

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING**

HANDICAPPED PARKING

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 21

**COMMONWEALTH OF VIRGINIA
RICHMOND
1997**

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**Report of the
Joint Subcommittee Studying
Handicapped Parking
to
The Governor
and the
General Assembly of Virginia
Richmond, Virginia
January, 1996**

EXECUTIVE SUMMARY

Senate Joint Resolution Number 86 and House Joint Resolution Number 198, passed by the 1996 Session of the General Assembly, established a joint subcommittee to study the abuse and enforcement of laws related to handicapped parking. The subcommittee met on five occasions and pursued a vigorous agenda which included presentations and testimony by disabled persons, advocates for the disabled, veterans groups, state and local officials, law enforcement officers, and concerned citizens.

Virginia's statutory system for providing handicapped parking for the disabled continues to be abused by individuals who choose to ignore handicapped parking signs, by individuals who alter or counterfeit disabled parking placards and license plates, by individuals who obtain disabled parking indicia under false pretenses, and by individuals who illegally use their friend or family member's placard or plate to park in handicapped parking spaces. Enforcement efforts to prevent such abuse have also suffered due to insufficient manpower, poor training, and lack of interest in numerous localities. Dealing with both problems of abuse and enforcement is the Department of Motor Vehicles, the state agency which administers much of Virginia's handicapped parking laws. The Department faces the difficult task of balancing the goals of providing good customer service to its disabled patrons while also taking measures to prevent fraud and abuse associated with disabled parking placards and license plates. Given that the number of handicapped parking license plates and placards have grown from only a few thousand in the early 1970's to over 220,000 today, growing pains have occurred with great frequency.

In fulfilling its mission to decrease abuse and enhance the enforcement of handicapped parking laws, the joint subcommittee addressed numerous issues. Much discussion focused on the current penalty for illegally parking in a handicapped parking space (\$0 - 250 fine) and options such as raising the minimum and maximum fines, establishing a system of escalating fines, and adding community service as an additional punishment were all proposals considered by the subcommittee. Related to the penalty issue was the proposal to place a statement of the handicapped parking penalty on all handicapped parking signs. Supporters argued that a penalty statement would increase public awareness of handicapped parking laws and deter the illegal use of handicapped parking spaces.

Representatives from Virginia's urban areas urged modification or repeal of the "four hour" law which provides that a vehicle bearing a valid disabled parking placard or license plate may be parked up to four hours in a time-restricted (metered) space free of charge. They noted that the law reduces parking revenues, prevents parking turnover, and is difficult to enforce. In contrast, supporters of the four hour law cited the convenience and accessibility it provides to the disabled community.

Of particular concern to the subcommittee was the prevalence of misuse of disabled parking placards and license plates by alteration, counterfeiting, and unauthorized use. Representatives from the disabled and law enforcement communities noted that existing penalties are insufficient to deter such offenses. Proposals to prevent further abuse and improve the enforcement of such offenses included: (i) increasing penalties to the misdemeanor level, (ii) redesigning disabled parking placards to make them more tamper-resistant, (iii) invalidating existing placards and re-issuing newly designed placards, (iv) authorizing volunteer handicapped parking enforcement units on a statewide basis, (v) authorizing law enforcement to verify the legitimate use of parking indicia with photo identification checks, and (vi) authorizing law enforcement to confiscate disabled parking placards from persons arrested for misuse offenses.

After conducting a work session spanning two meetings, the joint subcommittee recommended the following:

1. By legislation, increase the penalty for illegal parking in a handicapped parking space to a minimum fine of \$100 and a maximum fine of \$500.
2. By legislation, require that the following penalty language be placed on all handicapped parking signs: PENALTY \$100-500 Fine TOW-AWAY ZONE. Property owners may place the new penalty language on separate signs and attach them below existing handicapped parking signs. Furthermore, property owners shall have one year to complete sign changes.
3. By legislation, authorize localities to opt out of the four hour law on a local-option basis.
4. By legislation, require the Department of Motor Vehicles to invalidate and administratively re-issue all permanent and organizational removable windshield placards. This exchange shall be conducted between October 1, 1998 and January 1, 1999.
5. By legislation, amend the definitions of "permanent removable windshield placard," "temporary removable windshield placard," and "organizational removable windshield placard" to incorporate the following design changes: (i) month and year expiration date hole-punches, (ii) misuse hotline number, (iii) statement of penalty for placard misuse, and (iv) requirement that all data be machine-imprinted on placards. Issuance of the new placards would commence July 1, 1997.

6. By legislation, require physicians to state a medical diagnosis when certifying an individual's disability under the miscellaneous eligibility category.
7. By legislation, classify each of the following actions as Class II Misdemeanors:
 - (i) counterfeiting a disabled parking placard or license plate;
 - (ii) using a counterfeit disabled parking placard or license plate;
 - (iii) altering a disabled parking placard or license plate;
 - (iv) engaging in the unauthorized use of a disabled parking placard or license plate;
 - (v) knowingly selling or exchanging for consideration a disabled parking placard or license plate;
 - (vi) fraudulently obtaining a disabled parking placard or license plate.
8. By legislation, make the act of providing a disabled parking placard or license plate without any exchange of consideration a Class III Misdemeanor.
9. By legislation, authorize persons who enforce handicapped parking laws to confiscate disabled parking placards of any person arrested for any of the offenses listed in Recommendations 7 and 8. In addition, DMV shall have the authority to place an administrative hold on the arrested individual's placard to prevent re-issuance.
10. By legislation, authorize all localities to establish volunteer disabled parking enforcement units.
11. By legislation, authorize persons who enforce handicapped parking laws to request a form of photo identification from any person parked in a handicapped parking space displaying a either a disabled parking placard or license plate.
12. Encourage the Department of Motor Vehicles to maintain and enhance its efforts to administratively address the following issues:
 - (i) Continue efforts to cross-reference names of existing placard and license plate holders with death certificate records provided by the Bureau of Vital Statistics to curtail abuse by surviving family members of placard and plate holders.
 - (ii) Amend the DMV driver training manual to include at least one page on the laws regulating handicapped parking.
 - (iii) Amend the DMV driver's license exam to include at least one question on the laws regulating handicapped parking.
 - (iv) Continue to distribute informational literature to all persons receiving a disabled parking placard or plate regarding their rights and responsibilities as a handicapped parking user.
 - (v) Continue and work to enhance training of employees regarding the issuance of disabled parking placards and plates.

I. Introduction

In response to increasing abuse and enforcement problems associated with handicapped parking, the 1996 General Assembly adopted Senate Joint Resolution No. 86 patroned by Senator Mary Margaret Whipple of Arlington and House Joint Resolution No. 198 patroned by Delegate I. Vincent Behm, Jr., of Hampton, which authorized the creation of a fourteen-member joint subcommittee to study these issues. Although recent legislation and legislative studies have initiated important reforms and focused attention on the problem of handicapped parking abuse, an alarming number of drivers who are not disabled continue to park illegally in handicapped parking spaces and fraudulently obtain, alter, and counterfeit license plates and placards intended for the truly disabled.

In light of these serious problems, the General Assembly directed the joint subcommittee to address the following issues in its deliberations:

1. Review the recommendations of the report of the Department for Rights of Virginians with Disabilities set forth in Senate Document Number 41 (1994) entitled "Study of Parking for Persons with Disabilities."
2. Consider proposals to allow persons with physical disabilities convenient access to dedicated handicapped parking spaces.
3. Address the merits of eliminating free parking for persons with disabilities under the four hour law, possibly on a local-option basis, in favor of establishing practical pre-paid options that do not establish undue physical or fiscal burdens upon persons with physical disabilities.
4. Consider the potential benefits of providing free parking to persons with severe mobility disabilities, but eliminating free parking privileges for the ambulatory and those who are temporarily disabled.
5. Examine whether private citizens may place informative literature on the windshields of motor vehicles whose drivers are violating handicapped parking laws and ordinances.
6. Consider the merits of deputizing citizens on a limited basis to distribute parking tickets to persons violating handicapped parking laws.
7. Review the current status of the law relating to the parking of motor vehicles used to transport visually handicapped persons.
8. Analyze whether periodic cross-referencing of death certificates with records of persons having handicapped parking privileges could curb abuse by surviving family members who continue to use their deceased family member's handicapped parking plate or placard following such person's death.

9. Consider the needs and concerns of persons who are deaf or hard of hearing and their usage of handicapped parking spaces.
10. Review the nature and amounts of fees charged to persons obtaining handicapped parking placards.
11. Examine any other issue the joint subcommittee deems relevant to the enforcement and abuse of laws regulating parking spaces reserved for persons who are disabled.

The joint subcommittee was chaired by Senator Mary Margaret Whipple of Arlington. Delegate I. Vincent Behm, Jr., of Hampton served as Vice-Chairman. Other legislative subcommittee members include Senator W. Henry Maxwell, Senator Jane H. Woods, Delegate Robert D. Hull, Delegate Dwight Jones, and Delegate Robert Tata.

Citizen members who served on the subcommittee include Mr. Samuel Bland of Petersburg; Mr. Philip E. Everhart of Hampton; Ms. Frances C. Firth, Treasurer for the City of Poquoson; Mr. Frederick P. Helm, Assistant Commissioner for Legislative and Legal Affairs at the Department of Motor Vehicles; Dr. Howard McCue, Jr., member of the Department of Motor Vehicles Medical Advisory Board; Mr. Pat G. Minetti, Chief of the City of Hampton Police Department; and Ms. Sandra Reen, Director of the Department for Rights of Virginians with Disabilities.

To assist and advise the subcommittee in its deliberations, Chairman Whipple appointed a Technical Advisory Committee comprised of eleven citizens who have special insight and expertise regarding the issues and obstacles facing the disabled community and their usage of handicapped parking spaces.

The following citizens served on the advisory committee: Mr. James Rothrock, Director of the Statewide Independent Living Council; Ms. Ann McKinney, Legislative Liason for the Chesterfield Paralyzed Veterans of America; Lieutenant Richard B. Alt of the Arlington County Police Department; Ms. Paula R. McPherson, Chairperson of the Peninsula Disability Services Board; Mr. Robert T. Sollenberger, Parking Enforcement Specialist Team (PEST) Volunteer of the Virginia Beach Police Department; Mr. Arthur Friedburg of the Fairfax Disability Services Board; Mr. Dennis L. Pugh of Newport News; Mr. Story W. Smith, Chairman of the Hampton Mayor's Committee for People with Disabilities; Mr. Michael J. Cooper, Executive Director of the Endependence Center of Northern Virginia; Mr. H. Robert Morrison, Treasurer for the City of Falls Church; and Professor Steve Gilson of Virginia Commonwealth University.

II. BACKGROUND

Virginia's handicapped parking system is increasingly plagued by abuse and ineffective enforcement resulting in a situation where the intended recipients of the system are often denied adequate parking. What started in the early 1970's to provide parking for persons with mobility impairments has mushroomed into a system in which handicapped parking spaces have become so valuable that disabled parking placards and license plates are altered and counterfeited by non-disabled persons to obtain special parking privileges. Others abuse the system by using the placard or license plate of a deceased friend or relative while others lie in order to obtain such indicia. The "four hour law" which authorizes persons with vehicles bearing valid indicia to park up to four hours in a time-restricted or metered spaces free of charge is another provision subject to widespread abuse and has created a substantial loss of revenue, particularly in the urban areas of the state.

Enforcing the parking privileges of the disabled and preventing abuse has also been problematic. Law enforcement officers understandably focus on criminal activity and serious traffic offenses, and enforcement agencies throughout the state simply do not have the manpower to effectively enforce handicapped parking laws. In addition, while volunteer parking enforcement units have been quite successful in the City of Virginia Beach in assisting regular law enforcement personnel and deterring illegal parking, there has been little effort in other parts of the state to establish similar programs. Altered and illegible placards and license plates, belligerent drivers, and ambiguities in the Virginia Code are additional factors which compound an officer's difficult task of enforcement.

Much of the abuse and enforcement problems can be attributed to the rapid proliferation of disabled parking placards and license plates during the last two and a half decades. Such growth was not foreseen when the legislature first delved into the area of handicapped parking. The General Assembly first authorized the issuance of special license plates "to persons with physical handicaps which limit their mobility" in 1972 (Appendix C), but did not require applicants to provide any proof of disability nor did the special license plate entitle the bearer to special parking privileges. It wasn't until the following year that vehicles bearing handicapped parking plate were granted special parking privileges. Specifically, such vehicles were authorized to park in metered spaces for an unlimited amount of time, free of charge, and non-disabled persons illegally using the special parking privileges intended for the disabled could be charged with a misdemeanor.

During the mid-1970's, handicapped parking privileges were extended to disabled veterans, physician disability certifications were first required, and removable decals, the precursor to removable windshield placards, were first authorized. Further developments included the creation of handicapped indicia for persons who transport the handicapped, and local governments were authorized to adopt ordinances prohibiting illegal handicapped parking at privately owned shopping centers and business offices. By 1982, misdemeanor penalties for illegal handicapped parking were replaced with traffic infractions, and parking decals for the temporarily handicapped (valid for three months to one year) were first issued (Appendix C).

As the 1980's progressed, the legislature enacted a statewide prohibition on parking in handicapped parking spaces by unauthorized vehicles, thereby "filling the gap" where localities had failed to adopt local ordinances. Also, additional legislation required that all parking spaces reserved for use by handicapped persons be identified by above-grade signs and limited the validity of parking decals to a period of five years. Signage requirements were further clarified in 1992 with specific height specifications.

The 1994 Session of the General Assembly clarified and expanded much of Virginia's existing handicapped parking law. The most notable provisions of the 1994 legislation included:

- Replacing the term "the handicapped" with a definition of "persons with disabilities that limit or impair their ability to walk."
- Establishing six specific (and one general) qualifying physical conditions which enable an applicant to obtain a disabled parking placard or license plate.
- Providing detailed definitions of "disabled parking license plates," "organizational removable windshield placard," "permanent removable windshield placard," and "temporary removable windshield placard."
- Authorizing parking lot owners to tow vehicles from properly marked handicapped spaces if such vehicles do not bear valid disabled parking indicia.

During the past two years, the substantial changes made during the 1994 Session have undergone some modifications. Namely, legislation required courts to notify the Commissioner of the Department of Motor Vehicles of convictions involving the misuse of placards or licenses and authorized the Commissioner, upon receiving notice of a conviction, to revoke the placard or plate of any person found guilty of such misuse. In another important development, penalty provisions for both state handicapped parking violations and local handicapped parking ordinances were replaced with a uniform penalty of \$250 (Appendix C).

Although meandering and erratic at times, the legislative development of handicapped parking law since its inception in 1972 has resulted in a workable framework for the provision of parking for the disabled. However, the sheer number of handicapped parking placards and license plates (approximately 220,000) and the burgeoning abuse of such indicia dictates additional statutory modification.

III. ISSUES

A. Penalty for Illegal Handicapped Parking

In addressing its charge to study the problems of abuse and enforcement of handicapped parking laws, the joint subcommittee reviewed the existing penalty for illegally parking in a handicapped parking space. Currently, §§ 46.2-1237 and 46.2-731 of the Code of Virginia require that only persons who have a disability which limits or impairs their ability to walk and whose vehicles bear a valid disabled parking placard or license plate may park in a handicapped parking space. If a vehicle is parked in a handicapped parking space that does not bear a valid plate or placard, law enforcement may ticket the vehicle and assess a fine up to \$250 under either the Code of Virginia or by local ordinance. However, Rule 3B:2 of the Code of Virginia's Rules of the Supreme Court provides that an individual charged with "improper use of parking privilege accorded the handicapped" may prepay his ticket in the amount of \$62.

Subcommittee members and representatives from the disabled and law enforcement communities all expressed concern that the existing penalty is inadequate (especially if prepaid) and poses little, if any, deterrence to non-disabled persons who regularly park illegally in handicapped spaces. As a result, the joint subcommittee directed Staff from the Division of Legislative Services to research handicapped parking laws from other states to determine how other states are handling these issues (Appendix D).

1. Fines

Based on a survey of twenty states' handicapped parking laws, Virginia ranks in the middle in terms of penalty severity. Although Virginia's maximum penalty for illegal handicapped parking (\$250) is relatively high compared with other states, it provides for no minimum penalty in contrast to almost every other state researched. For example, states such as California, Florida, Georgia, Illinois, New Jersey, South Carolina, Tennessee, Texas, Washington and West Virginia all have minimum fines of at least \$100, and states such as Connecticut, Louisiana, North Carolina, and Pennsylvania have minimum fines of at least \$50. Three states (Georgia, Maryland, and Texas), have maximum fines (\$500) twice the amount of Virginia's maximum fine, and two states, Louisiana and South Carolina, authorize their courts to sentence violators with jail, if warranted (Appendix D).

The subcommittee was particularly interested in Texas' system of escalating fines implemented under the following schedule: first offense, \$100; second offense, \$200; third offense, \$300; and fourth or subsequent offense, \$400. However, Lieutenant Alt of the Arlington County Police Department and Master Police Officer Spreder of the City of Virginia Beach Police Department both noted to the subcommittee that difficulties in identifying the driver of the vehicle in violation and tracking prior offenses could render an escalating fines system impractical.

2. Community Service

In addition to the traditional method of fining handicapped parking violators, some states have added community service as a discretionary, and in some cases, mandatory punishment for persons ticketed for illegal parking. For instance, Florida, which has some of the the most comprehensive and innovative statutes in the country related to handicapped parking, provides that persons who commit a second or subsequent offense of illegal handicapped parking be fined \$100 and complete 40 hours of community service for a non-profit organization that serves the disabled community. This provision is intended to have a financial impact on the violator and is designed to sensitize the violator to the needs and obstacles faced by persons with disabilities. Other states with community service provisions include Texas, which authorizes its courts to sentence violators with up to 100 hours of community service, and New Jersey, which authorizes its courts to assess up to 90 days of community service (Appendix D).

The concept of community service as an additional punishment for handicapped parking violators received mixed support during subcommittee deliberations. Ann McKinney, representing the Chesterfield Chapter of the Paralyzed Veterans of America, urged the subcommittee to recommend community service as an additional punishment, noting that public education about the daily needs of the disabled is the key to reducing handicapped parking abuse. She also suggested that the subcommittee consider requiring violators to attend a public awareness program at a Disabilities Services Board if community service is implemented. Dr. Samuel Morton testified that most handicapped parking violators have little concept of the obstacles faced by the disabled, and recommended that violators be required to ride in a wheelchair for one day as part of their punishment.

Michael Cooper, Executive Director of the Endependence Center of Northern Virginia, acknowledged the need for public education regarding the disabled, but did not support the option of community service primarily because violators would likely be unproductive and possibly pose a threat to the disabled citizens he serves. Senator Woods also expressed reservations about implementing community service because of the potential costs and manpower drain it could place on law enforcement and court personnel.

B. Placing Penalty Language on Handicapped Parking Signs

In an effort to increase public awareness of the penalties for illegally parking in handicapped parkings spaces and to deter illegal use of such spaces, several states require a statement of penalties on all handicapped parking signs. In New Jersey, handicapped parking signs contain the following language: "RESERVED PARKING, PENALTY -- \$100 First Offense, SUBSEQUENT OFFENSES \$100 Min. and/or Up to 90 Days Community Service, TOW-AWAY ZONE." Other states which require penalty language on handicapped parking signs include Connecticut, Florida, North Carolina, Pennsylvania, Tennessee, and West Virginia (Appendix D).

At present, Virginia law neither requires nor prohibits the placement of penalty language on handicapped parking signs. Rather, the Virginia Code simply requires that all parking spaces reserved for the use of the handicapped be identified by an above grade sign which must stand at least four feet, but no higher than seven feet above the parking surface. The above grade sign requirement is intended to provide both disabled and non-disabled persons easy identification of handicapped parking spaces, particularly in snowy or icy weather when signs or symbols painted on the pavement may be concealed.

C. The Four Hour Law

One of the most controversial and hotly debated issues the subcommittee addressed during its deliberations is what is commonly referred to as the "four hour" law. Virginia Code § 46.2-731 provides that a vehicle bearing a valid disabled parking placard or license plate may be parked up to four hours in a time-restricted (metered) space free of charge. The four hour law is intended to provide adequate parking for the disabled, particularly in urban areas, and to accommodate severely disabled persons who have difficulty feeding coins into parking meters. However, as the number of placards and plates have proliferated, some unintended results have occurred.

