, to the municipality.

22   * * *

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