Sergeant William Gardner of the City of Richmond Police Department testified that the law allowing handicapped motorists to park in metered spaces up to four hours free of charge has contributed to a substantial loss of parking revenue, prevented parking turnover in the city's central business district, and is essentially unenforceable. He noted that most drivers park for an initial four hour period, move their cars during their lunch hour to a new space, then park for another four hour period to complete their work day.

Francis X. O'Leary, Jr., Arlington County Treasurer, testified that his locality loses between \$500,000 and \$700,000 annually in lost parking meter revenues as a result of the four hour law. He further stated that in parts of Arlington County more than 55% of all public parking is occupied by vehicles bearing disabled parking indicia, and in some areas of Crystal City more than 90% of all spaces are similarly occupied. Yet, he noted, the disabled community estimates they comprise only 4% of the American population. Mr. O'Leary recommended that the four hour law be repealed and commented that he saw no rationale for presuming that those who are disabled are also economically disadvantaged and in need of a parking subsidy. As an alternative, he suggested that local governments be authorized to set aside four percent of all metered spaces for the disabled and to implement pre-paid parking decals or electronic in-vehicle parking meters (Parkulators) for use by the disabled community.

Lieutenant Richard B. Alt of the Arlington County Police Department attributed much of the lost revenue in his locality to non-disabled persons abusing the parking privilege afforded by the four hour law. He testified that an identification check of placard and license plate holders conducted by his police department revealed that almost half of all drivers parking in metered spaces in Arlington County were non-disabled persons illegally using another person's placard or license plate.

Although conceding the prevalence of abuse related to the four hour law, a number of persons supported maintaining the current four hour provision, and one speaker advocated increasing the free parking period to eight hours. Bruce Frazer, Director of Americans for Fair Handicapped Parking, urged the subcommittee to maintain the four hour law, noting that free parking at metered spaces allows the disabled and those who transport the disabled convenient access to medical care in urban areas. He testified that lengthy waiting periods and medical exams make it impractical for the disabled or their drivers who assist them to continually feed parking meters. Paula McPherson, Chairperson of the Peninsula Disability Services Board, echoed Mr. Frazer's statements and urged the subcommittee to increase the four hour free parking period to eight hours.

Sandra Reen, Director of the Department for Rights of Virginians with Disabilities, also expressed her reservations to the subcommittee about repealing the four hour law. She noted that many streets do not have adequate curb cuts to allow the disabled convenient access to parking meters and that access to meters, especially for the wheelchair bound, is often blocked by other parked cars and difficult to reach due to the meter's height. In addition, she stated that authorizing localities to opt out of the four hour law on a local option basis would lead to a lack of uniformity among localities and create confusion for travelers who may not be aware if the four hour law is in effect in a particular jurisdiction.

D. Eligibility to Obtain a Disabled Parking Placard or License Plate

Like most states, Virginia law provides that the Department of Motor Vehicles shall issue disabled parking license plates and placards to persons who are disabled or to persons who use their vehicles to transport the disabled. Such license plates and placards entitle the bearer to park in properly marked handicapped parking spaces. In order to qualify for a disabled parking license plate or placard, an applicant must provide the Department of Motor Vehicles a certification by a licensed physician that the applicant has a disability that "limits or impairs his ability to walk" as defined in Virginia Code § 46.2-100.

A "person with a disability that limits or impairs his ability to walk" means a person who, as determined by licensed physician: 1) cannot walk 200 feet without stopping to rest; 2) cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device; 3) is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest; 4) uses portable oxygen; 5) has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; 6) is severely limited in his ability to walk due to an arthritic, neurological or orthopedic condition; or 7) any other condition, in the view of a licensed physician, limits or impairs his ability to walk.

As directed by both joint resolutions, the subcommittee considered the merits of expanding the above criteria to include the deaf and hard of hearing and the visually handicapped. Dr. W. Roy Grizzard, Jr., commissioner of the Department for the Visually Handicapped testified that the majority of Virginians who are visually impaired are not interested in acquiring handicapped parking privileges. Currently, there are approximately 35,600 visually impaired citizens in Virginia, 13,395 of whom are legally blind, and 4,018 of whom are totally blind. Of this group, most feel that their visual impairment is unrelated to their ability to walk, and that special parking privileges are therefore unnecessary. The commissioner further noted that most visually handicapped persons who are able to drive can adequately negotiate their way through parking lots and that those persons who are blind and cannot drive typically use their sighted driver to guide them through parking lots. Subcommittee staff noted that 13 of 20 states researched included visual handicaps as a qualifying disability for handicapped parking privileges (Appendix D).

Susan W. Buckland, director of the Department for the Deaf and Hard of Hearing, testified that there are approximately 600,000 Virginians who are either deaf or hard of hearing and that no consensus has been reached on the issue of handicapped parking privileges. Generally, younger persons who are deaf or hard of hearing are opposed to handicapped parking privileges, stating that one's ability to hear in no way relates to one's ability to walk. In contrast, most older hearing impaired persons are interested in obtaining handicapped parking privileges, principally for safety reasons. Of the 20 states surveyed by staff, only the State of Kentucky extends handicapped parking privileges to the deaf or hard of hearing (Appendix D).

The subcommittee also considered whether to restrict or modify the existing eligibility criteria. Of particular concern was the miscellaneous eligibility category which authorizes the distribution of a disabled parking placard or license plate to individuals who have "[a]ny other condition, which in the view of a licensed physician, limits or impairs his ability to walk." (§ 46.2-100). Dr. Howard McCue, Jr., DMV's Staff Physician and professional advisor to the Department of Motor Vehicles' Medical Advisory Board, noted that of the seven eligibility categories, the miscellaneous category creates that largest opportunity for abuse by physicians and applicants and recommended that physicians be required to state a diagnosis and describe their patient's mobility impairment when making a certification under the miscellaneous category. Other speakers urged the subcommittee to eliminate the miscellaneous category completely.

Statistics for the month of July, 1996, provided to the subcommittee by Fred Helm, Assistant Commissioner for Legislative and Legal Affairs at the Department of Motor Vehicles, indicated that the miscellaneous category ranks second among types of disability certifications by physicians while category one ("cannot walk 200 feet without stopping to rest") ranked first. Of the physicians issuing disability certifications under the miscellaneous category, 99% specified the type of disability on their certification form. Each month, the Department of Motor Vehicles

randomly selects a small percentage of the applications received to verify the physician information provided on the certification form. The Department of Health Professions then compares the physician information to a database of licensed physicians for verification. Since the monitoring program's inception in 1995, all physicians randomly selected have been verified as fully licensed.

E. Misuse of Disabled Parking Placards and License Plates

For every driver who parks in a handicapped space without a valid placard or plate, law enforcement officers assert that many others abuse the system by altering expired placards and plates, counterfeiting placards and plates, using a placard or plate of a friend or family member (who may be deceased), or by fraudulently obtaining a placard or plate. Chief of Police for the City of Hampton, Pat Minetti, stated that the misuse of handicapped parking indicia is quite prevalent in his jurisdiction and urged fellow members of the subcommittee to recommend strict penalties for such activities. Other law enforcement officers from the Cities of Richmond and Virginia Beach as well as Arlington County all noted substantial abuse in their localities as well. Statistics from a parking enforcement volunteer in the City of Virginia Beach appear to support the alleged abuse of placards and license plates (Appendix E). During a ten-month period, the enforcement volunteer attempted to verify the validity of 88 driver's placards or license plates by matching such indicia with the driver's identification card or driver's license. Of the 88 drivers questioned, approximately 42% were using another person's plate or placard.

Although the testimony of numerous members of the law enforcement and disabled communities suggested widespread abuse, representatives from the Department of Motor Vehicles noted that they had received only nine complaints of misuse since January 1, 1996, and stated that the Department was not aware of substantial abuse of handicapped parking indicia. DMV is authorized to revoke the placard or plate of an individual convicted of misuse, but the failure of court personnel to transmit placard and plate numbers to the Department has resulted in the initiation of only one revocation procedure since July 1, 1995.

The Department may revoke a disabled parking placard or license plate pursuant to § 46.2-1237 if the individual convicted of misuse "(i) is not a person with a disability that limits or impairs his ability to walk and is not otherwise eligible to be issued a license plate or a placard pursuant to § 46.2-731, or (ii) is authorized to have such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so that revocation appears appropriate to remedy the abuse or misuse." Department officials expressed concern that term "misuse" as used in both § 46.2-1237 and § 46.2-731 is ambiguous and suggested that both statutes could be utilized more effectively if the term was specifically defined.

F. Invalidation and Re-issuance of Disabled Parking Placards

One proposal which received strong support from members of the disabled community was the concept of invalidating and re-issuing all disabled parking placards. Under this proposal, all placard holders would be notified that their placard would expire on a certain date. Following such notice, placard holders would have to reapply and be re-issued a new redesigned placard.

The new placard would entitle the bearer to park in handicapped parking spaces while persons attempting to use the old design would be ticketed. According to the proposal's supporters, this process would weed out those persons using altered, counterfeit, or illegally obtained placards.

During subcommittee deliberations, much discussion focused on whether placard holders would have to be re-certified by a physician as disabled before they could obtain their new placard or if they simply would have to make an administrative exchange of placards without re-certification. Those advocating re-certification argued that it was necessary to eliminate persons who had fraudulently obtained their placard through deceit or forgery, and that an administrative exchange would allow invalid placard holders to continue their abuse. In contrast, persons supporting an administrative exchange noted that the process of re-certification would be an expense and a physical burden to the disabled, and asserted that an exchange would still weed out the majority of unauthorized users.

In a letter distributed to the subcommittee, Fred Helm of the Department of Motor Vehicles expressed several reservations about a large-scale invalidation and re-issuance of disabled parking placards. He noted that such a process would (i) result in additional expense to the Department; (ii) burden persons who hold valid placards; and (iii) create additional enforcement problems. As an alternative, the Department suggested that the placards be redesigned and that in January 1997 the Department would begin issuing the new placards when the current placards expire. Because the validity period for permanent placards is five years, the Department proposal would complete the gradual exchange of placards by 2002. Vice-Chairman Behm and other subcommittee members voiced opposition to the Department's proposal stating that a five year time frame for placard re-issuance would be too lengthy and urged the subcommittee to consider a quicker re-issuance process.

Since the conclusion of the subcommittee's meetings, Richard D. Holcomb, Commissioner of the Department of Motor Vehicles, has sent a letter to all subcommittee members explaining the Department's opposition to an invalidation and re-issuance of disabled parking placards. A copy of Commissioner Holcomb's letter may be found in Appendix F of the subcommittee's report.

G. Redesign of Disabled Parking Placards

During its consideration of a possible invalidation and re-issuance of disabled parking placards, the subcommittee also considered proposals to redesign the placards to make them more difficult to alter or counterfeit. Currently, there are three types of disabled parking placards:

1. Permanent Removable Windshield Placard

- a. Two-sided hooked placard bearing the International Symbol of Access, at least three inches in height, in white on a blue background.

- b. Licensed physician must certify that the applicant has a disability which limits or impairs the applicant's ability to walk.
- c. Placards also bear the name, age, and sex of the placard holder, an identification number and an expiration date.
- d. Permanent Placards may be renewed every five years.

2. **Temporary Removable Windshield Placard**

- a. Two-sided hooked placard bearing the International Symbol of Access, at least three inches in height, in white on a red background.
- b. Licensed physician must certify that applicant has a disability which limits or impairs applicant's ability to walk and determine the period of time during which his patient will be disabled (not to exceed six months).
- c. Placards also bear the name, age, and sex of the placard holder, an identification number, and an expiration date.
- d. Temporary Placards are valid for a maximum period of six months.

3. **Removable Organizational Windshield Placard**

- a. Two-sided hooked placard bearing the International Symbol of Access, at least three inches in height, in white on a green background.
- b. Issued to organizations such as hospitals and nursing homes for use by volunteers when transporting disabled persons in vehicles owned by such volunteers.
- c. Placard bears the name of the institution, identification number, and an expiration date.

Proposals to modify the above placard designs were numerous. Fitz G. Harewood, representing the Richmond Disability Services Board, urged the subcommittee to recommend using a month and year sticker to indicate placard expiration dates similar to the month/year sticker system currently being used to indicate license plate expiration. Representatives from DMV commented that a sticker system would be costly and that stickers issued to placard holders might be used fraudulently to "extend" license plate expiration dates.

The Department of Motor Vehicles recommended that placards be modified to include a day, month, and year hole-punch system to indicate expiration dates, a penalty warning, and a "misuse hotline" number. Chairman Whipple suggested that the day hole-punch be eliminated and the month and year hole-punches be enlarged for easier visibility by law enforcement officers. Senator Woods urged the Department to enlarge the lettering on the placards for

visibility purposes as well. Several speakers from the disabled community supported these design changes, but also advocated machine imprinting the placard holder's name and placard number as further protection against tampering. Other ideas proposed to the subcommittee included coded hole-punches, heavy lamination of placards, and new color and font schemes.

H. Enforcement of Handicapped Parking Laws

Enforcing existing handicapped parking laws is quite problematic for a myriad of reasons. Namely, insufficient manpower, misunderstanding of the law by property owners, citizens, and, in some cases, law enforcement, and flourishing fraud and abuse all contribute to enforcement problems. As Senator Maxwell noted, laws regulating handicapped parking are rendered ineffective without proper enforcement. Accordingly, the subcommittee considered a number of options to enhance the enforcement of handicapped parking laws in the Commonwealth.

1. Volunteer Parking Enforcement Units

To alleviate the pressure on regular law enforcement personnel, some states have authorized the establishment of volunteer units to enforce handicapped parking laws (Appendix D). In Virginia, the City of Virginia Beach is authorized to establish volunteer parking units pursuant to § 46.2-1220, but it remains unclear whether there is general statutory authority to create such units in localities throughout the state.

Master Police Officer Richard Spreder of the City of Virginia Beach Police Department testified that Virginia Beach established its Parking Enforcement Specialist Team (PEST) in 1988. The officer stressed that PEST volunteers are not simply handed a book of parking tickets and allowed to patrol area parking lots with no supervision or training. Rather, a PEST volunteer undergoes an extensive training program comprised of seven two-hour class sessions and six hours of on-the-job training with a patrol officer and PEST volunteer. Upon the completion of his training, the volunteer is authorized to ticket handicapped parking violators, but has no additional police powers. During their service, volunteers are forbidden to carry any type of weapon and are trained to avoid conflict with the public. The officer asserted that the PEST program has been a success for two reasons. First, the enforcement efforts by the volunteers have made a substantial impact on the prevalence of handicapped parking abuse in Virginia Beach. Second, the program creates an excellent source of revenue for the city. During 1996, the program generated parking ticket revenues of approximately \$130,000 (\$72,887 collected) while expending only \$3,731 for volunteer mileage costs and \$1,325 for uniforms.

Robert Sollenberger, a PEST volunteer, testified that the program's two main objectives are (i) to free disabled parking spaces of illegally parked vehicles in order to better serve the needs of disabled citizens and (ii) to allow regular police officers more time to respond to priority calls for service. A PEST volunteer's duties include issuing tickets and warnings to violators, appearing in court to testify, advising property owners on the proper marking of handicapped parking spaces, and educating citizens through individual and group discussions. Applicants to the program must be adults, pass a criminal background check, provide their own transportation,

and be able to volunteer a minimum of 20 hours per month. Mr. Sollenberger's patrol records reflected that approximately 76% of the tickets he issues are for parking in a handicapped space without a valid parking placard or license plate. In addition, he estimates that of those drivers actually displaying placards and plates, 42% are illegally using another person's placard or plate (Appendix E).

2. Photo Identification

Another enforcement technique the subcommittee considered was the verification of a driver's or passenger's disabled status through the use of photo identification cards. The aim of this method is to reduce the incidence of unauthorized use by non-disabled drivers who use a family member or friend's valid placard or plate. Often, officers find it quite difficult to enforce laws against unauthorized use because if a non-disabled driver is using someone else's valid placard or plate, the officers have no reason to ticket the vehicle. Even if an officer observes a driver getting out of his vehicle, disabilities such as heart and lung disease which entitle persons to park in handicapped spaces are not visible.

In an effort to combat the problem of unauthorized use, several states have enacted laws authorizing law enforcement officers to verify disabilities through the use of photo identification cards. For instance, in California, Colorado, and Florida, persons displaying handicapped parking placards or license plates must present either their driver's license or a state photo identification card to a law enforcement officer who requests to verify their disabled status. Persons who refuse this request or are unable to provide adequate identification are issued a handicapped parking ticket. The States of Louisiana, New Jersey, and West Virginia issue "handicapped identification cards" to all persons who receive handicapped parking placards or license plates. Each card includes a photograph of the disabled person and an identification number which matches the identification number on their placard or license plate. Persons who are unable to provide law enforcement with their handicapped identification card or who possess a card that does not match their placard or plate are issued handicapped parking ticket and may be charged with unauthorized usage. Another verification method is utilized in Maryland. Maryland law requires all persons using a handicapped parking placard or license plate to have their approved handicapped parking application available for law enforcement inspection. Persons unable to present an approved application may be ticketed (Appendix D).

3. Confiscation of Placards

Virginia Code § 46.2-1237 authorizes the Department of Motor Vehicles to revoke the placard or license plate of any person convicted of misuse, but no statutory authority provides for the immediate confiscation of such indicia by law enforcement or the court. States which have authorized confiscation of handicapped parking indicia include California, Florida, Michigan, and Tennessee (Appendix D). Representatives of the disabled community urged the subcommittee to recommend confiscation as an enforcement tool because confiscation immediately removes a violator's ability to continue abusing handicapped parking laws either through altered, counterfeit, or illegally obtained indicia.

4. Death Certificate Cross-referencing

As directed by both House and Senate Joint Resolutions, the subcommittee addressed instances of abuse where a disabled person dies and the decedent's family members, typically the spouse, continue to use the decedent's disabled parking placard or license plate. Specifically, the subcommittee considered the merits of the Department of Motor Vehicles periodically cross-referencing the names of its placard and plate holders with death certificate records provided by the Bureau of Vital Statistics.

Staff described such a system currently in place in California. Under California law, their Department of Motor Vehicles annually compares the names of its placard and plate holders with records of deceased persons provided by the Bureau of Vital Statistics. When a name match occurs, the placard or plate is immediately revoked and further renewal (by family members) is prohibited. In addition, in order to reduce the potential window of abuse of by family members, individuals must renew their plate or placard every two years rather than every five years as currently provided for in Virginia. Furthermore, family members must turn in their deceased family member's plate or placard within 60 days of the decedent's death (Appendix D).

Representatives from the Department of Motor Vehicles stated that they have conducted a records check with the Bureau of Vital Statistics and have sent approximately 2,600 letters to families of deceased placard or plate holders to return or destroy such indicia. As of September, 1996, 60 placards had been returned to the Department and 43 families had written letters to the Department indicating that the placard had been previously returned, destroyed, or lost.

IV. Work of the Joint Subcommittee

The joint subcommittee was required by SJR 86 and HJR 198 to report its findings and recommendations to the Governor and the 1997 Session of the General Assembly. In pursuing its legislative mandate, the joint subcommittee met five times.

June 12, 1996; Richmond.

At its organizational meeting, the joint subcommittee elected Senator Mary Margaret Whipple as its Chairman and Delegate I. Vincent Behm, Jr., as its Vice-Chairman. The initial meeting featured a presentation by Sandra Reen, Director of the Department for Rights of Virginians with Disabilities, on the issues and recommendations contained in Senate Document Number 41, a handicapped parking study conducted by the department in 1994. Staff from the Division of Legislative Services followed with a brief overview of the current status of handicapped parking law, with particular emphasis placed on the various types of disabled parking license plates and placards and provisions related to enforcement. Next, the joint subcommittee viewed a videotape provided by Delegate Behm that consisted of investigative reports on handicapped parking abuse which were produced by WVEC News Television in Tidewater and by ABC's PrimeTime Live television show. Citizens addressing the

subcommittee during the public comment period included: James Rothrock, Director of the Statewide Independent Living Council, Ms. Ann McKinney, Legislative Liason for the Chesterfield Paralyzed Veterans of America, and Robert Perry of the Fairfax Disability Services Board.

August 6, 1996; Richmond.

At the opening of the joint subcommittee's second meeting, Chairman Whipple announced the appointment of a technical advisory committee, consisting of citizens who have insight and expertise regarding the issues and obstacles facing the disabled community and their usage of handicapped parking spaces. Following this announcement, staff presented a survey of handicapped parking laws from 20 states which addressed provisions on penalties, signage, placard and license plate misuse, volunteer parking enforcement units, eligibility requirements, photo identification, and other pertinent issues (Appendix D). Staff then provided the subcommittee with an overview of the legislative evolution of Virginia's handicapped parking statutes from their inception in 1972 to the present (Appendix C).

Representatives from the Department of Motor Vehicles (DMV) summarized their agency's role in issuing, tracking, and revoking disabled parking placards and license plates. DMV noted that its greatest challenge is balancing its commitment to providing excellent customer service with the desire to prevent non-disabled individuals from obtaining placards and license plates fraudulently. Members of the subcommittee requested that DMV provide statistics on the number and nature of complaints received at DMV branches throughout the state, an accounting of distribution of placards and plates by branch, and a numerical breakdown of how many license plates and placards are issued for each qualifying disability.

Addressing financial issues concerned with handicapped parking, Arlington County Treasurer Francis X. O'Leary testified that Arlington County loses between \$500,000 and \$700,000 annually in parking meter revenues as a result of the four hour law which entitles disabled person to park in metered spaces up to four hours free of charge. He recommend repealing the four hour law and allowing local governments to set aside a portion of their curbside parking for the disabled. During the meeting's public comment portion, the following persons addressed the committee: Bruce Frazer, Executive Director of Americans for Fair Handicapped Parking, Paula McPherson, Chairperson of the Peninsula Disability Services Board, Arthur Friedburg of the Fairfax Disability Services Board.

September 18, 1996; Richmond.

The subcommittee's third meeting focused on the enforcement of handicapped parking laws. The meeting opened with a presentation by representatives from DMV who provided subcommittee members with a supplemental report and testimony addressing the specific issues raised by members at the previous meeting. The subcommittee learned that DMV annually spends approximately \$330,000 on the administration of the disabled parking placard and license plate system and on the implementation of legislative and internal changes to this system.

Sergeant William Gardner of the City of Richmond Police Department and Lieutenant Richard Alt of the Arlington County Police Department both testified in separate presentations that the four hour law contributed to a loss of parking revenue, prevented parking turnover in business districts, and proved very difficult to enforce in their respective jurisdictions. Both officers also stated that persons altering, counterfeiting, and misusing placards and license plates presented serious problems to officers charged with enforcing handicapped parking laws.

Master Police Officer Richard Spreder and Volunteer Robert Sollenberger of the Virginia Beach Police Department both provided the subcommittee with an overview of their city's Parking Enforcement Specialist Team, or PEST. Officer Spreder noted that the program was established in 1988 and has decreased the prevalence of handicapped parking abuse and generated substantial parking ticket revenues in his city. PEST volunteer Robert Sollenberger stated that the program's two main objectives are to prevent illegal handicapped parking and to allow regular officers more time to respond to priority calls for service. Representatives of the Richmond, Southhampton, and Peninsula Disability Services Boards, as well the Arlington County Treasurer's Chief Deputy, all addressed the subcommittee during the public comment portion of the meeting. The technical advisory committee convened at the conclusion of the meeting.

October 29, 1996; Richmond.

In its fourth meeting, the joint subcommittee considered the merits of extending handicapped parking privileges to the deaf and hard of hearing and to the visually handicapped. Dr. W. Roy Grizzard, Jr., Commissioner of the Department for the Visually Handicapped testified that the majority of the 35,600 visually handicapped persons in Virginia are not interested in acquiring handicapped parking privileges because their visual impairment is unrelated to their ability to walk. Speaking for the Department for the Deaf and Hard of Hearing, Director Susan W. Buckland stated that of the approximately 600,000 hearing impaired Virginians, younger persons are opposed to handicapped parking privileges as unnecessary for their impairment while older hearing impaired persons are generally interested in obtaining parking privileges, principally for safety reasons.

Following the presentations by Commissioner Grizzard and Director Buckland, the subcommittee conducted a work session to consider various legislative options to enhance enforcement and decrease abuse of handicapped parking laws. For illegally parking in a handicapped parking space, the subcommittee considered recommending a fine ranging from \$100 to \$500, escalating fines, community service, and assessing driving record demerit points. Much of the discussion during the work session focused on the four hour law, and numerous representatives for urban areas of the state advocated authorizing localities to modify or repeal the four hour law on a local-option basis. Other issues covered by the subcommittee included the invalidation and re-issuance of disabled parking placards and license plates, the redesign of such

indicia, and penalties for placard and plate misuse. No formal recommendations were made as a result of this work session. Several persons from the disabled and law enforcement communities addressed the committee during the public comment portion of the meeting. Following the close of the subcommittee's meeting, the technical advisory committee convened to consider the options discussed during the work session.

November 19, 1996; Richmond.

At its fifth and final meeting, the subcommittee completed its work session and made numerous recommendations. The first item the subcommittee considered was the invalidation of existing disabled parking placards and the re-issuance of newly designed disabled parking placards. DMV expressed several reservations about a large scale invalidation and re-issuance of placards, noting that it would be costly to the Department, burden valid placard holders, and create additional enforcement problems. The Department advocated a plan for the redesign and reissuance of all placards by the year 2002, but many study members stated that such a timetable was too long.

Regarding the issue of disability certifications, Dr. Howard McCue, Jr., DMV's Staff Physician and professional advisor to the Medical Advisory Board, stated that of the seven eligibility categories, the miscellaneous category creates the biggest opportunity for abuse and recommended that physicians be required to state a diagnosis and describe their patient's mobility impairment if they certify a patient's disability under the miscellaneous category. The subcommittee next considered the misuse of handicapped parking indicia through alteration, counterfeiting, and unauthorized use and recommended increasing the penalties for each of these offenses. To enhance the enforcement of such crimes, the subcommittee also debated measures regarding the verification of disabled status through photo identification cards, enforcement by volunteer units, and confiscations of illegally used indicia. At the close of the meeting, staff was instructed to complete a draft report and legislation incorporating the subcommittee's recommendations. Specific recommendations of the joint subcommittee are discussed in Part V of this report.

V. Findings and Recommendations

The joint subcommittee recognized that preventing abuse and enhancing the enforcement of Virginia's handicapped parking laws is vital in order to provide adequate parking for the disabled community. However, under existing law, the twin goals of targeting abuse and tightening enforcement have been frustrated by inadequate penalties, insufficient manpower, and the continual efforts of individuals to thwart the system by altering, counterfeiting, or otherwise misusing disabled parking placards and license plates.

In order to address the issues considered during its study, the joint subcommittee recommended the following:

1. By legislation, increase the penalty for illegal parking in a handicapped parking space to a minimum fine of \$100 and a maximum fine of \$500.

Numerous speakers and subcommittee members expressed their belief that persons who park illegally in handicapped parking spaces do so willfully and with knowledge that their actions may prevent a disabled person from using the space. Based on a survey of other state's laws, Virginia ranks in the middle in terms of penalty severity and does not provide for a minimum fine. Accordingly, the subcommittee recommended raising the minimum and maximum fine amounts in order to raise the deterrence level of the existing penalty.

Although the option of adding community service as an additional punishment to educate violators regarding the needs of disabled persons was seriously considered by the subcommittee, members ultimately rejected this option because of the potential costs and manpower drain it could place on law enforcement and court personnel.

2. By legislation, require that the following penalty language be placed on all handicapped parking signs: PENALTY \$100-500 Fine TOW-AWAY ZONE. Property owners may place the new penalty language on separate signs and attach them below existing handicapped parking signs. Furthermore, property owners shall have one year to complete sign changes.

To increase public awareness of the penalties for illegally parking in handicapped parking spaces and deter illegal use of such spaces, the subcommittee recommended that penalty language be placed on all handicapped parking signs. By placing penalty language on all handicapped parking signs, potential violators will have complete notice of the penalties they may face should they choose to park illegally in a handicapped parking space. Property owners will have one year to install new signs which include the penalty language or to attach separate penalty signs below existing handicapped parking signs.

3. By legislation, authorize localities to opt out of the four hour law on a local-option basis.

After much debate and testimony, the subcommittee determined that while the purposes of the four hour law are laudable, it has been abused to such an extent by non-disabled persons that the law's disabled recipients are rarely able to use the law as it was intended. Several law enforcement officers and county officials, particularly from the urban areas of the state, noted that the four hour law contributes to a substantial loss of parking revenue, prevents parking turnover near businesses, and fosters abuse and enforcement problems. Concurring with this assessment of the four hour law's effects, the subcommittee recommended that the law be maintained, but that local governments be authorized to opt out of the law on a local-option basis. Senator Woods has submitted a Dissent in Part regarding this recommendation (Appendix J).

4. By legislation, require the Department of Motor Vehicles to invalidate and administratively re-issue all organizational and permanent removable windshield placards. This exchange shall be conducted between October 1, 1998 and January 1, 1999.

Due to the proliferation of altered, counterfeited, and outdated disabled parking placards as well as the ease with which the current placard design may be tampered with, the subcommittee recommended that DMV conduct an administrative exchange of all permanent removable windshield placards. The purpose of the exchange is to weed out unauthorized placard users and to re-issue newly designed, more tamper-proof placards to those individuals who are truly disabled. By October 1998, DMV will have obtained complete computer records of all placard holders and shall begin conducting the exchange after this date. DMV shall notify all placard holders to turn in their current placard (either by mail or in person) in exchange for a newly designed placard. Placard holders will have until January 1, 1999, to exchange their placard(s), after which time all old placards will be invalid and only the new placards will entitle the bearer to handicapped parking privileges. Placard holders will not have to obtain a disability certification to qualify for a new placard. In addition, new placards will not grant the holder a new five year term of validity. Rather, all new placards will bear the valid expiration date of the original placard turned in to DMV. A letter from the Department outlining their opposition to this recommendation may be found in Appendix F of this report. Senator Woods has submitted a Dissent in Part regarding this recommendation (Appendix J).

5. By legislation, amend the definitions of “permanent removable windshield placard,” “temporary removable windshield placard,” and “organizational removable windshield placard” to incorporate the following design changes: (i) month and year expiration date hole-punches, (ii) misuse hotline number, (iii) statement of penalty for placard misuse, and (iv) requirement that all data be machine-imprinted on placards.

To accomplish Recommendation No. 4, the subcommittee recommended several design changes for all permanent, temporary, and organizational removable windshield placards. During subcommittee deliberations, members heard extensive testimony that under the current placard design, the placard holder's name and the placard's expiration date are handwritten on the placard and are easily altered or counterfeited. To make alteration and counterfeiting of placards more difficult, the subcommittee recommended that placard expiration dates be indicated by a month and year hole-punch system and that the placard holder's name and the placard expiration date be machine-imprinted (rather than handwritten) on all placards. To address the problem of placard misuse, the subcommittee also recommended that a misuse hotline number and a penalty warning for placard misuse be placed on all placards. Design changes would be implemented July 1, 1997.

6. By legislation, require physicians to state a medical diagnosis when certifying an individual's disability under the miscellaneous eligibility category.

Of the seven eligibility categories under which an individual may qualify for a disabled parking placard or license plate, the subcommittee determined that the eligibility category for miscellaneous disabilities was most amenable to abuse. As a result, the subcommittee recommended that all physicians who certify their patients as disabled under this category be required to state their patient's medical condition contributing to mobility impairment. Under current law, physicians may certify a patient's disability under the miscellaneous category, but are not required to provide any information regarding their patient's medical condition.

7. By legislation, classify each of the following actions as Class II Misdemeanors:

- (i) counterfeiting a disabled parking placard or license plate;**
- (ii) using a counterfeit disabled parking placard or license plate;**
- (iii) altering a disabled parking placard or license plate;**
- (iv) engaging in the unauthorized use of a disabled parking placard or license plate;**
- (v) knowingly selling or exchanging for consideration a disabled parking placard or license plate;**
- (vi) fraudulently obtaining a disabled parking placard or license plate.**

8. By legislation, make the act of providing a disabled parking placard or license plate to a non-disabled driver without any exchange of consideration a Class III Misdemeanor.

In arriving at Recommendation Numbers 7 and 8, the subcommittee found that the prevalence of placard and plate misuse is significant throughout Virginia and determined that existing law lacks the specificity and penalty severity to adequately address this problem. Consequently, the subcommittee broke down misuse into seven distinct crimes, making six of the offenses Class II Misdemeanors and one offense a Class III Misdemeanor.

9. By legislation, authorize persons who enforce handicapped parking laws to confiscate disabled parking placards of any person arrested for any of the offenses listed in Recommendations 7 and 8. In addition, DMV shall have the authority to place an administrative hold on the arrested individual's placard to prevent re-issuance.

The subcommittee found, based on testimony by numerous law enforcement officers, that handicapped parking violators ticketed for misuse often continued to use an invalid placard despite the issuance of a ticket. To counteract this problem and prevent further abuse by violators, the subcommittee recommended that law enforcement officers be authorized to confiscate the placard of any person arrested for misuse offenses and that DMV shall prevent re-issuance of a placard to the defendant until the court proceeding is resolved.

10. By legislation, authorize all localities to establish volunteer handicapped parking enforcement units.

During the subcommittee's work session, staff indicated that it was unclear whether the Virginia Code authorized all localities to establish volunteer handicapped parking enforcement units. Encouraged by the success of the City of Virginia Beach's PEST program, the subcommittee recommended that authorization for such units be clearly authorized for all localities

11. By legislation, authorize persons who enforce handicapped parking laws to request a form of photo identification from any person parked in a handicapped parking space displaying either a disabled parking placard or license plate.

The growing number of non-disabled individuals using their disabled friend or family member's placard continues to exacerbate the level of abuse related to handicapped parking. Moreover, such violators are very difficult to catch because their vehicles display placards and license plates which appear perfectly valid to a law enforcement officer. Even if an officer observes an unauthorized user exiting his vehicle, the officer may attribute the violator's apparent lack of disability to non-visible disabilities such as lung and heart disease. To ensure that only the truly disabled use disabled parking placards and license plates, the subcommittee recommended that law enforcement officers be authorized to verify handicapped parking use by checking photo identification of any person parked in a handicapped parking space. To address the other side of the equation, any placard or plate holder who provides, sells, or exchanges their indicia may be charged with a Class II or III Misdemeanor under Recommendation Numbers 7(v) and 8, respectively.

12. Encourage the Department of Motor Vehicles to maintain and enhance its efforts to administratively address the following issues:

- (i) Continue efforts to cross-reference names of existing placard and license plate holders with death certificate records provided by the Bureau of Vital Statistics to curtail abuse by surviving family members of placard and plate holders.**
- (ii) Amend the DMV driver training manual to include at least one page on the laws regulating handicapped parking.**
- (iii) Amend the DMV driver's license exam to include at least one question on the laws regulating handicapped parking.**
- (iv) Continue to distribute informational literature to all persons receiving a disabled parking placard or plate regarding their rights and responsibilities as a handicapped parking user.**
- (v) Continue and work to enhance training of employees regarding the issuance of disabled parking placards and plates.**

The subcommittee found during the course of its deliberations that the Department of Motor Vehicles was actively addressing the above issues and determined that such objectives could be successfully accomplished by the Department on an administrative basis rather than by legislative mandate.

The joint subcommittee extends its gratitude to all interested persons who contributed to its work.

Respectfully submitted,

**Senator Mary Margaret Whipple, *Chairman*
Delegate I. Vincent Behm, Jr., *Vice-Chairman*
Senator W. Henry Maxwell
Senator Jane H. Woods
Delegate Robert D. Hull
Delegate Dwight Jones
Delegate Robert Tata
Mr. Samuel Bland
Mr. Philip E. Everhart
Ms. Frances C. Firth
Mr. Frederick P. Helm
Dr. Howard McCue, Jr.
Chief Pat G. Minetti
Ms. Sandra Reen**

VI. Appendices

- Appendix A: Senate Joint Resolution No. 86 (1996)**
- Appendix B: House Joint Resolution No. 198 (1996)**
- Appendix C: Evolution of Virginia's Handicapped Parking Law**
- Appendix D: Survey of Other States' Handicapped Parking Laws**
- Appendix E: PEST Enforcement Statistics**
- Appendix F: DMV Letter of 12/11/96**
- Appendix G: DMV Letter of 1/14/97**
- Appendix H: Paralyzed Veterans of America Letter of 12/23/96**
- Appendix I: Peninsula Disability Services Board Letter of 12/20/96**
- Appendix J: Dissent in Part, Senator Jane H. Woods**
- Appendix K: Legislative Draft No. 2463758 (1997)**

Appendix A

Senate Joint Resolution No. 86 (1996)

SENATE JOINT RESOLUTION NO. 86

Establishing a joint subcommittee to examine the enforcement and abuse of laws regulating parking spaces for handicapped persons.

Agreed to by the Senate, February 13, 1996

Agreed to by the House of Delegates, February 29, 1996

WHEREAS, Virginia law provides for the reservation of certain motor vehicle parking spaces for use by handicapped persons; and

WHEREAS, Virginia law further provides for issuance of special license plates, parking decals, and parking permits and placards to identify vehicles permitted to park in those spaces; and

WHEREAS, it is highly desirable to ensure that fair, clear, and uniform standards for issuance of these special license plates, decals, placards and permits be established and that parking spaces reserved for use by handicapped persons be clearly and uniformly identified; and

WHEREAS, it is also highly desirable that all state laws and local ordinances dealing with parking spaces reserved for the handicapped be appropriately and clearly crafted and rigorously and fairly enforced so that specially reserved parking spaces are available to those who genuinely need them; and

WHEREAS, the current statutory scheme, designed to permit accessible parking for persons with disabilities, particularly in metered spaces, is being abused by drivers and has resulted in (i) reduced parking available for persons with disabilities, (ii) reduced parking and access to businesses, as short-term metered parking spaces, so placed to encourage turnover, are increasingly occupied by vehicles with a handicapped parking placard, and (iii) reduced revenues to local governments from parking meters and parking tickets due to exemptions created for persons possessing handicapped parking placards; and

WHEREAS, although recent legislation and legislative studies have helped to initiate important reforms and to focus attention on the problem of handicapped parking abuse, drivers continue to abuse and thwart laws intended to provide parking spaces for the disabled; and

WHEREAS, further legislative study and reform are therefore needed to curb continued abuse and to ensure adequate parking spaces for persons with disabilities; and

WHEREAS, representatives of local government, advocates for the disabled and other concerned parties are interested in examining potential statutory solutions to this increasing problem and to enhance the enforcement of current Virginia law as it relates to handicapped parking; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the enforcement and abuse of laws regulating parking spaces reserved for handicapped persons. The joint subcommittee shall consist of 14 members to be appointed as follows: 3 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; and 4 members of the House of Delegates to be appointed by the Speaker of the House. The Senate Committee on Privileges and Elections shall appoint the following citizen members: 1 representative of the Department for Rights of Virginians with Disabilities and 2 representatives of the Department of Motor Vehicles, 1 of whom shall be a member of the Department of Motor Vehicles Medical Advisory Board. The Speaker of the House of Delegates shall appoint the following citizen members: 1 representative of the Virginia Treasurer's Association; 1 representative of the Virginia Association of Chiefs of Police; and 1 representative of the Virginia Municipal League and 1 representative of the Virginia Association of Counties, 1 of whom shall be a member of a local or regional disabilities services board. The chairman of the joint subcommittee shall be one of the legislative members as selected by the subcommittee.

The subcommittee shall also seek the assistance of representatives from the Virginia Medical Society and the Virginia Chamber of Commerce.

In its deliberations, the joint subcommittee is specifically requested to: (i) review the recommendations of the report of the Department for Rights of Virginians with Disabilities set forth in Senate Document Number 41 (1994) entitled "Study of Parking for Persons with Disabilities," (ii) consider proposals to allow persons with physical disabilities convenient access to dedicated handicapped parking spaces, (iii) address the merits of eliminating free parking for persons with disabilities, possibly on a local-option basis, in favor of establishing practical pre-paid options that do not establish undue physical or fiscal burdens upon persons with physical disabilities, (iv) consider the potential benefits of providing free parking to persons with severe mobility disabilities, but eliminating free parking privileges for the ambulatory and those who are temporarily disabled, (v) examine whether private citizens may place informative literature on the windshields of motor vehicles whose drivers are violating handicapped parking laws and ordinances, (vi) consider the merits of deputizing citizens on a limited basis to distribute parking tickets to persons violating handicapped parking laws, (vii) review the current status of the law relating to the parking of motor vehicles used to transport visually handicapped persons, including the four-hour law, (viii) analyze whether periodic cross-referencing of death certificates with records of persons having handicapped parking privileges could curb abuse by surviving family members who continue to use their deceased family member's handicapped parking license, permit, or placard following such person's death, (ix) consider the needs and concerns of persons who are deaf or hard of hearing and their usage of handicapped parking spaces, (x) review the nature and amounts of fees charged to persons obtaining handicapped parking placards, and (xi) any other issue relevant to the enforcement and abuse of laws regulating parking spaces reserved for handicapped persons.

The direct costs of this study shall not exceed \$7,750.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth, including the Office of the Attorney General, shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

Appendix B

House Joint Resolution No. 198 (1996)

HOUSE JOINT RESOLUTION NO. 198

Establishing a joint subcommittee to examine the enforcement and abuse of laws regulating parking spaces for handicapped persons.

Agreed to by the House of Delegates, February 23, 1996

Agreed to by the Senate, February 21, 1996

WHEREAS, Virginia law provides for the reservation of certain motor vehicle parking spaces for use by handicapped persons; and

WHEREAS, Virginia law further provides for issuance of special license plates, parking decals, and parking permits and placards to identify vehicles permitted to park in those spaces; and

WHEREAS, it is highly desirable to ensure that fair, clear, and uniform standards for issuance of these special license plates, decals, placards and permits be established and that parking spaces reserved for use by handicapped persons be clearly and uniformly identified; and

WHEREAS, it is also highly desirable that all state laws and local ordinances dealing with parking spaces reserved for the handicapped be appropriately and clearly crafted and rigorously and fairly enforced so that specially reserved parking spaces are available to those who genuinely need them; and

WHEREAS, the current statutory scheme, designed to permit accessible parking for persons with disabilities, particularly in metered spaces, is being abused by drivers and has resulted in (i) reduced parking available for persons with disabilities, (ii) reduced parking and access to businesses, as short-term metered parking spaces, so placed to encourage turnover, are increasingly occupied by vehicles with a handicapped parking placard, and (iii) reduced revenues to local governments from parking meters and parking tickets due to exemptions created for persons possessing handicapped parking placards; and

WHEREAS, although recent legislation and legislative studies have helped to initiate important reforms and to focus attention on the problem of handicapped parking abuse, drivers continue to abuse and thwart laws intended to provide parking spaces for the disabled; and

WHEREAS, further legislative study and reform are therefore needed to curb continued abuse and to ensure adequate parking spaces for persons with disabilities; and

WHEREAS, representatives of local government, advocates for the disabled and other concerned parties are interested in examining potential statutory solutions to this increasing problem and to enhance the enforcement of current Virginia law as it relates to handicapped parking; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the enforcement and abuse of laws regulating parking spaces reserved for handicapped persons.

The joint subcommittee shall consist of 14 members to be appointed as follows: 4 members of the House of Delegates to be appointed by the Speaker of the House; and 3 members of the Senate to be appointed by the Senate Committee on Privileges and Elections. The Speaker of the House of Delegates shall appoint the following citizen members: 1 representative of the Virginia Treasurer's Association; 1 representative of the Virginia Association of Chiefs of Police; and 1 representative of the Virginia Municipal League and 1 representative of the Virginia Association of Counties, 1 of whom shall be a member of a local or regional disabilities services board. The Senate Committee on Privileges and Elections shall appoint the following citizen members: 1 representative of the Department for Rights of Virginians with Disabilities and 2 representatives of the Department of Motor Vehicles, 1 of whom shall be a member of the Department of Motor Vehicles Medical Advisory Board. The chairman of the joint subcommittee shall be one of the legislative members as selected by the subcommittee.

The subcommittee shall also seek the assistance of representatives from the Virginia Medical Society and the Virginia Chamber of Commerce.

In its deliberations, the joint subcommittee is specifically requested to (i) review the recommendations of the report of the Department for Rights of Virginians with Disabilities set forth in Senate Document Number 41 (1994) entitled "Study of Parking for Persons with Disabilities," (ii) consider proposals to allow persons with physical disabilities convenient access to dedicated handicapped parking spaces, (iii) address the merits of eliminating free parking for persons with disabilities, possibly on a local-option basis, in favor of establishing practical pre-paid options that do not establish undue physical or fiscal burdens upon persons with physical disabilities, (iv) consider the potential benefits of providing free parking to persons with severe mobility disabilities, but eliminating free parking privileges for the ambulatory and those who are temporarily disabled, (v) examine whether private citizens may place informative literature on the windshields of motor vehicles whose drivers are violating handicapped parking laws and ordinances, (vi) consider the merits of deputizing citizens on a limited basis to distribute parking tickets to persons violating handicapped parking laws, (vii) review the current status of the law relating to the parking of motor vehicles used to transport visually handicapped persons, including the four-hour law, (viii) analyze whether periodic cross-referencing of death certificates with records of persons having handicapped parking privileges could curb abuse by surviving family members who continue to use their deceased family member's handicapped parking license, permit, or placard following such person's death, (ix) consider the needs and concerns of persons who are deaf or hard of hearing and their usage of handicapped parking spaces, (x) review the nature and amounts of fees charged to persons obtaining handicapped parking placards, and (xi) any other issue relevant to the enforcement and abuse of laws regulating parking spaces reserved for handicapped persons.

The direct costs of this study shall not exceed \$7,750.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth, including the Office of the Attorney General, shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

Appendix C

Evolution of Virginia's Handicapped Parking Law

Evolution of Virginia's Handicapped Parking Statutes 1972-1996

1972

§ 46.1-104.1. Added. (Chapter 473, HB 263, Del. Middleton).

- Authorized (for the first time) issuance of special license plates "to persons with physical handicaps which limit their mobility" (h/p plates).
- No specific criteria provided or physician's certification required.
- No linkage to use of reserved parking spaces.

46.1-149.1. Added. (Chapter 80, SB 354, Sen. Bendheim).

- Authorized issuance of Disabled Veteran license plates to persons with specific service-connected disabilities, **including blindness**.
- No linkage to use of reserved parking spaces.
- **NO** fee for these plates.

1973

§ 46.1-104.1. Amended. (Chapter 182, SB 587, Sen. Brault).

- Allowed vehicles with h/p plates to be parked for unlimited time without paying meter fees, except for parking spaces reserved for special classes of vehicles, no parking zones, and spaces that become moving lanes at certain times (during rush hours, for example).
- Provided a **misdemeanor** penalty (fine of \$10 to \$100 and/or jail from one to ten days for first offense, fine of \$20 to \$200 and/or jail from one to twenty days for second offense within one year, fine of \$50 to \$500 and/or jail from ten days to six months for third offense within one year) for nonhandicapped persons who misrepresent their qualifications for the plates or who "utilize the parking privileges" afforded by the statute.

1974

§ 46.2-104.1. Amended. (Chapter 46, SB 20, Sen. Brault).

- Extended h/p parking privilege to persons to whom disabled veteran license plates have been issued under § 46.1-149.1 (disabled veterans).

Further amended (Chapter 410, HB 989, Del. Axselle).

- Authorized issuance of removable decals conferring the same privileges as h/p plates to "any person with physical handicaps which limit his mobility" for use in any "passenger car or pickup truck operated by such person."
- A "reasonable fee" was to be charged by the DMV Commissioner for these decals.

1975

§ 46.1-254.2. Added. (Chapter 181, HB 1246).

- Created special h/p parking permits for “persons whose physician certifies that they have a permanent physical handicap which limits their mobility” to be used in transporting the handicapped person.
- Conveyed same parking privilege as h/p license plates.

1976

§ 46.1-16. Repealed and replaced by § 46.1-16.01. (Chapter 135; SB 290, Sen. Michael).

- Provided new standard penalties for violations of traffic laws: Class 4 misdemeanor for first offense, Class 3 misdemeanor for second offense within one year, and Class 2 misdemeanor for third or subsequent offense within one year.

§ 46.1-149.1. Amended. (Chapter 410, HB 1194, Del. Pickett).

- Authorized issuance of Disabled Veteran license plates (in addition to those already authorized) to persons certified by the federal Veterans Administration as 100 percent disabled.

§ 46.1-181.4. Added. (Chapter 404; HB 937, Del. George Jones).

- Authorized adoption of local ordinances providing for the issuance of summonses (without the issuance of a warrant) to nonhandicapped persons whose vehicles parked in spaces reserved for use by handicapped persons at privately owned shopping centers and business offices.
- No definition of “handicapped.”
- No provision for parking authorization indicia.

1977

§ 46.1-16.01. Amended (Chapter 585, HB 1832, Del. George E. Allen, Jr.).

- Created “traffic infraction” as separate class of offense, distinct from misdemeanors.
- Provided a standard penalty of a fine up to \$100 for traffic infractions.
- Had the effect of superseding previous graduated penalties for “h/p” violations.

§ 46.1-149.1. Amended (Chapter 167, HB 1496, Del. Pickett).

- Authorized issuance of Disabled Veteran license plates to “permanently and totally” service-connected disabled veterans (instead of 100 percent disabled).
- Still retained eligibility for veterans with other specific service-connected disabilities.

§ 46.1-181.4:1. Added (Chapter 207; HB 1521, Del. Warren White).

- Repealed § 46.1-181.4.
- Authorized adoption of local ordinances making it unlawful for nonhandicapped operators to park in spaces reserved for use by handicapped persons.
- Continued provisions of repealed section relating to issuance of summonses and provided for their issuance of local police officers.
- Still no definition of “handicapped.”
- No provision for parking authorization indicia.

1978

§ 46.1-104.1. Amended. (Chapter 185, HB 3, Del. Washington).

- Expanded issuance of h/p parking decals to include vehicles specially equipped to transport groups of handicapped persons.

•

Further amended (Chapter 605, HB 891, Del. Marks).

- Replaced obsolete misdemeanor penalty for falsely claiming qualifications for h/p plates or decals and replaced it with standard traffic infraction penalty.

1981

§ 46.1-181.4:1. Amended. (Chapter 279; HB 1634, Del. Joannou).

- Included prohibition of unauthorized parking in h/p reserved spaces on public property and provided a penalty up to that for a Class 4 misdemeanor.

1982

§ 46.1-104.1. Amended. (Chapter 88, SB 60, Sen. Colgan).

- Expanded issuance of h/p parking decals to include temporarily handicapped persons.
- Decals issued to temporarily handicapped persons to be valid no less than three months or more than one year.
- Applications for these temporary decals had to be accompanied by a physicians statement as to the temporary handicap and its likely duration.
- Temporary decals had to show their expiration dates.

§ 46.1-181.4:1. Amended. (Chapter 445; HB 352, Del. Watts).

- Allowed issuance of summons by uniformed local **police** department employees (as well as local police officers).

1983

§ 46.1-104.1. Amended. (Chapter 38, SB 89, Sen. Goode).

- Provided for h/p license plates, rather than decals, for vehicles specially equipped to transport groups of handicapped persons.

§ 46.1-181.4:1. Amended. (Chapter 592; SB 223, Sen. Nolen).

- Added cross-references to three forms of parking authorization indicia.
- Changed earlier reference to “privately owned shopping centers and business offices” to “privately owned parking areas.”
- Rescinded authority for issuance of summons by uniformed local police department **employees**.

1984

§ 46.1-181.4:1. Amended. (Chapter 147, SB 103, Sen. Goode).

- Restored reference (deleted in 1983) to h/p parking enforcement by other than police officers.
- Authorized issuance of summons by uniformed **local government personnel** employed “to enforce parking regulations.”

§ 46.1-254.3. Added. (Chapter 484; SB 54; Sen. Waddell).

- Provided statewide prohibition on parking in h/p parking spaces by unauthorized vehicles.
- Filled the gap created when localities failed to adopt local ordinances under § 46.1-181.4:1.

1985

§ 46.1-181.4:1. Amended. (Chapter 437; SB 564, Sen. Bird).

- Required that all parking spaces reserved for use by handicapped persons be identified by above-grade signs.

§ 46.1-254.3. Amended. (Chapter 437; SB 564, Sen. Bird).

- Required that all parking spaces reserved for use by handicapped persons be identified by above-grade signs.

1986

§ 46.1-104.1. Amended. (Chapter 144; SB 196, Sen. Mitchell).

- Limited maximum validity of h/p parking decals to five years.
- Required all h/p parking decals to bear their expiration date and the name, age, and sex of the person to whom issued.
- Provided for expiration of all previously issued decals on July 1, 1986.

1987

§ 46.1-181.4:1. Amended. (Chapter 4; SB 184, Sen. Goode).

- Allowed governing bodies of Franklin County, Danville, and Martinsville to have summonses for h/p parking violations committed on privately owned parking areas open to the public issued by specially deputized security guards.

§ 46.2-254.3. Amended. (Chapter 4; SB 184, Sen. Goode).

- Allowed governing bodies of Franklin County, Danville, and Martinsville to have summonses for h/p parking violations committed on privately owned parking areas open to the public issued by specially deputized security guards.

1989

§ 46.1-18.01. Repealed. (Chapter 727; HB 1925, Del. Glasscock).

- Replaced § 46.1-18.01 with § 46.2-113 as part of a revision of Title 46.1.

§ 46.1-104.1. Repealed. (Chapter 727; HB 1925, Del. Glasscock).

- Replaced § 46.1-104.1 with § 46.2-731 as part of a revision of Title 46.1.

§ 46.1-149.1. Repealed (Chapter 727; HB 1925, Del. Glasscock).

- Replaced § 46.1-149.1 with § 46.2-739 as part of a revision of Title 46.1.

§ 46.1-181.4:1. Repealed. (Chapter 727; HB 1925, Del. Glasscock).

- Replaced § 46.1-181.4:1 with § 46.2-1237 as part of a revision of Title 46.1.
- Changed references to “police officers” to “law-enforcement officers.”

46.1-254.2. Repealed. (Chapter 727; HB 1925, Del. Glasscock):

- Replaced § 46.1-254.2 with § 46.2-1238 as part of a revision of Title 46.1.

46.1-254.3. Repealed. (Chapter 727; HB 1925, Del. Glasscock).

- Replaced § 46.1-254.3 with § 46.2-1236 as part of a revision of Title 46.1

1990

§ 18.2-11. Amended (Chapter 788, HB 923, Del. Miller).

- Increased penalty for Class 4 misdemeanor from fine up to \$100 to fine up to \$250.
- Had the effect of making violating local h/p parking ordinances **potentially** more expensive than violating parallel state statutes (still denominated traffic infractions).

§ 46.2-1236. Amended. (Chapter 539; SB 341, Sen. Nolen).

- Authorized issuance of parking tickets (as well as summonses) for violations.
- Provided a rebuttable presumption that the registered owner of the vehicle committed the violation.

§ 46.2-1237. Amended (Chapter 539; SB 341, Sen. Nolen).

- Authorized issuance of parking tickets (as well as summonses) for violations.
- Provided a rebuttable presumption that the registered owner of the vehicle committed the violation.

1992

§ 36-99.10. (renumbered §36-99.11 by Code Commission) Added. (Chapters 753 and 764; SB 365, Sen. Earley and HB 290, Del. Watkins).

- Provided specific description of above-grade signs to be used to identify h/p parking spaces.
- Required that all h/p parking spaces be identified by these signs no later than January 1, 1993.

§ 46.2-113. Amended. (Chapter 533, HB 432, Del. Almand).

- Increased standard penalty for traffic infractions (from fine up to \$100 to fine up to \$200).
- Had the effect of doubling the maximum penalty for h/p parking violations cited under state law, rather than under local ordinances.
- Left state offenses “cheaper” than parallel local offenses.

§ 46.2-1236. Amended. (Chapters 753 and 764; SB 365, Sen. Earley and HB 290, Del. Watkins).

- Provided, through a cross reference to § 36-99.10 (created in the same chapter) a specific description of the above-grade sign to be used to identify parking spaces reserved for use by handicapped persons.
- Provided that pavement markings are **NOT** sufficient.

§ 46.2-1237. Amended (Chapters 753 and 764; SB 365, Sen. Earley and HB 290, Del. Watkins).

- Provided, through a cross reference to § 36-99.10 (created in the same chapter) a specific description of the above-grade sign to be used to identify parking spaces reserved for use by handicapped persons.
- Provided that pavement markings are **NOT** sufficient.

1993

§ 46.2-731. Amended. (Chapter 566, SB 565, Sen. Gartlan).

- Temporarily (until July 1, 1994) authorized issuance of h/p parking decals to hospital, hospices, and nursing homes for use by volunteer drivers transporting handicapped persons.

1994

§ 46.2-731. Amended. (Chapter 225, SB 247, Sen. Gartlan).

- Removed July 1, 1994, “sunset” on issuance of h/p parking decals to hospitals, etc, for volunteer drivers transporting handicapped persons.

Further amended (Chapter 866, SB 564, Sen. Woods).

- Limited the time vehicles bearing h/p parking indicia may park in time-restricted parking spaces to **4 hours** (instead of an unlimited unlimited time).
- Exemption from parking meter fees continued without change.
- Required the DMV Commissioner “**to request**” that applications for h/p license plates and **permanent** windshield placards be accompanied by a physician’s certification.
- Required that applications for **temporary** windshield placards be accompanied by a physician’s certification.

§ 46.2-739. Amended. (Chapter 866, SB 564, Sen. Woods).

- Bifurcated prior class of Disabled Veteran license plates into “DV” (disabled veteran) license plates and “DV Disabled” license plates.
 1. Only disabled veterans whose disabilities limit or impair their ability to walk qualify for DV Disabled plates.
 2. Only display of DV Disabled plates allow the vehicle to use “h/p” parking spaces.
 3. Disabled veterans who are not “mobility disabled” thus lose the benefit of using “h/p” parking spaces.
 4. Both sorts of plates still issued free of charge.

§ 46.2-1236. Repealed. (Chapter 866; SB 564, Sen. Woods).

- Grafted general statute prohibiting unauthorized parking in h/p parking spaces into § 46.2-1237.
- Thus combined statewide prohibition on unauthorized use of h/p parking spaces and authorization for local ordinances into single statute.

§ 46.2-1237. Amended. (Chapter 866; SB 564, Sen. Woods).

- Replaced the term “the handicapped” with “persons with disabilities that limit or impair their ability to walk.”
- This definition included six specific (and one general) qualifying physical conditions (determined by a licensed physician):

1. Cannot walk 200 feet without stopping to rest;
 2. Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
 3. Is restricted by lung disease to such an extent that his forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;
 4. Uses portable oxygen;
 5. Has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
 6. Is severely limited in his ability to walk due to an arthritic, neurological, or orthopedic condition; or
 7. Has some other debilitating condition that, in the view of a licensed physician, limits or impairs his ability to walk.
- Allowed owners or duly authorized agents of owners of parking spaces “properly designated and clearly marked as reserved for the use of persons with disabilities that limit or impair their ability to walk” to have vehicles removed from such spaces if they do not display specified indicia.
 - Provided, in the case where vehicles are removed for improper use of h/p parking spaces, for appeal by vehicle owner to general district court for determination of whether his vehicle was lawfully removed, and further provided for reimbursement of the vehicle owner of costs associated with removal if the court finds the removal was unlawful.
 - Supplied detailed descriptions of the license plates and placards to be issued to be used as indicia authorizing use of reserved spaces.
 - Replaced erroneous reference to § 36-99.10 (description of signs identifying reserved parking spaces) with reference to § 36-99.11.
- A. Replaced various references to h/p parking decals and h/p parking permits with definitions (in § 46.2-100) of “organizational removable windshield placard,” “permanent removable windshield placard,” and “temporary removable windshield placard.”
1. Required all classes of placards to have (i) an identification number, (ii) an expiration date, (iii) the seal or other identifying symbol of the issuing authority, and (iv) the international symbol of access.
 2. Required organizational placards to have the name of the institution or organization to whom issued.
 3. Required permanent and temporary placards to have the name, age and sex of the person to whom issued.
 4. Required permanent placards to be renewed at least every five years.
 5. Provided that temporary placards cannot be valid for more than six months.

46.2-1238. Repealed. (Chapter 866; SB 564, Sen. Woods).

- Folded provisions relating to h/p parking permits into an amended version of § 46.2-731.
- Purposes hitherto served by h/p parking decals (and special h/p parking permits under § 46.2-123) were transferred to h/p parking placards of various kinds.

1995

§ 46.2-731. Amended. (Chapter 805, SB 892, Sen. Woods and Chapter 776, HB 2603, Del. Grayson).

- Authorized the DMV Commissioner to revoke h/p parking placards or license plates of any person or organization found guilty of misusing the privilege granted by the placards or license plates.

46.2-739. Amended (Chapter 747, HB 2049, Del. Moore).

- Authorized issuance of DV (but not DV Disabled) license plates to unremarried surviving spouses of disabled veterans who qualified for DV plates.

§ 46.2-1237. Amended (Chapter 805, SB 892, Sen. Woods and Chapter 776, HB 2603, Del. Grayson).

- Made it illegal for any person who is “not limited or impaired in his ability to walk” to park in a h/p reserved parking space except when transporting who is so handicapped.
- Required courts to notify the DMV Commissioner of h/p parking convictions.
- Allowed the DMV Commissioner (after a hearing, if requested) to revoke h/p parking license plates and/or placards for those who misuse the plates or placards or allow their misuse.

1996

§ 46.2-1237. Amended. (Chapter 88, House Bill No. 669, Del. Grayson).

- Replaced penalty provisions for both state h/p parking violations and local h/p parking ordinances with uniform penalty of fine up to \$250.
- Thus re-established parity in penalties between state offenses and violations of local ordinances.

Appendix D

Survey of Other States' Handicapped Parking Law

***SURVEY OF OTHER STATES'
HANDICAPPED PARKING LAWS***

1. PARKING ILLEGALLY IN HANDICAPPED SPACE

Arkansas	\$25-100 Fine
California	\$250 Fine
Colorado	\$15-100 Fine
Connecticut	\$85 Fine
Florida	\$100 Fine, Up to 40 hrs. Comm. Service
Georgia	\$100-500 Fine
Illinois	\$100-200 Fine
Kentucky	\$20-100 Fine
Louisiana	\$50-500 Fine & Up to 60 Days in Jail
Maryland	Up to \$500 Fine
Michigan	Civil Infraction
New Jersey	\$100 Fine & Up to 90 Days Comm. Service
New York	\$25-100 Fine
N. Carolina	\$50-100 Fine
Pennsylvania	\$50-200 Fine
S. Carolina	\$100-200 Fine & Up to 30 Days in Jail
Tennessee	\$100 Fine
Texas	\$100-500 Escalating Fines, up to 100 hrs. Comm. Serv.
Washington	\$175 Fine
W. Virginia	\$100 Fine

2. COUNTERFEITING PLACARDS OR PLATES

STATE	PENALTY
Arkansas	Class C Misdemeanor
California	---
Colorado	\$15-100 Fine
Connecticut	---
Florida	Up to \$500 Fine & Up to 60 Days in Jail
Georgia	Up to \$1,000 Fine & Up to 1 yr. in Jail
Illinois	---
Kentucky	\$20-100 Fine
Louisiana	---
Maryland	Up to \$500 Fine
Michigan	Up to \$500 Fine & Up to 30 Days in Jail
New Jersey	\$50 Fine
New York	---
N. Carolina	\$50-100 Fine
Pennsylvania	---
S. Carolina	---
Tennessee	\$1,000 Fine & Up to 1 Year in Jail
Texas	\$100-500 Fine & Up to 100 hrs. Com. Serv.
Washington	---
W. Virginia	---

3. UNAUTHORIZED USAGE OF PLACARD/PLATE

STATE	PENALTY
Arkansas	Class C Misdemeanor
California	Revocation of Placard/Plate
Colorado	\$15-100 Fine
Connecticut	Revocation of Placard/Plate
Florida	Up to \$500 Fine & Up to 60 Days in Jail
Georgia	\$100-500 Fine
Illinois	\$100-200 Fine
Kentucky	\$20-100 Fine
Louisiana	\$50-500 Fine & Up to 60 Days in Jail
Maryland	Up to \$500 Fine
Michigan	Up to \$500 Fine & Up to 30 Days in Jail
New Jersey	\$50 Fine
New York	Revocation of Placard/Plate
N. Carolina	\$50-100 Fine
Pennsylvania	\$100 Fine
S. Carolina	---
Tennessee	Up to \$2,500 Fine & Up to 1 Year in Jail
Texas	\$100-500 Fine & Up to 100 hrs. Com. Serv.
Washington	Up to \$1,000 Fine & Up to 90 Days in Jail
W. Virginia	\$100 Fine and/or Jail

**4. FRAUDULENTLY OBTAINING
PLACARD/PLATE**

STATE	PENALTY
Arkansas	Class C Misdemeanor
California	Revocation of Placard/Plate
Colorado	---
Connecticut	Revocation of Placard/Plate
Florida	Up to \$1,000 Fine & Up to 1 year in Jail
Georgia	Up to \$1,000 Fine & Up to 1 year in Jail
Illinois	---
Kentucky	Class B Misdemeanor
Louisiana	\$100-500 Fine & Up to 60 Days in Jail
Maryland	Up to \$500 Fine
Michigan	Up to \$500 Fine & Up to 30 days in Jail
New Jersey	---
New York	\$250-1,000 Fine
N. Carolina	\$50-100 Fine
Pennsylvania	---
S. Carolina	---
Tennessee	Up to \$2,500 Fine & Up to 1 Year in Jail
Texas	---
Washington	---
W. Virginia	\$100 Fine and/or Jail

5. VOLUNTEER PARKING ENFORCEMENT UNITS

	YES/NO
Arkansas	No
California	Yes
Colorado	No
Connecticut	No
Florida	No
Georgia	Yes
Illinois	No
Kentucky	No
Louisiana	No
Maryland	No
Michigan	No
New Jersey	Yes
New York	No
North Carolina	No
Pennsylvania	No
South Carolina	No
Tennessee	Yes
Texas	Yes
Washington	No
West Virginia	No

**6. Penalty Warning on Placard/Plate Application
or Physician Certification Form**

STATE	
Arkansas	No
California	No
Colorado	No
Connecticut	No
Florida	Yes
Georgia	No
Illinois	No
Kentucky	No
Louisiana	No
Maryland	No
Michigan	No
New Jersey	Yes
New York	No
North Carolina	No
Pennsylvania	No
South Carolina	No
Tennessee	Yes
Texas	No
Washington	No
West Virginia	No

7. PENALTIES PLACED ON PARKING SIGN

Arkansas	No
California	No
Colorado	No
Connecticut	Yes
Florida	Yes
Georgia	No
Illinois	No
Kentucky	No
Louisiana	No
Maryland	No
Michigan	No
New Jersey	Yes
New York	No
North Carolina	Yes
Pennsylvania	Yes
South Carolina	No
Tennessee	Yes
Texas	No
Washington	No
West Virginia	Yes

8. Physician Falsifying Disability Certification Form

Arkansas	---
California	---
Colorado	---
Connecticut	---
Florida	Up to \$1,000 Fine & Up to 1 year in Jail
Georgia	---
Illinois	---
Kentucky	---
Louisiana	\$1,000 Fine and/or 90 Days in Jail
Maryland	Up to \$500 Fine
Michigan	Up to \$500 Fine & Up to 30 days in Jail
New Jersey	---
New York	\$250-1,000 Fine
N. Carolina	---
Pennsylvania	---
S. Carolina	---
Tennessee	---
Texas	---
Washington	---
W. Virginia	---

**9. CONFISCATION OF ILLEGALLY USED
PLACARD OR PLATE**

STATE	LAW ENFORCEMENT AGENCY
Arkansas	---
California	Law Enforcement
Colorado	---
Connecticut	---
Florida	Law Enforcement
Georgia	---
Illinois	---
Kentucky	---
Louisiana	---
Maryland	---
Michigan	Law Enforcement & Court
New Jersey	---
New York	---
North Carolina	---
Pennsylvania	---
South Carolina	---
Tennessee	Law Enforcement & Court
Texas	---
Washington	---
West Virginia	---

10. FREE PARKING AT METERED SPACES

Arkansas	Yes
California	Yes
Colorado	No
Connecticut	Yes, up to 4 Hours
Florida	No
Georgia	No
Illinois	Yes
Kentucky	2 hrs. in Excess of Legal Parking Period
Louisiana	Yes
Maryland	Yes
Michigan	Yes
New Jersey	Yes
New York	Yes
North Carolina	Yes
Pennsylvania	1 hr. in Excess of Legal Parking Period
South Carolina	Yes
Tennessee	Yes
Texas	Yes
Washington	Yes
West Virginia	Yes

11. Blindness/Visual Problem as Qualifying Disability

STATE	
Arkansas	No
California	Yes
Colorado	No
Connecticut	Yes
Florida	Yes
Georgia	Yes
Illinois	No
Kentucky	Yes
Louisiana	No
Maryland	Yes
Michigan	Yes
New Jersey	Yes
New York	Yes
North Carolina	Yes
Pennsylvania	Yes
South Carolina	No
Tennessee	Yes
Texas	Yes
Washington	No
West Virginia	No

NOTE: **Kentucky** is the only state of the 20 surveyed that includes **deafness/hard of hearing** as a **qualifying disability**.

PHOTO IDENTIFICATION CARD

California, Colorado, and Florida

Require drivers using handicapped parking placards or plates to present either a driver's license or state identification card to law enforcement for verification of disabled status. Drivers who refuse to present identification are given a handicapped parking ticket.

Louisiana, New Jersey, and West Virginia

Issue "Handicapped Identification Cards" to drivers receiving handicapped parking placards or plates. These cards include a photograph of the driver and the identification # assigned to the placard or plate. Drivers whose identification does not match their placard or plate are ticketed and/or charged with unauthorized usage.

Maryland

Requires all drivers to keep a copy of their approved handicapped parking application while using their placard or plate. Drivers must have this application available for law enforcement inspection.

DEATH CERTIFICATE CROSS-REFERENCING

California

- (1) Requires its DMV to conduct an annual records check of the names of its placard and plate holders for the past three years with a list of deceased persons provided by the Bureau of Vital Statistics. If there is a name match and DMV records indicate that the placard or plate has not been returned, family members of the deceased are notified to return the indicia, and renewal by the family is forbidden.
- (2) Requires family members to return the indicia within 60 days of the plate/placard holder's death.
- (3) To decrease the window of time available for abuse by surviving family members of the disabled driver, California's placard/plate renewal period is every (2) years.

Appendix E

PEST Enforcement Statistics

VBPD PEST OFFICER SOLLENBERGER
 STATISTICAL SUMMARY OF TICKETS ISSUED
 01/01/96 - 10/31/96

Total Patrol Hours: 884½	Total Tickets Issued: 1,101	
Patrol Days: 165	Warnings Given: 1,243	(Note 1)
Patrol Miles: 8,503		

Tickets issued for...

No permit displayed:	837	(76.0%)	
Altered permanent permit:	26	(2.4%)	
temporary permit:	63	(5.7%)	
Expired permanent permit:	75	(6.8%)	
temporary permit:	33	(3.0%)	
Faded and unreadable permit:	30	(2.7%)	
Using another's permit:	33	(3.0%)	(Note 2)
another's license plate:	4	(0.4%)	(Note 2)
Parked in disabled parking space:	1,035	(94.0%)	
wheelchair access aisle:	66	(6.0%)	
Did not see driver:	776	(70.5%)	
Saw but did not talk with driver:	62	(5.6%)	
Talked with driver:	263	(23.9%)	
Driver became argumentative, angry, abusive, or threatening:	84	(31.9%)	(Note 3)
Driver drove off before ticket could be issued:	4	(1.5%)	(Note 3)
Tickets voided prior to issue:	49	(4.5%)	(Note 4)

Note 1. "Warnings" consist of verbal and written warnings for violations; expired, faded, or improperly displayed permits; reminders of soon-to-expire permits; and educational discussions with citizens not involving an actual violation.

Note 2. The total number and percentage is deceptively low since the 37 "hits" were actually attained in only 88 attempts to match driver ID's with the permit or vehicle registration data. The apparent true rate is 42%, and if valid, is indicative of a major source of abuse.

Note 3. Percentages reflect incidents occurring when talking with the vehicle driver vice percentage of total number of tickets issued.

Note 4. The most common reason is driver retrieving permit from the glovebox where it had been stored.

Appendix F

DMV Letter of 12/11/96



COMMONWEALTH of VIRGINIA
Department of Motor Vehicles
2300 West Broad Street

RICHARD D. HOLCOMB
COMMISSIONER

MAIL ADDRESS
POST OFFICE BOX 27412
RICHMOND, VIRGINIA 23269-0001

December 11, 1996

The Honorable Mary Margaret Whipple
Senator
3401 West Mercury Boulevard
Hampton, Virginia 23666

Dear Senator Whipple:

This letter is a follow up to the November 19, 1996 meeting of the Joint Subcommittee studying disabled parking issues. During the meeting, the committee shared concerns about DMV's responsiveness to options and suggestions for improving the disabled parking program.

As we have stated before, DMV is committed to improving the disabled parking program and educating the public about the placard and plate holder's rights and responsibilities. In this effort, DMV has already made a number of changes and will be making additional changes, including those recommended by this committee. Again, the major changes and activities to date are as follows:

- modified the application to inform customer of penalties for perjury or fraud and to require the certifying physician's license number and business address.
- changed the information sheet to require that placards and plates be surrendered when they are no longer needed by the disabled person and to indicate that misuse may result in fines of up to \$250 and/or revocation.
- wrote to families of deceased placard holders in order to take these placards out of circulation.
- wrote to all licensed physicians in Virginia informing them of statutory changes and the need to include their license numbers as part of their certification.
- wrote to localities and law enforcement to inform them of their statutory authority to prosecute misuse of disabled parking placards and plates and to fine violators up to \$250 for misuse of a placards and of their ability to retain such fines for the locality.
- informed law enforcement and courts that the misused plate or placard number should be written on the summons form and that the conviction information transmitted to DMV by the court should include the misused plate or placard number.
- implemented an automated tracking system for placards.
- implemented a monthly monitoring system to detect fraudulent applications.
- surveyed localities to find out which localities had enacted ordinances to prosecute and fine persons who misuse disabled placards.
- modified the automated system to charge a \$5.00 fee for each placard.



A Partnership With the Public

Additional changes underway are:

- modifications to automated system to generate renewal notices to permanent placard holders.
- modifications to automated system to record data indicating which vehicle co-owner is entitled to disabled plates.
- modifications to automated system to generate letters to families of deceased placard holders 30 days after the deceased indicator is placed on record.
- revisions to information sheet to require citizens to surrender expired placards when they obtain new placards.
- redesign of placards to make them less susceptible to alteration.
- revisions to information sheet and procedures to incorporate all changes resulting from the study.
- modifications to driver's manual and DMV web page.

It is our understanding that the committee is proposing a recall and reissue of all placards. Once all valid placards are recorded in the automated tracking system (October 1998), DMV would notify all citizens who hold valid placards (issued prior to January 1997) that they must return to DMV, turn in their old placard and receive the new version. We do not believe that a recall would be the best solution to reducing the number of fraudulent placards. We are very concerned that a recall would be ineffective since a recall would create: (1) a bigger problem than already exists, (2) place the burden on honest customers, and (3) result in additional expenses.

Previous recalls have not been effective because declaring a placard version "invalid" has not prevented citizens from continuing to use those placards nor has it ensured law enforcement citations to citizens for such continued use. Another recall has the potential to compound this problem, particularly if law enforcement is not given additional tools to address continued use of "invalid" placards. As indicated by some of the comments by law enforcement at previous subcommittee meetings, recalls often result in confusion for citizens and law enforcement because placards with valid dates but invalid colors and/or designs continue to be used.

In addition, a recall places a burden on the honest citizen who already has a valid placard but is required to conduct an additional transaction with DMV. This burden is especially significant if a recall requires a citizen to visit a customer service center in person to return the old placard and obtain a replacement, since we currently issue disabled placards via mail or by a representative of the disabled person.

Our letter to you dated November 19, 1996, included a report with details on the impact and estimated cost to implement a recall of all placards and plates. DMV staff included costs related to both outstanding plates and placards because Item #4 on the "Handicapped Parking Worksheet" dealt with "Recall and reissue [of] disabled parking placards and/or plates." Even taking into account the committee's concerns about the cost of a recall, we estimate that a placard recall would cost \$123,097 (excluding DMV staff costs).

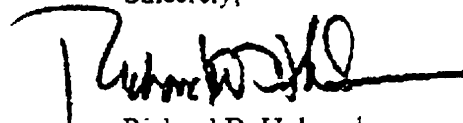
The Honorable Mary Margaret Whipple
December 11, 1996
Page 3

From a customer service standpoint, we believe that a recall would punish honest disabled citizens. Evidence exists that recalls do not work. As we have indicated previously, in spite of DMV's efforts to recall the old yellow and white placards, citizens continue to use them. We suggest that the committee allow the recent improvements to work, in addition to the excellent enforcement changes proposed by the committee, rather than requiring a recall which places the burden on honest disabled citizens.

We are committed to working as partners with law enforcement, courts, the disabled community and physicians to ensure the success of the program. We are pleased about the tools the committee has given to law enforcement to help combat fraud and misuse. In addition to what DMV has already done and what the committee will recommend regarding enforcement, we believe the program will be improved tremendously and we are excited to implement those recommendations. However, we intend to speak against the recall provisions of the proposal in the report, and we respectfully ask that this letter be a part of the committee's report.

With kindest regards.

Sincerely,



Richard D. Holcomb

RDH:mnf

c: Delegate I. Vincent Behm, Jr.
Senator Jane H. Woods
Delegate Robert Tata
Senator W. Henry Maxwell
Delegate Robert D. Hull
Delegate Dwight Jones
Chief Pat G. Minetti
Ms. Sandra Reen
Ms. Frances C. Firth
Mr. Philip E. Everhart
Mr. Samuel Bland

Appendix G

DMV Letter of 1/14/97



COMMONWEALTH of VIRGINIA

Department of Motor Vehicles

2300 West Broad Street

RICHARD D. HOLCOMB
COMMISSIONER

MAIL ADDRESS
POST OFFICE BOX 37412
RICHMOND, VIRGINIA 23269-0012

January 14, 1997

The Honorable Mary Margaret Whipple
Senator
3556 North Valley Street
Arlington, VA 22207

Dear Senator Whipple:

DMV offers the following comments to the January 6, 1997 draft version of the Report of the Joint Subcommittee Studying Handicapped Parking. We believe that the report includes some very good enforcement recommendations that would enhance the program. However, the report does contain several statements and recommendations on which DMV would like to comment:

- **"Dealing with both problems of abuse and enforcement is the Department of Motor Vehicles"**. This is the equivalent of saying that because DMV issues driver's licenses, we are responsible for monitoring the misuse of driver's licenses. The disabled parking program is the joint responsibility of localities, physicians, law enforcement and DMV. DMV assumes responsibility for issuing, tracking, coordinating investigations and complaints with local law enforcement, and revoking placards and plates upon conviction. Local law enforcement is responsible for the enforcement of disabled parking laws. All parties must cooperate to combat problems of abuse.
- **Alteration and counterfeiting of disabled parking license plates.** Though verbal testimony indicated placards are being altered and counterfeited, DMV is aware of no instances where disabled parking license plates have been altered or counterfeited, and very few instances of altered or counterfeited placards.
- **Widespread abuse of disabled parking placards.** There was verbal testimony before the committee alleging widespread abuse. However, the only testimony that included quantification of suspected abuse was provided by DMV. While DMV cannot and does not dispute there is misuse of disabled parking placards and plates, we are not convinced that there is "widespread" abuse. If any problems exist, all parties (DMV, physicians, localities and law enforcement) need to work together to ensure that they are effectively addressed.
- **"Minor" modifications during the past two years.** DMV does not consider the changes that resulted from the 1995 legislation to be "minor". Legislative amendments made misuse and abuse of disabled parking placards and plates a punishable offense, instituted a revocation process and required physicians to provide more information on the revised applications for a placard or plate.



A Partnership With the Public

The Honorable Mary Margaret Whipple

January 14, 1997

Page 2

- **Initiation of only one disabled parking revocation.** Revocation of disabled parking placards and plates was not an option until the legislation which became effective on July 1, 1995. In DMV's Supplemental Report to the committee dated September 18, 1996, we reported that DMV received 118 convictions for misuse of disabled parking privileges from July 1, 1995 to June 30, 1996. Since none of the convictions reports included the disabled parking placard or plate numbers, DMV followed up with the 28 courts that transmitted the information and some police officers.

Several courts reviewed their records and were not able to determine whether the conviction was for parking with no placard or plate, or for misusing another person's placard or vehicle displaying disabled plates. As we reported, DMV determined that 4 of the 118 convictions were for violations of misuse. DMV did not receive sufficient information on two of the convictions and we were not able to take action. One of the convictions was for misusing a Maryland disabled parking plate. DMV notified the Maryland Motor Vehicle Administration of the conviction. Regarding the remaining conviction, DMV placed an administrative hold on the record to prevent re-issuance, issued an Order of Revocation to revoke the placard holder's disabled parking privileges and initiated the process for confiscating the placard. To date, DMV has taken action on 100% of the convictions forwarded to us by law enforcement and the courts.

To clarify the process and requirements for DMV to initiate the revocations, we sent letters to all Virginia courts and law enforcement agencies. We requested that law enforcement write the placard or plate numbers on the summons forms and reminded the courts to transmit the placard/plate numbers with the conviction information to DMV.

- **Dr. Howard McCue should be listed as the Department of Motor Vehicles' Staff Physician and professional advisor to the Medical Advisory Board, not as a member of the Board.**

In addition, DMV would like to share some comments regarding some of the committee's recommendations:

Recommendation #2 - Requiring that penalty language be placed on handicapped parking signs.

While we believe that the direction of this recommendation is good, there was testimony from the disabled community concerning the need to enforce signage requirements.

Putting the penalty on signs may not be any better deterrent, since nondisabled persons who would park in disabled parking spaces already know that it is against the law.

Also, some might say that this would be an unfunded state mandate. For example, DMV would need new 300 signs at a total cost of approximately \$6,300 to comply with this requirement. Other agencies, localities and private businesses would have similar expenses.

Recommendation #4 - Requiring DMV to invalidate and administratively reissue all organizational and permanent placards between October 1, 1998 and January 1, 1999.

DMV's concerns about this recommendation are outlined in a separate letter dated December 11, 1996 (Appendix F) to Senator Whipple and the subcommittee.

Recommendation #5 - Requiring that all data on placards be machine-imprinted.

In order to research the equipment requirements for this recommendation, DMV contacted two printer manufacturers (Datamax Corporation and Zebra, Inc.), one local distributor (Alpha Systems, Inc.) and one systems integration company (Unisys Corporation). They advised us that there was no equipment that would print on both sides of the placard. Currently, the statute requires that the placard number and expiration date display on both sides of the placard.

These companies stated that there is a thermal printer that could be connected with DMV's automated system to print the placard number, expiration date and customer information on one side of the placard. If this type of printer is used, it would have to print the information on the front side on one placard, and the information on the back side on another placard. The DMV clerk issuing the placard would then have to fold the two placards together to create one placard with the required information on both sides.

According to Datamax, the estimated cost for each printer would be from \$1,000 to \$1,500. Each DMV customer service center would need two thermal printers, one for regular use and one as a back-up. The total estimated cost for 150 printers would be from \$150,000 to \$225,000. Since the placard stock would come in rolls, the DMV clerk would have to change the rolls of placard paper to correspond with the type of placard requested by the customer.

A less time-consuming alternative would be to connect a thermal printer to DMV's automated system to produce labels that would adhere to the placard material. One printer would be able to produce labels with the required information for each type of placard and the DMV clerk would not have to change the stock to correspond with the type of placard being issued. One additional printer would be needed as a back-up.

Recommendation #7 - Classify counterfeiting, altering, selling, fraudulently obtaining, etc. as Class II Misdemeanors.

We would question whether there would be a law of diminishing returns. While increasing the penalty from a traffic offense to a criminal offense has some merit, it may have the opposite effect. Because it would be a criminal offense, law enforcement may be more lenient and Commonwealth's Attorneys may refuse to prosecute as it still might be viewed as a "traffic" offense and not criminal in nature.

Recommendation #9 - Authorizing law enforcement to confiscate misused, altered, and counterfeit placards and authorizing DMV to place an administrative hold on the arrested individual's placard to prevent re-issuance.

In order to implement this recommendation, law enforcement would have to list the placard or plate number on the summons form and immediately forward a copy to DMV. The administrative hold would need to be placed on the record of the placard or plate holder, not the arrested individual.

As previously discussed, DMV continues to experience problems with getting law enforcement to place the placard or plate numbers on the summons to initiate the revocation process. Successful implementation of this recommendation would be facilitated if Va. Code § 46.2-1237 was amended to make some distinction between violations the two types of offenses (parking with no placard or plate and misuse of a placard or plate).

The Honorable Mary Margaret Whipple
January 14, 1997
Page 4

Recommendation #12 - Encourage DMV to maintain and enhance its efforts.

We thank the committee for the encouragement and suggestions. We believe that the committee will be pleased to learn that DMV has already implemented most of the suggestions proposed to enhance the disabled parking program.

- In January 1997, DMV began receiving death certificate records from the Bureau of Vital Statistics quarterly. Since the Bureau of Vital Statistics does not have on-line capability at this time, the process is manual. In addition, we have initiated programming efforts to enable DMV to identify the disabled person when the vehicle with disabled license plates is co-owned. The projected completion date for this programming is March 1997.
- The July 1997 edition of the Driver Training Manual will include information on laws regulating disabled parking. In addition, DMV is in the process of adding this information to our web site.
- We have begun revising our driver's license examination to include at least one question on laws regulating disabled parking.
- We have begun revising the Disabled Parking Privileges Information Sheet to include information about the rights and responsibilities of disabled parking placard and plate holders.
- DMV will continue to work with our customer service center personnel to enhance their training.

In the spirit of the teamwork, we hope that the report will also encourage law enforcement to intensify enforcement efforts and the medical community to maintain the integrity of the certification process.

We respectfully ask that this letter be a part of the committee's final report.

With kindest regards,

Sincerely,



Richard D. Holcomb

RDH:muf

c: Members of the Joint Subcommittee Studying the Enforcement and Abuse of Handicapped Parking Law (SJR 86/HJR 198)

Appendix H

Paralyzed Veterans of America Letter of 1/8/97



Paralyzed Veterans of America

Virginia - Mid-Atlantic Chapter

11620 Busy Street • Richmond, VA 23236
Phone (804) 378-0017 • Fax (804) 378-0026 • 1-800-852-7639

January 8, 1997

PVA

The Honorable Mary Margaret Whipple
3556 North Valley Street
Arlington, VA 22207

Dear Senator Whipple:

On behalf of the disability community, including the 731 members of the Virginia Mid Atlantic Chapter, Paralyzed Veterans of America, we would like to thank you and the members of the Joint Subcommittee Examining the Enforcement and Abuse of Laws Regulating Parking Spaces for Handicapped Persons and the members of the Technical Advisory Committee for your outstanding efforts.

On December 20, we received a copy of a letter to you, written by DMV's Commissioner Holcomb, dated December 11. We were shocked at the negative attitude and unwillingness to cooperate with the recommendation for recall. We also are very disturbed and dismayed that a state agency could entertain the idea of refusing to carry out the wishes of its government and the people for whom they work, the taxpayer.

We realize that recall is costly and time consuming. DMV states that " a recall would be ineffective since a recall would create a bigger problem than already exists..." We believe the problem could only become worse by being ignored. Something must be done to rectify the current situation and it seems that RECALL is the only solution.

DMV states that it is "committed to improving the disabled parking program" and lists a number of completed changes and changes that are underway--none of which have or will have the desired effect of a recall. We believe that recall is the only option we have to remove invalid or discontinued placards and plates from circulation to curtail abuse and to assist and improve enforcement.

The disability community is ready, willing and yes, able to do whatever is necessary to ensure their rights to access facilities, goods and services and improve their quality of life.

On December 18, a statewide meeting of the Disability Services Boards (DSBs) was held in Richmond. Thirty-four out of the forty-four regions were represented. One of the purposes of this meeting was to determine the legislative priorities of the DSBs. The support of 80% of the DSBs represented prioritized Handicapped Parking reform and legislation! Virginians must move forward to give the disability community their just rights and privileges to exist, work and play in their daily lives. We respectfully request that this letter be made a part of the committee's report.

Sincerely,

Anne McKenney
Government Relations Director
Chairman, Chesterfield County Disability Services Board

Appendix I

Peninsula Disability Services Board Letter of 12/20/96

PENINSULA DISABILITY SERVICES BOARD

Paula R. McPherson
Chairperson

7 Floyd Avenue
Poquoson, VA 23662

Telephone (757) 868-9483 VOICE/FAX or 868-7373 VOICE
(757) 868-3500 TDD

December 20, 1996

The Honorable Mary Margaret Whipple
3556 North Valley Street
Arlington, VA 22207

Dear Senator Whipple:

First, on behalf of the disability community, I would like to thank you and the members of the Joint Subcommittee Examining the Enforcement and Abuse of Laws Regulating Parking Spaces for **Handicapped Persons** and the members of the Technical Advisory Committee for your outstanding efforts. On December 18, a statewide meeting of Disability Services Boards (DSBs) was held in Richmond. At this meeting 34 out of 44 regional Boards were represented. Part of the purpose of this meeting was to determine the legislative priorities of the DSBs. Among our top priorities to which we focus our support was Handicapped Parking legislation. However, one issue still deeply concerns our community: the reluctance of the Department of Motor Vehicles (DMV) to recall and reissue placards in 1998.

On December 19, I received a copy of a letter addressed to you written by DMV's Commissioner Holcomb dated December 11. I was quite appalled and revolted at the negative attitude and unwillingness to cooperate with the recommendation for recall. I found it very alarming that a state agency would so adamantly refuse to do the bidding of its governing body and the taxpayers who fund and employ them.

In correspondences and in Subcommittee meetings, it was clearly stated that the disability community agree that invalid and/or discontinued placards and plates needed to be removed from circulation within the public as part of a combined effort to curtail abuse, and to assist and improve enforcement. Recall may not be the best way to take these out of circulation, but for now, it is the only way. DMV has not suggested any other methods by which this may be accomplished. Also, it was often stated that the disability community is willing to do everything within its power to "protect" this distinguished privilege for those with mobility impairments, including recertification by a physician. The purpose of the recall is not to "punish honest disabled citizens", but to end the abuse of state issued permits that provide "certified" individuals the privilege to park in designated spaces reserved for persons who are handicapped by virtue of a condition that limits "mobility" thus providing equal access to facilities, goods and services. At this time, abuse is so significant, due to a lack of accurate DMV records, minimal certification verification, and wide spread abuse by unauthorized individuals that, in many cases, access is being denied to "certified" individuals.

DMV, itself, had indicated in a Subcommittee meeting that a recall could be done as an administrative task. It could be a process as simple as requesting a customer with a mobility impairment phone his physician and ask for a letter, including the doctor's name, address, phone and licensure number, to verify the disabling condition. A few customers may incur a minimal fee for the letter, but this is a minor

inconvenience to the disability community who is more than willing to cooperate. There is no real need to be re-examined for an existing legitimate long lasting condition. Medical records normally indicate any changes in a mobility impairment that may be easily reviewed by a physician or his staff to confirm eligibility for the handicapped parking privilege. We understand that the State now has a computerized licensed physicians' listing that could be accessed and confirm the legitimacy of the certifying physician. However, this must be done at the point of issuance, otherwise, placards and plates could be falsely obtained as in the past. Even if such a listing does not exist, DMV should be working with the medical community to establish such a listing for the purpose of verification.

"In addition," DMV states in their letter "a recall places a burden on the honest citizen who already has a valid placard but is required to conduct an additional transaction with DMV. This burden is especially significant if a recall requires a citizen to visit a customer service center in person to return the old placard and obtain a replacement, since we currently issue disabled placards via mail or by representative of the disabled person." There is no reason why a recall cannot be done in the same manner. This can all be done very simply - via mail, a customer returns a discontinued/invalid placard with a physician's verification letter to a representative who forwards it to DMV, or the customer sends it directly to DMV. DMV verifies the certification through cross-referencing a computerized physicians' licensure listing and death certificate listing then mails the reissued placard to the customer. The customer also has the option to personally returning invalid/discontinued placards to a local DMV service center. It is not a necessity nor is it a more significant inconvenience.

DMV states "Evidence exist that recalls do not work." Evidence also exists that DMV failed to describe the white and yellow placards that were discontinued in correspondence to law enforcement officials making it impossible to verify the discontinued placards especially when information is altered or doesn't exist. Evidence also exists that no records were kept prior to 1993 to enable DMV to effectively recall the invalid placards. Also, the number of resources for informing the public of a recall have increased greatly. There are disability organizations, service providers, on-line home pages, electronic bulletin boards, cable community channels, support group newsletters, radio reading services, etc. Many of these would provide information on a recall to the public "free of charge". These are primarily the reasons why past recalls have been ineffective. This is why DMV should be focusing on communication as an invaluable asset for an effective recall process and cooperation is the key word.

Recently, an article in the Poquoson Post provided information about DMV establishing an on-line home page with the intent of expanding its ability to provide services in this manner. Once DMV establishes its proposed on-line services this could also be a method of recall and reissuance. It can also be used for new applications and renewal just as DMV has proposed for renewal of licenses, selection of specialized plates and renewals of permits.

If certifications for handicapped parking privileges are considered to be State (DMV) documents, then there are laws in place for recourse for any inaccuracies or misrepresentations. One computer per DMV service center can be dedicated for the purpose of accessing such computerized listings to effectively and efficiently verify new certifications or renewals with a minimal increase in the time period that is required to serve a customer. Again, this is an insignificant inconvenience to the disability community. A search can be done in as little as 5 minutes or less. This increase in service time for verification is the equivalent of Occupation Safety and Health Administration's (OSHA) safety inspections of equipment to "protect" the safety and health of workers. The verification as part of the issuance process is a means of protection of the privilege and prevention of abuse. There is no additional manpower and a minimal expense for the set up of such a computerized system within each DMV service center across the state in comparison to the loss of revenues in jurisdictions where abuse of handicapped parking privileges is rampant. Recall in conjunction with strong legislation

and public awareness is the only method of ensuring that only certified individuals are availed this privilege.

Therefore, we do not foresee "a bigger problem than already exists", we envision a more efficient and effect method of issuance, verification, and improved customer service delivery. We do not believe that a few minutes of time while a certification is verified through cross-referencing a computerized physicians' listing and death certificate listing is a "burden on honest customers", in fact, we forecast a greater respect for DMV because of the measures being taken to protect the rights of genuine mobility impaired customers to access facilities, goods and services through the provision of a unique privilege and the improvement of the quality of life of these individuals.

DMV stated "... a recall would ... result in additional expenses". As of September 18, DMV has generated a new source of income that over time can effectively cover the initial expense incurred by recalling placards and/or plates. The original recommendation of our Board to DMV and Peninsula area General Assembly representatives for a \$5.00 charge for all placards was intended to provide a photo ID with the issuance of the placard. Those eligible for handicapped parking privileges are willing to pay the fee. As this is not being done, the disability community would like to know what DMV intends to do with these revenues, especially if they will not be used to finance a recall? We do not predict that a recall would incur a more significant expense than would be generated by the charge for placards and revenues generated by fines.

In testimony before the Subcommittee, both DMV staff and consumers expressed incidents related to attitudinal barriers. I believe this letter of December 11 is also a form of an attitudinal barrier. Unfortunately, the awesome responsibility of managing the issuance of handicapped parking privileges to "certified" individuals falls to DMV, as it does in many other states. But this is not a reason why DMV should not recall these placards. Perhaps, it is that DMV does not fully understand the "real" issue and need for this privilege. The disability community of Virginia will be more than happy to help them understand, but at this time we see no reason why DMV would not perform the task of recall as they were directed to do.

DMV's letter states "We are committed to working as partners with law enforcement, courts, the disabled community and physicians to ensure the success of the program", however, we see no evidence of cooperation for recall to curtail abuse and improve access. It is evident that the disability community fully supports recall with the support of 80% of the DSBs representing 34 regions of Virginia prioritizing Handicapped Parking reform and legislation as a top priority. We respectfully request that this letter and all others received in support of recall be made a part of the committee's report.

Sincerely,



Paula R. McPherson

c: Delegate Vincent Behm, Jr.
Delegate Robert Hull
Delegate Dwight Jones
Senator Henry Maxwell
Delegate Robert Tata
Senator Jane Woods

Mr. Samuel Bland
Mr. Phillip Everhart
Ms. Frances Firth
Chief Pat Minetti
Ms. Sandra Reen
and other interested parties

Appendix J

Dissent in Part, Senator Jane H. Woods

STATEMENT OF JANE H. WOODS CONCERNING THE REPORT OF THE JOINT
SUBCOMMITTEE STUDYING VIRGINIA'S HANDICAPPED PARKING LAWS

DISSENT IN PART

I commend the chair of the subcommittee and the subcommittee members and staff for the thorough and intense examination of Virginia's handicapped parking laws and their enforcement and abuse.

While I agree with many of the committee's recommendations, I disagree with some of the proposed statutory changes. Specifically, recommendation 3 would allow a patchwork of parking fees and time limits at metered spaces throughout the Commonwealth. I am concerned that this will present confusion for visitors and tourists as well as making meter access extremely challenging for some of our disabled Virginians. I believe space turnover and availability for legitimate users could be achieved by a reduction in the current four-hour limit as well as more diligent enforcement efforts. Next, I do not agree with the recall suggested in recommendation 4. The referenced placards *will* expire at which time reissuance with due diligence will - at a greatly reduced cost - be a sufficient mechanism to help ensure the integrity and uniformity within the system.

A handwritten signature in black ink, appearing to read "Jane H. Woods". The signature is written in a cursive, flowing style with a large loop at the beginning and a long tail extending to the right.

Appendix K

Legislative Draft No. 2463758 (1997)

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 36-99.11, 46.2-100, 46.2-676 and 46.2-731 of the Code of
2 Virginia, to amend the Code of Virginia by adding in Title 46.2 a chapter numbered
3 12.1, consisting of sections numbered 46.2-1240 through 46.2-1258, and to repeal §
4 46.2-1237 of the Code of Virginia, relating to parking for persons with disabilities;
5 penalties.

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 36-99.11, 46.2-100, 46.2-676 and 46.2-731 of the Code of Virginia are amended**
8 **and reenacted, and that the Code of Virginia is amended by adding in Title 46.2 a**
9 **chapter numbered 12.1, consisting of sections numbered 46.2-1240 through 46.2-1258,**
0 **as follows:**

11 § 36-99.11. Identification of disabled parking spaces by above grade signage.

12 A. All parking spaces reserved for the use of ~~handicapped persons~~ with disabilities shall
13 be identified by above grade signs, regardless of whether identification of such spaces by
14 above grade signs was required when any particular space was reserved for the use of
15 ~~handicapped persons~~ with disabilities. A sign or symbol painted or otherwise displayed on the
16 pavement of a parking space shall not constitute an above grade sign. Any parking space not
17 identified by an above grade sign shall not be a parking space reserved for the ~~handicapped~~
18 disabled within the meaning of this section.

19 B. All above grade ~~handicapped~~ disabled parking space signs shall have the bottom
20 edge of the sign no lower than four feet nor higher than seven feet above the parking surface.
21 Such signs shall be designed and constructed in accordance with the provisions of the
22 Uniform Statewide Building Code.

1 C. Building owners shall install above grade signs identifying all parking spaces
reserved for the use of ~~handicapped persons~~ with disabilities in accordance with this section
3 and the applicable provisions of the Uniform Statewide Building Code by January 1, 1993.

4 D. Effective July 1, 1998, all disabled parking signs shall include the following language:
5 PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate
6 sign and attached below existing above grade disabled parking signs, provided that the bottom
7 edge of the attached sign is no lower than four feet above the parking surface.

8 § 46.2-100. Definitions.

9 The following words and phrases when used in this title shall, for the purpose of this
10 title, have the meanings respectively ascribed to them in this section except in those instances
11 where the context clearly indicates a different meaning:

12 "Antique motor vehicle" means every motor vehicle, as defined in this section, which
13 was actually manufactured or designated by the manufacturer as a model manufactured in a
14 calendar year not less than twenty-five years prior to January 1 of each calendar year and is
owned solely as a collector's item.

16 "Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or
17 combination, including vehicles or combinations which transport motor vehicles or watercraft
18 on their power unit, designed and used exclusively for the transportation of motor vehicles or
19 watercraft.

20 "Bicycle" means a device propelled solely by human power, having pedals, two or more
21 wheels, and a seat height of more than twenty-five inches from the ground when adjusted to
22 its maximum height. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall
23 be a vehicle while operated on the highway.

24 "Business district" means the territory contiguous to a highway where seventy-five
25 percent or more of the property contiguous to a highway, on either side of the highway, for a
26 distance of 300 feet or more along the highway, is occupied by land and buildings actually in
use for business purposes.

1 "Camping trailer" means every vehicle which has collapsible sides and contains
2 sleeping quarters but may or may not contain bathing and cooking facilities and is designed to
3 be drawn by a motor vehicle.

4 "Cancel" or "cancellation" means that the document or privilege cancelled has been
5 annulled or terminated because of some error, defect, or ineligibility, but the cancellation is
6 without prejudice and reapplication may be made at any time after cancellation.

7 "Chauffeur" means every person employed for the principal purpose of driving a motor
8 vehicle and every person who drives a motor vehicle while in use as a public or common
9 carrier of persons or property.

10 "Commission" means the State Corporation Commission.

11 "Commissioner" means the Commissioner of the Department of Motor Vehicles of the
12 Commonwealth.

13 "Crosswalk" means that part of a roadway at an intersection included within the
14 connections of the lateral lines of the sidewalks on opposite sides of the highway measured
15 from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any
16 portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing
17 by lines or other markings on the surface.

18 "Decal" means a device to be attached to a license plate that validates the license
19 plate for a predetermined registration period.

20 "Department" means the Department of Motor Vehicles of the Commonwealth.

21 "Disabled parking license plate" means a license plate that displays the international
22 symbol of access in the same size as the numbers and letters on the plate and in a color that
23 contrasts with the background.

24 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg,
25 arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U. S.
26 Veterans Administration. A veteran shall be considered blind if he has a permanent
27 impairment of both eyes to the following extent: (i) central visual acuity of 20/200 or less in the

1 better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field
2 defect in which the peripheral field has contracted to such an extent that the widest diameter
3 of visual field subtends an angular distance no greater than twenty degrees in the better eye.

4 "Driver's license" means any license, including a commercial driver's license as defined
5 in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws
6 of the Commonwealth authorizing the operation of a motor vehicle.

7 "Essential parts" means all integral parts and body parts, the removal, alteration, or
8 substitution of which will tend to conceal the identity of a vehicle.

9 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or
10 horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or
11 horticultural machinery and implements including self-propelled mowers designed and used
12 for mowing lawns.

13 "Federal safety requirements" means applicable provisions of the National Traffic and
14 Motor Vehicle Safety Act of 1966 as amended (15 U.S.C. § 1381 et seq.) and all
administrative regulations and policies adopted pursuant thereto.

16 "Financial responsibility" means the ability to respond in damages for liability thereafter
17 incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the
18 amounts provided for in § 46.2-472.

19 "Foreign market vehicle" means any motor vehicle originally manufactured outside the
20 United States, which was not manufactured in accordance with the National Traffic and Motor
21 Vehicle Safety Act as amended (15 U.S.C. § 1381 et seq.) and the policies and regulations
22 adopted pursuant to that Act, and for which a Virginia title or registration is sought.

23 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into
24 the Commonwealth otherwise than in the ordinary course of business by or through a
25 manufacturer or dealer and which has not been registered in the Commonwealth.

26 "Golf cart" means a self-propelled vehicle which is designed to transport persons
playing golf and their equipment on a golf course.

1 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and
2 the load thereon.

3 "Highway" means the entire width between the boundary lines of every way or place
4 open to the use of the public for purposes of vehicular travel in the Commonwealth, including
5 the streets and alleys, and, for law-enforcement purposes, the entire width between the
6 boundary lines of all private roads or private streets which have been specifically designated
7 "highways" by an ordinance adopted by the governing body of the county, city, or town in
8 which such private roads or streets are located.

9 "Intersection" means (i) the area embraced within the prolongation or connection of the
10 lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways
11 which join one another at, or approximately at, right angles, or the area within which vehicles
12 traveling on different highways joining at any other angle may come in conflict; (ii) where a
13 highway includes two roadways thirty feet or more apart, then every crossing of each roadway
14 of such divided highway by an intersecting highway shall be regarded as a separate
15 intersection, in the event such intersecting highway also includes two roadways thirty feet or
16 more apart, then every crossing of two roadways of such highways shall be regarded as a
17 separate intersection; or (iii) for purposes only of authorizing installation of traffic-control
18 devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

19 "Law-enforcement officer" means any officer authorized to direct or regulate traffic or to
20 make arrests for violations of this title or local ordinances authorized by law. For the purposes
21 of access to law-enforcement databases regarding motor vehicle registration and ownership
22 only, this term shall also include city and county commissioners of the revenue and treasurers,
23 together with their duly designated deputies and employees, when such officials are actually
24 engaged in the enforcement of §§ 46.2-752 through 46.2-754 and local ordinances enacted
25 thereunder.

1 "License plate" means a device containing letters, numerals, or a combination of both,
attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly
3 registered with the Department.

4 "Light" means a device for producing illumination or the illumination produced by the
5 device.

6 "Mobile home" means a structure, transportable in one or more sections, which in the
7 traveling mode is eight body feet or more in width or forty body feet or more in length, or, when
8 erected on site, is 320 or more square feet, and which is built on a permanent chassis and
9 designed to be used as a dwelling with or without a permanent foundation when connected to
10 the required utilities, and includes the plumbing, heating, air conditioning, and electrical
11 systems contained therein.

12 "Moped" means a bicycle-like device with pedals and a helper motor which is rated at
13 no more than two brake horsepower and which produces speeds up to a maximum of thirty
14 miles per hour. For purposes of Chapter 8 of this title, a moped shall be a vehicle while
operated on a highway.

16 "Motor home" means every private motor vehicle with a normal seating capacity of not
17 more than ten persons, including the driver, designed primarily for use as living quarters for
18 human beings.

19 "Motor vehicle" means every vehicle as defined in this section which is self-propelled or
20 designed for self-propulsion except as otherwise provided in this title. Any structure designed,
21 used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile
22 dwelling, sleeping place, office, or commercial space shall be considered a part of a motor
23 vehicle. For the purposes of this title, any device herein defined as a bicycle or a moped shall
24 be deemed not to be a motor vehicle.

5 "Motorcycle" means every motor vehicle designed to travel on not more than three
6 wheels in contact with the ground, except any vehicle included within the term "farm tractor" or
"moped" as defined in this section.

1 "Nonresident" means every person who is not domiciled in the Commonwealth, except:
2 (i) any foreign corporation which is authorized to do business in the Commonwealth by the
3 State Corporation Commission shall be a resident of the Commonwealth for the purpose of
4 this title; in the case of corporations incorporated in the Commonwealth but doing business
5 outside the Commonwealth, only such principal place of business or branches located within
6 the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who
7 becomes engaged in a gainful occupation in the Commonwealth for a period exceeding sixty
8 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§
9 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this
10 section, who has actually resided in the Commonwealth for a period of six months, whether
11 employed or not, or who has registered a motor vehicle, listing an address in the
12 Commonwealth in the application for registration shall be deemed a resident for the purposes
13 of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-
14 341.1 et seq.).

15 "Nonresident student" means every nonresident person who is enrolled as a full-time
16 student in an accredited institution of learning in the Commonwealth and who is not gainfully
17 employed.

18 "Operation or use for rent or for hire, for the transportation of passengers, or as a
19 property carrier for compensation," and "business of transporting persons or property" mean
20 any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways
21 in the Commonwealth who accepts or receives compensation for the service, directly or
22 indirectly; but these terms do not mean a "truck lessor" as defined in this section.

23 "Operator" or "driver" means every person who either (i) drives or is in actual physical
24 control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle
25 being towed by a motor vehicle.

26 ~~"Organizational removable windshield placard" means a two-sided, hooked placard~~
27 ~~which includes on each side: (i) the international symbol of access at least three inches in~~

height, centered on the placard, and shown in white on a green background; (ii) the name of
2 the institution or organization; (iii) an identification number; (iv) an expiration date; and (v) the
3 seal or identifying symbol of the issuing authority.

4 "Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is
5 the subject of an agreement for its conditional sale or lease with the right of purchase on
6 performance of the conditions stated in the agreement and with an immediate right of
7 possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled
8 to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the
9 purpose of this title. In all such instances when the rent paid by the lessee includes charges
10 for services of any nature or when the lease does not provide that title shall pass to the lessee
11 on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle,
12 and the vehicle shall be subject to such requirements of this title as are applicable to vehicles
13 operated for compensation. A "truck lessor" as defined in this section shall be regarded as the
4 owner, and his vehicles shall be subject to such requirements of this title as are applicable to
15 vehicles of private carriers.

16 "Passenger car" means every motor vehicle other than a motorcycle designed and
17 used primarily for the transportation of no more than ten persons including the driver.

18 "Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any
19 "accepted card or other means of access" set forth in 15 U.S.C. § 1693(a) (1). For the
20 purposes of this title, this definition shall also include a card that enables a person to pay for
21 transactions through the use of value stored on the card itself.

22 ~~"Permanent removable windshield placard" means a two-sided, hooked placard which~~
23 ~~includes on each side: (i) the international symbol of access at least three inches in height,~~
24 ~~centered on the placard, and shown in white on a blue background; (ii) the name, age, and~~
25 ~~sex of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v)~~
26 ~~the seal or other identifying symbol of the issuing authority.~~

1 ~~"Person with a disability that limits or impairs his ability to walk" means a person who,~~
2 ~~as determined by a licensed physician: (i) cannot walk 200 feet without stopping to rest; (ii)~~
3 ~~cannot walk without the use of or assistance from a brace, cane, crutch, another person,~~
4 ~~prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to~~
5 ~~such an extent that his forced (respiratory) expiratory volume for one second, when measured~~
6 ~~by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters~~
7 ~~of mercury on room air at rest; (iv) uses portable oxygen; (v) has a cardiac condition to the~~
8 ~~extent that his functional limitations are classified in severity as Class III or Class IV according~~
9 ~~to standards set by the American Heart Association; (vi) is severely limited in his ability to walk~~
0 ~~due to an arthritic, neurological, or orthopedic condition; or (vii) has some other debilitating~~
1 ~~condition that, in the view of a licensed physician, limits or impairs his ability to walk.~~

2 "Pickup or panel truck" means every motor vehicle designed for the transportation of
3 property and having a registered gross weight of 7,500 pounds or less.

4 "Private road or driveway" means every way in private ownership and used for
5 vehicular travel by the owner and those having express or implied permission from the owner,
6 but not by other persons.

7 "Reconstructed vehicle" means every vehicle of a type required to be registered under
8 this title materially altered from its original construction by the removal, addition, or substitution
9 of new or used essential parts.

0 "Residence district" means the territory contiguous to a highway, not comprising a
1 business district, where seventy-five percent or more of the property contiguous to such
2 highway, on either side of the highway, for a distance of 300 feet or more along the highway is
3 occupied by dwellings and land improved for dwelling purposes, or by dwellings, land
4 improved for dwelling purposes and land or buildings in use for business purposes.

5 "Revoke" or "revocation" means that the document or privilege revoked is not subject
6 to renewal or restoration except through reapplication after the expiration of the period of
7 revocation.

1 "Roadway" means that portion of a highway improved, designed, or ordinarily used for
2 vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if
3 divided by a physical barrier or barriers or an unpaved area.

4 "Safety zone" means the area officially set apart within a roadway for the exclusive use
5 of pedestrians and which is protected or is so marked or indicated by plainly visible signs.

6 "School bus" means any motor vehicle, other than a station wagon, automobile, truck,
7 or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to
8 and from public, private or parochial schools, or used for the transportation of the mentally or
9 physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the
10 words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped
11 with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof
12 provided such vehicle is painted in accordance with regulations promulgated by the
13 Department of Education.

14 "Semitrailer" means every vehicle of the trailer type so designed and used in
15 conjunction with a motor vehicle that some part of its own weight and that of its own load rests
16 on or is carried by another vehicle.

17 "Shoulder" means that part of a highway between the portion regularly travelled by
18 vehicular traffic and the lateral curblineline or ditch.

19 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice,
20 steered by skis or runners, and supported in whole or in part by one or more skis, belts, or
21 cleats.

22 "Specially constructed vehicle" means any vehicle which was not originally constructed
23 under a distinctive name, make, model, or type by a generally recognized manufacturer of
24 vehicles and not a reconstructed vehicle as herein defined.

25 "Stinger-steered automobile or watercraft transporter" means an automobile or
26 watercraft transporter configured as a semitrailer combination wherein the fifth wheel is
located on a drop frame behind and below the rearmost axle of the power unit.

1 "Superintendent" means the Superintendent of the Department of State Police of the
2 Commonwealth.

3 "Suspend" or "suspension" means that the document or privilege suspended has been
4 temporarily withdrawn, but may be reinstated following the period of suspension unless it has
5 expired prior to the end of the period of suspension.

6 ~~"Temporary removable windshield placard" means a two-sided, hooked placard which~~
7 ~~includes on each side: (i) the international symbol of access at least three inches in height,~~
8 ~~centered on the placard, and shown in white on a red background; (ii) the name, age, and sex~~
9 ~~of the person to whom issued; (iii) an identification number; (iv) an expiration date; and (v) the~~
10 ~~seal or other identifying symbol of the issuing authority.~~

11 "Towing and recovery operator" means a person engaged in the business of (i)
12 removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for
13 repair or safekeeping and (ii) restoring to the highway or other location where they either can
14 be operated or removed to other locations for repair or safekeeping vehicles which have come
15 to rest in places where they cannot be operated.

16 "Tractor truck" means every motor vehicle designed and used primarily for drawing
17 other vehicles and not so constructed as to carry a load other than a part of the load and
18 weight of the vehicle attached thereto.

19 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113,
20 which is neither a felony nor a misdemeanor.

21 "Traffic lane" or "lane" means that portion of a roadway designed or designated to
22 accommodate the forward movement of a single line of vehicles.

23 "Trailer" means every vehicle without motive power designed for carrying property or
24 passengers wholly on its own structure and for being drawn by a motor vehicle, including
25 mobile homes.

1 "Truck" means every motor vehicle designed to transport property on its own structure
2 independent of any other vehicle and having a registered gross weight in excess of 7,500
3 pounds.

4 "Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or
5 semitrailer which is the subject of a bona fide written lease for a term of one year or more to
6 another person, provided that: (i) neither the lessor nor the lessee is a common carrier by
7 motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor
8 vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used
9 exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in
10 any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide
11 employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy
12 of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

13 "Vehicle" means every device in, on or by which any person or property is or may be
14 transported or drawn on a highway, except devices moved by human power or used
15 exclusively on stationary rails or tracks. For the purposes of Chapter 8 of this title, bicycles and
16 mopeds shall be vehicles while operated on a highway.

17 "Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels,
18 typically used to provide mobility for persons who, by reason of physical disability, are
19 otherwise unable to move about as pedestrians. The term includes both three-wheeled and
20 four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled
21 wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

22 § 46.2-676. Golf carts.

23 A. No person shall be required to obtain the registration certificates, license plates or
24 decals, or to pay any registration fee, for any golf cart which is not operated on or over any
25 public highway in the Commonwealth for any other purpose other than operating it across a
26 highway from one portion of a golf course to another portion thereof or to another adjacent golf
27 course. Nor shall any person be required to obtain registration certificates, license plates or

1 decals, or to pay any fees to operate a golf cart across any highway if the person driving the
2 golf cart has with him in the vehicle a valid special parking placard issued to him under ~~§ 46.2-~~
3 73146.2-1241.

4 B. No person shall be required to obtain registration certificates, license plates or
5 decals, or to pay any registration fee to operate a golf cart along a road between his home and
6 golf course if: (i) the trip would not be longer than one-half mile in either direction, and (ii) the
7 speed limit on the road is no more than thirty-five miles per hour, and (iii) the driver of the
8 vehicle is at least sixteen years old, and (iv) while operating along a highway the vehicle
9 displays a slow-moving vehicle emblem in conformity with § 46.2-1081.

10 C. No person shall be required to obtain registration certificates, license plates or
11 decals, or to pay any registration fee to operate a golf cart owned by the County of Halifax on
12 the public highways if such golf cart displays a slow-moving vehicle emblem in conformity with
13 § 46.2-1081 and is being operated on highways with speed limits of thirty-five miles per hour
14 or less within the Town of Halifax on official business of the maintenance department of the
15 County of Halifax by an employee of that Department who is a licensed driver.

16 § 46.2-731. Disabled parking license plates; owners of vehicles specially equipped and
17 used to transport persons with disabilities; fees.

18 On receipt of an application, the Commissioner shall issue appropriately designed
19 disabled parking license plates to persons with physical disabilities that limit or impair their
20 ability to walk. The Commissioner shall request that the application be accompanied by a
21 certification of a licensed physician that the applicant meets the definition of "person with a
22 disability that limits or impairs his ability to walk" contained in ~~§ 46.2-100~~ 46.2-1240. The
23 issuance of a disabled parking license plate shall not preclude the issuance of a permanent
24 removable windshield placard.

25 On application of an organization, the Commissioner shall issue disabled parking
26 license plates for vehicles registered in the applicant's name if the vehicles are primarily used
27 to transport persons with disabilities. The application shall include a certification by the

1 applicant, under criteria determined by the Commissioner, that the vehicle is primarily used to
2 transport persons with disabilities that limit or impair their ability to walk, as defined in ~~§ 46.2-~~
3 ~~400 46.2-1240.~~

4 The fee for the issuance of a disabled parking license plate under this section may not
5 exceed the fee charged for a similar license plate for the same class vehicle.

6 ~~Upon application of a person with a disability that limits or impairs his ability to walk, the~~
7 ~~Commissioner shall issue a permanent removable windshield placard for use on a passenger~~
8 ~~car or pickup or panel truck. The Commissioner shall request that the application be~~
9 ~~accompanied by a certification from a licensed physician on forms prescribed by the~~
0 ~~Commissioner that the applicant meets the definition of "person with a disability that limits or~~
1 ~~impairs his ability to walk" contained in § 46.2-100. The Commissioner shall provide for the~~
2 ~~renewal of such placards every five years as well as a reasonable fee to be charged for each~~
3 ~~placard, but no fee shall be charged any person exempted from fees in § 46.2-739. The~~
4 ~~placards shall be of a design approved by the Commissioner pursuant to the specifications~~
5 ~~and definitions contained in § 46.2-100.~~

6 ~~Upon the application of a person with a disability that limits or impairs his ability to walk~~
7 ~~and whose disability is temporary in nature, the Commissioner shall issue a temporary~~
8 ~~removable windshield placard. The application for a temporary removable windshield placard~~
9 ~~shall be accompanied by a certification from a licensed physician on forms prescribed by the~~
0 ~~Commissioner that the applicant meets the definition of "person with a condition that limits or~~
1 ~~impairs his ability to walk" contained in § 46.2-100 and shall also include the period of time~~
2 ~~that the physician determines the applicant will have the disability, not to exceed six months.~~
3 ~~The temporary removable windshield placard shall be valid for the period of time for which the~~
4 ~~physician has determined that the applicant will have the disability, not to exceed six months~~
5 ~~from the date of issuance. The Commissioner shall provide for a reasonable fee to be charged~~
6 ~~for the placard.~~

1 ~~On application, the Commissioner shall issue to hospitals, hospices, nursing homes,~~
2 ~~and other institutions and organizations meeting criteria determined by the Commissioner~~
3 ~~removable organizational windshield placards, as provided for in the foregoing provisions of~~
4 ~~this section, for use by volunteers when transporting disabled persons in passenger vehicles~~
5 ~~and pickup or panel trucks owned by such volunteers. The provisions of this section relating to~~
6 ~~other windshield placards issued under this section shall also apply, mutatis mutandis, to~~
7 ~~windshield placards issued to these institutions and organizations, except that windshield~~
8 ~~placards issued to institutions and agencies, in addition to their expiration date, shall bear the~~
9 ~~name of the institution or organization whose volunteers will be using the windshield placards~~
10 ~~rather than the name, age, and sex of the person to whom issued organizational removable~~
11 ~~windshield placards.~~

12 ~~The disabled person, vehicle owner, or volunteer for an institution or organization to~~
13 ~~which disabled parking license plates, organizational removable windshield placards,~~
14 ~~permanent windshield placards, or temporary removable windshield placards are issued or~~
15 ~~any person to whom disabled parking license plates have been issued under § 46.2-739 shall~~
16 ~~be allowed to park the vehicle on which such license plates or placards are displayed for up to~~
17 ~~four hours in parking zones restricted as to length of parking time permitted and shall be~~
18 ~~exempted from paying parking meter fees of any county, city, or town. The provisions of this~~
19 ~~subsection shall take precedence over any county, city, or town ordinance; however, this~~
20 ~~subsection shall not apply to any local ordinance which creates zones where stopping,~~
21 ~~standing, or parking is prohibited, or which creates parking zones for special types of vehicles,~~
22 ~~nor shall it apply to any local ordinance which prohibits parking during heavy traffic periods,~~
23 ~~during specified rush hours, or where parking would clearly present a traffic hazard.~~

24 ~~No person shall use or display an organizational removable windshield placard,~~
25 ~~permanent removable windshield placard or temporary removable windshield placard beyond~~
26 ~~its expiration date. It shall be unlawful for any person to willfully and falsely represent himself~~

1 ~~as having the qualifications to obtain the special license plates or windshield placards or utilize~~
2 ~~the parking privilege accorded by this section when not entitled thereto.~~

3 ~~Pursuant to § 46.2-1237, the Commissioner may revoke any disabled parking license~~
4 ~~plate or disabled parking placard of individuals or organizations found guilty of misusing the~~
5 ~~privilege pertaining to vehicles displaying such license plate or placard.~~

6 CHAPTER 12.1.

7 PARKING FOR PERSONS WITH DISABILITIES.

8 § 46.2-1240. Definitions.

9 "Disabled parking sign" means any sign used to identify parking spaces for use by
10 vehicles bearing valid organizational, permanent, or temporary removable windshield placards,
11 disabled parking license plates, or disabled parking license plates issued under § 46.2-739.
12 All disabled parking signs shall be erected and maintained in accordance with signage
13 requirements specified in § 36-99.11.

14 "Organizational removable windshield placard" means a two-sided, hooked placard
15 which includes on each side: (i) the international symbol of access at least three inches in
16 height, centered on the placard, and shown in white on a green background; (ii) the name of
17 the institution or organization; (iii) an identification number; (iv) an expiration date imprinted on
18 the placard and indicated by a month and year hole-punch system designed by the
19 Department; (v) a misuse hotline number designated by the Department; (vi) a warning of the
20 penalties for placard misuse; and (vii) the seal or identifying symbol of the issuing authority.
21 Clauses (ii) through (vi) of this definition shall be imprinted by machine on all organizational
22 removable windshield placards.

23 "Permanent removable windshield placard" means a two-sided, hooked placard which
24 includes on each side: (i) the international symbol of access at least three inches in height,
25 centered on the placard, and shown in white on a blue background; (ii) the name, age, and
26 sex of the person to whom issued; (iii) an identification number; (iv) an expiration date

1 imprinted on the placard and indicated by a month and year hole-punch system designed by
2 the Department; (v) a misuse hotline number designated by the Department; (vi) a warning of
3 the penalties for placard misuse; and (vii) the seal or other identifying symbol of the issuing
4 authority. Clauses (ii) through (vi) of this definition shall be imprinted by machine on all
5 permanent removable windshield placards.

6 "Person with a disability that limits or impairs his ability to walk" means a person who,
7 as determined by a licensed physician: (i) cannot walk 200 feet without stopping to rest; (ii)
8 cannot walk without the use of or assistance from a brace, cane, crutch, another person,
9 prosthetic device, wheelchair, or other assistive device; (iii) is restricted by lung disease to
10 such an extent that his forced (respiratory) expiratory volume for one second, when measured
11 by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters
12 of mercury on room air at rest; (iv) uses portable oxygen; (v) has a cardiac condition to the
13 extent that his functional limitations are classified in severity as Class III or Class IV according
14 to standards set by the American Heart Association; (vi) is severely limited in his ability to walk
15 due to an arthritic, neurological, or orthopedic condition; or (vii) has some other debilitating
16 condition that, in the view of a licensed physician, limits or impairs his ability to walk.

17 Any physician certifying an applicant's disability under clause (vii) of this definition shall
18 specify, in a space provided on the certification form, the medical condition which limits or
19 impairs his patient's ability to walk.

20 "Temporary removable windshield placard" means a two-sided, hooked placard which
21 includes on each side: (i) the international symbol of access at least three inches in height,
22 centered on the placard, and shown in white on a red background; (ii) the name, age, and sex
23 of the person to whom issued; (iii) an identification number; (iv) an expiration date imprinted on
24 the placard and indicated by a month and year hole-punch system designed by the
25 Department; (v) a misuse hotline number; (vi) a warning of the penalties for placard misuse;
26 and (vii) the seal or other identifying symbol of the issuing authority. Clauses (ii) through (vi) of
27 this definition shall be imprinted by machine on all temporary removable windshield placards.

§ 46.2-1241. Issuance of disabled parking placards.

A. Upon application of a person with a disability that limits or impairs his ability to walk, the Commissioner shall issue a permanent removable windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require that the application be accompanied by a certification from a licensed physician on forms prescribed by the Commissioner that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk" contained in § 46.2-1240.

1. The Commissioner shall provide for the renewal of such placards every five years as well as a reasonable fee to be charged for each placard, but no fee shall be charged any person exempted from fees in § 46.2-739.

2. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

B. Upon the application of a person with a disability that limits or impairs his ability to walk and whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a certification from a licensed physician on forms prescribed by the Commissioner that the applicant meets the definition of "person with a condition that limits or impairs his ability to walk" contained in § 46.2-1240 and shall also include the period of time that the physician determines the applicant will have the disability, not to exceed six months.

1. The temporary removable windshield placard shall be valid for the period of time for which the physician has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

2. The Commissioner shall provide for a reasonable fee to be charged for the placard. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

C. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other institutions and organizations meeting criteria determined by the Commissioner

1 removable organizational windshield placards, as provided for in the foregoing provisions of
2 this section, for use by volunteers when transporting disabled persons in passenger vehicles
3 and pickup or panel trucks owned by such volunteers. The provisions of this section relating to
4 other windshield placards issued under this section shall also apply, mutatis mutandis, to
5 windshield placards issued to these institutions and organizations, except that windshield
6 placards issued to institutions and agencies, in addition to their expiration date, shall bear the
7 name of the institution or organization whose volunteers will be using the windshield placards
8 rather than the name, age, and sex of the person to whom issued organizational removable
9 windshield placards.

10 1. The Commissioner shall provide for the renewal of such placards every five years as
11 well as a reasonable fee to be charged for each placard.

12 2. The placards shall be of a design approved by the Commissioner pursuant to the
13 specifications and definitions contained in § 46.2-1240.

14 D. No person shall use or display an organizational removable windshield placard,
15 permanent removable windshield placard or temporary removable windshield placard beyond
16 its expiration date.

17 E. Organizational removable windshield placards, permanent removable windshield
18 placards and temporary removable windshield placards shall be displayed in such a manner
19 that they may be viewed from the front and rear of the vehicle and be hanging from the
20 rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that
21 limit or impair their ability to walk. When there is no rearview mirror, the placard shall be
22 displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror
23 while a vehicle is in motion.

24 § 46.2-1242. Parking in spaces reserved for persons with disabilities; local ordinances;
25 penalty.

26 A. No vehicles other than those displaying disabled parking license plates,
27 organizational removable windshield placards, permanent removable windshield placards, or

1 temporary removable windshield placards issued under § 46.2-1241, or DV disabled parking
2 license plates issued under subsection B of § 46.2-739, shall park in any parking spaces
3 reserved for persons with disabilities.

4 1. No person without a disability that limits or impairs his ability to walk shall park a
5 vehicle with disabled parking license plates, organizational removable windshield placards,
6 permanent removable windshield placards, temporary removable windshield placards, or DV
7 disabled parking license plates issued under subsection B of § 46.2-739 in a parking space
8 reserved for persons with disabilities that limit or impair their ability to walk except when
9 transporting a disabled person in the vehicle.

0 2. A summons or parking ticket for the offense may be issued by law-enforcement
1 officers, uniformed law-enforcement department employees, or volunteers acting pursuant to §
2 46.2-1244 without the necessity of a warrant's being obtained by the owner of any private
3 parking area.

4 3. Parking a vehicle in a space reserved for persons with disabilities in violation of this
5 section shall be punishable by a fine of not less than \$100 nor more than \$500. For purposes
6 of this section, the minimum fine of \$100 shall be considered a mandatory, minimum fine not
7 subject to suspension by the court.

8 B. The governing body of any county, city, or town may by ordinance provide that it
9 shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational
0 removable windshield placard, a permanent removable windshield placard, or a temporary
1 removable windshield placard issued under § 46.2-1241, or DV disabled parking license plates
2 issued under subsection B of § 46.2-739, to be parked in a parking space reserved for
3 persons with disabilities that limit or impair their ability to walk or for a person who is not limited
4 or impaired in his ability to walk to park a vehicle in a parking space so designated except
5 when transporting a person with such a disability in the vehicle.

6 1. Any local governing body, by such ordinance, may assess and retain a fine of not
7 less than \$100 nor more than \$500 for its violation. All such ordinances shall specify that for

1 purposes of the ordinance, the minimum fine of \$100 shall be considered a mandatory,
2 minimum fine not subject to suspension by the court.

3 2. The ordinance may further provide that a summons or parking ticket for the offense
4 may be issued by law-enforcement officers, volunteers serving in units established pursuant to
5 § 46.2-1244, and other uniformed personnel employed by the locality to enforce parking
6 regulations without the necessity of a warrant's being obtained by the owner of the private
7 parking area.

8 C. In any prosecution charging a violation of this section or an ordinance adopted
9 pursuant to this section, proof that the vehicle described in the complaint, summons, parking
10 ticket, citation, or warrant was parked in violation of this section or the ordinance, together with
11 proof that the defendant was at the time the registered owner of the vehicle, as required by
12 Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute prima facie evidence that the
13 registered owner of the vehicle was the person who committed the violation.

14 D. No violation of this section or an ordinance adopted pursuant to this section shall be
15 dismissed for a property owner's failure to comply strictly with the requirements for disabled
16 parking signs set forth in § 36-99.11, provided the space is clearly distinguishable as a
17 parking space reserved for persons with disabilities that limit or impair their ability to walk.

18 § 46.2-1243. Enforcement by private security guards in certain localities.

19 The local governing bodies of Franklin County and the Cities of Danville and
20 Martinsville may by ordinance provide that, in privately owned parking areas open to the
21 public, a summons for violation of an ordinance promulgated under § 46.2-1242 may be
22 issued by private security guards licensed under the provisions of Article 2.1 (§ 9-183.1 et
23 seq.) of Chapter 27 of Title 9 and deputized to issue a summons for the offense by the chief
24 law-enforcement officer of the county or city in which the private parking area is located.

25 § 46.2-1244. Volunteer disabled parking enforcement units.

2 A. The governing body of any county, city, or town may by ordinance provide that its
3 law-enforcement agency establish and supervise volunteers to enforce violations of § 46.2-
4 1242 and §§ 46.2-1247 through 46.2-1253.

5 B. Excluding § 46.2-1242 and §§ 46.2-1247 through 46.2-1253, volunteers acting
6 pursuant to this section shall not have the power or duty to enforce any other traffic or criminal
7 laws of the state or any county, city, or town.

8 C. No volunteer acting pursuant to this section shall carry a firearm or other weapon
9 during the course of his volunteer enforcement duties.

10 § 46.2-1245. Four hours' free parking in time-restricted or metered spaces; local option.

11 A. The disabled person, vehicle owner, or volunteer for an institution or organization to
12 which disabled parking license plates, organizational removable windshield placards,
13 permanent windshield placards, or temporary removable windshield placards are issued or
14 any person to whom disabled parking license plates have been issued under subsection B of §
15 46.2-739 shall be allowed to park the vehicle on which such license plates or placards are
16 displayed for up to four hours in metered or unmetered parking zones restricted as to length of
17 parking time permitted and shall be exempted from paying parking meter fees of any county,
18 city, or town.

19 B. This section shall not apply to any local ordinance which creates zones where
20 stopping, standing, or parking is prohibited, or which creates parking zones for special types of
21 vehicles, nor shall it apply to any local ordinance which prohibits parking during heavy traffic
22 periods, during specified rush hours, or where parking would clearly present a traffic hazard.

23 C. The governing body of any county, city, or town may by ordinance provide that this
24 section shall not apply within the boundaries of such county, city, or town. Any county, city, or
25 town adopting an ordinance pursuant to this subsection shall indicate by signs or other
reasonable notice that the provisions of this section do not apply in such county, city, or town.

§ 46.2-1246. Towing of unauthorized vehicles.

1 A. The owner or duly authorized agent of the owner of a parking space properly
 2 designated and clearly marked as reserved for use by persons with disabilities that limit or
 3 impair their ability to walk may have any vehicle not displaying disabled parking license plates,
 4 organizational removable windshield placards, permanent removable windshield placards,
 5 temporary removable windshield placards, or DV disabled parking license plates removed
 6 from the parking space and stored.

7 B. The owner of a vehicle which has been removed and stored may regain possession
 8 of his vehicle on payment to the person or persons who removed and stored the vehicle all
 9 reasonable costs incidental to the removal and storage. The owner of the vehicle, on notice to
 10 the owner or duly authorized agent of the owner of the parking space, may also petition the
 11 general district court having jurisdiction over the location where the parking occurred for an
 12 immediate determination as to whether the removal of the vehicle was lawful. If the court finds
 13 that the removal was unlawful, the court shall direct the owner of the parking space to pay the
 14 costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

15 § 46.2-1247. Counterfeiting disabled parking license plates or placards; penalty.

16 A. Any person who creates a counterfeit or unauthorized replica of a disabled parking
 17 license plate, DV disabled parking license plate which has been issued under subsection B of
 18 § 46.2-739, organizational removable windshield placard, permanent removable windshield
 19 placard, or temporary removable windshield placard, shall be guilty of a Class 2 misdemeanor.

20 B. The local governing body of any county, city, or town may by ordinance incorporate
 21 this provision by reference.

22 § 46.2-1248. Use of counterfeit disabled parking license plates or placards; penalty.

23 A. Any person who displays a counterfeit or unauthorized replica of a disabled parking
 24 license plate, DV disabled parking license plate which has been issued under subsection B of
 25 § 46.2-739, organizational removable windshield placard, permanent removable windshield
 26 placard, or temporary removable windshield placard and parks in a disabled parking space or

attempts to use the parking privileges afforded by § 46.2-1245, shall be guilty of a Class 2
2 misdemeanor.

3 B. The local governing body of any county, city, or town may by ordinance incorporate
4 this provision by reference.

5 § 46.2-1249. Alteration of disabled parking license plates or placards; penalty.

6 A. Any person who alters a disabled parking license plate, DV disabled parking license
7 plate which has been issued under subsection B of § 46.2-739, organizational removable
8 windshield placard, permanent removable windshield placard, or temporary removable
9 windshield placard shall be guilty of a Class 2 misdemeanor.

10 B. The local governing body of any county, city, or town may by ordinance incorporate
11 this provision by reference.

12 § 46.2-1250. Unauthorized use of disabled parking license plates or placards; penalty.

13 A. Any person who parks in a space reserved for persons with disabilities that limit or
14 impair their ability to walk or attempts to use the parking privileges afforded by § 46.2-1245
15 and displays a disabled parking license plate, DV disabled parking license plate which has
16 been issued under subsection B of § 46.2-739, organizational removable windshield placard,
17 permanent removable windshield placard, or temporary removable windshield placard which
18 has been issued to another person, and is not transporting a person with a disability which
19 limits or impairs his ability to walk, shall be guilty of a Class 2 misdemeanor.

20 B. The local governing body of any county, city, or town may by ordinance incorporate
21 this provision by reference.

22 § 46.2-1251. Fraudulently obtaining a disabled parking license plate or placard; penalty.

23 A. Any person who makes a false statement of material fact to obtain or assist an
24 individual in obtaining a disabled parking license plate, DV disabled parking license plate
25 which has been issued under subsection B of § 46.2-739, organizational removable windshield
26 placard, permanent removable windshield placard, or temporary removable windshield placard
27 shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1252. Selling or exchanging a disabled parking license plate or placard; penalty.

A. Any person who sells or exchanges for consideration any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a Class 2 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1253. Providing a disabled parking license plate or placard; penalty.

A. Any person who knowingly provides to another person, without sale or exchange of consideration, any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under subsection B of § 46.2-739, permanent removable windshield placard, temporary removable windshield placard, or organizational removable windshield placard, shall be guilty of a Class 3 misdemeanor.

B. The local governing body of any county, city, or town may by ordinance incorporate this provision by reference.

§ 46.2-1254. Photo identification.

Any law-enforcement officer, private security guard acting pursuant to § 46.2-1243, or volunteer acting pursuant to § 46.2-1244 may request to examine the driver's license, state identification card, or other form of photo identification of any person using disabled parking privileges afforded by this chapter.

§ 46.2-1255. Confiscation of disabled parking placards.

A. Any law-enforcement officer, private security guard acting pursuant to § 46.2-1243, or volunteer acting pursuant to § 46.2-1244 who issues a summons to or arrests an individual for any violation of §§ 46.2-1247 through 46.2-1253 may confiscate the defendant's

1 ermanent, temporary, or organizational removable windshield placard and shall notify the
2 Department of Motor Vehicles of such confiscation.

3 B. After receiving notice specified in subsection A of this section, the Department may
4 prohibit the issuance of any form of disabled parking license plate or placard to the defendant
5 until the defendant's charge under §§ 46.2-1247 through 46.2-1253 reaches final disposition,
6 including appeals.

7 C. Upon the defendant's acquittal for any violation of §§ 46.2-1247 through 46.2-1253,
8 the law-enforcement officer, private security guard, or volunteer shall return the confiscated
9 placard to the defendant and the court shall notify the Department of such acquittal by
0 electronic or other means. Upon the defendant's conviction for any violation of §§ 46.2-1247
1 through 46.2-1253, the law-enforcement officer, private security guard, or volunteer shall send
2 the confiscated placard to the Department and the court shall notify the Department pursuant
3 to § 46.2-1256.

4 § 46.2-1256. Notice of convictions; revocation of disabled parking placards and license
5 plates.

6 A. Upon the entry of a conviction under §§ 46.2-1247 through 46.2-1253, or under any
7 ordinance which incorporates any of those sections by reference, the court shall send notice of
8 the conviction and the number of the license plate or placard involved to the Commissioner.
9 Such notice may be transmitted by electronic means.

0 B. Upon receiving notice pursuant to subsection A of this section, the Commissioner
1 may revoke any disabled parking license plate, DV disabled parking license plate,
2 organizational, permanent, or temporary placard of an individual or organization found guilty
3 under §§ 46.2-1247 through 46.2-1253 if he finds, after a hearing if requested by the person to
4 whom the license plate or placard is issued, that such person (i) is not a person with a
5 disability that limits or impairs his ability to walk and is not otherwise eligible to be issued a
6 license plate or a placard pursuant to §§ 46.2-731, 46.2-739, or 46.2-1241, or (ii) is authorized

1 to have such license plate or placard but has allowed the abuse or misuse of the privilege
2 granted thereby so that revocation appears appropriate to remedy the abuse or misuse.

3 § 46.2-1257. Invalidation and re-issuance of organizational and permanent removable
4 windshield placards.

5 A. Effective October 1, 1998, the Department shall notify each organizational and
6 permanent removable windshield placard holder to return such placard to the Department in
7 exchange for a placard meeting the specifications set forth in § 46.2-1240. The Department
8 shall conduct the exchange during a three-month period commencing October 1, 1998, and
9 ceasing January 1, 1999.

10 B. Placard holders shall return their placards to the Department by mail or in person
11 and upon such return, the Department shall issue a placard meeting the specifications set
12 forth § 46.2-1240. The Department shall not require placard holders to obtain certification that
13 they have a disability that limits or impairs their ability to walk in order to complete the placard
14 exchange.

15 C. All placards issued by the Department pursuant to this section shall bear the valid
16 expiration date of the placard which was returned to the Department.

17 D. Effective January 1, 1999, any organizational removable windshield placard or
18 permanent removable windshield placard not meeting the specifications set forth under § 46.2-
19 1240 shall be invalid. Any person attempting to use the disabled parking privileges provided
20 by this chapter and displaying an invalid organizational or permanent removable windshield
21 placard may be charged with a violation of § 46.2-1242, and any invalid placard shall be
22 subject to confiscation pursuant to § 46.2-1255.

23 § 46.2-1258. Reciprocity.

24 Disabled parking license plates, permanent removable windshield placards, temporary
25 removable windshield placards, and DV disabled parking license plates issued by other states
26 and countries for the purpose of identifying vehicles permitted to use parking spaces reserved

r persons with disabilities that limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles displaying such devices issued in Virginia.

2. That § 46.2-1237 of the Code of Virginia is repealed.

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