

1 registration plates or removable windshield placards to a person
2 with a mobility impairment or a West Virginia organization which
3 transports persons with disabilities and facilitates the mobility
4 of its customers, patients, students or persons otherwise placed
5 under its responsibility.

6 (2) Special registration plates or placards may only be issued
7 for placement on a Class A or Class G motor vehicle registered
8 under the provisions of article three, chapter seventeen-a of this
9 code.

10 (3) The applicant shall specify whether he or she is applying
11 for a special registration plate, a removable windshield placard or
12 both on the application form prescribed and furnished by the
13 commissioner.

14 (4) The applicant shall submit, with the application, a
15 certificate issued by any licensed physician, chiropractor,
16 advanced nurse practitioner or physician's assistant, ~~who is~~
17 ~~licensed, in this state~~ stating that the applicant has a mobility
18 impairment or that the applicant is an organization which regularly
19 transports a person with a mobility impairment as defined in this
20 section. The physician, chiropractor, advanced nurse practitioner
21 or physician's assistant shall specify in the certificate whether
22 the disability is temporary or permanent. A disability which is
23 temporary ~~shall not exceed~~ is one which is expected to last less
24 than six months. A disability which is permanent is one which is

1 ~~one to five years or more in expected duration~~ expected to last
2 more than six months. If the duration of the disability is
3 expected to last more than five years or for the life of the
4 applicant, the physician, chiropractor, advanced nurse practitioner
5 or physician's assistant shall so specify in the certificate.

6 (5) Upon receipt of the completed application, the physician's
7 certificate and the regular registration fee for the applicant's
8 vehicle class, if the commissioner finds that the applicant
9 qualifies for the special registration plate or a removable
10 windshield placard as provided in this section, he or she shall
11 issue to the applicant a special registration plate (upon
12 remittance of the regular registration fee) or a removable
13 windshield placard (red for temporary and blue for permanent), or
14 both. Upon request, the commissioner shall also issue to any
15 otherwise qualified applicant one additional placard having the
16 same expiration date as the applicant's original placard. The
17 placard shall be displayed by hanging it from the interior rearview
18 mirror of the motor vehicle so that it is conspicuously visible
19 from outside the vehicle when parked in a designated accessible
20 parking space. The placard may be removed from the rearview mirror
21 whenever the vehicle is being operated to ensure clear vision and
22 safe driving. Only in the event that there is no suitable rearview
23 mirror in the vehicle may the placard be displayed on the dashboard
24 of the vehicle.

1 (6) An organization which ~~transport~~ transports people with
2 disabilities ~~will~~ shall be provided with a placard which will
3 permit ~~them~~ it to park in a designated area for the length of time
4 necessary to load and unload passengers. These vehicles must be
5 moved to a nondesignated space once the loading or unloading
6 process is complete.

7 (b) As used in this section, the following terms have the
8 meanings ascribed to them in this subsection:

9 (1) A person or applicant with a "mobility impairment" means
10 a person who is a citizen of West Virginia and as determined by a
11 licensed physician, allopath or osteopath, chiropractor, advanced
12 nurse practitioner or physician's assistant: ~~licensed to practice~~
13 ~~in West Virginia~~

14 (A) Cannot walk two hundred feet without stopping to rest;

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

18 (C) Is restricted by lung disease to such an extent that the
19 person's force (respiratory) expiratory volume for one second, when
20 measured by spirometry, is less than one liter or the arterial
21 oxygen tension is less than sixty mm/hg on room air at rest;

22 (D) Uses portable oxygen;

23 (E) Has a cardiac condition to such an extent that the
24 person's functional limitations are classified in severity as Class

1 III or Class IV according to standards established by the American
2 Heart Association; or

3 (F) Is severely limited in his or her ability to walk because
4 of an arthritic, neurological or other orthopedic condition;

5 (2) "Special registration plate" means a registration plate
6 that displays the international symbol of access, as adopted by the
7 Rehabilitation International Organization in 1969 at its Eleventh
8 World Congress on Rehabilitation of the Disabled, in a color that
9 contrasts with the background, in letters and numbers the same size
10 as those on the plate, and which may be used in lieu of a regular
11 registration plate;

12 (3) "Removable windshield placard" (permanent or temporary)
13 means a two-sided, hanger-style placard measuring three inches by
14 nine and one-half inches, with all of the following on each side:

15 (A) The international symbol of access, measuring at least
16 three inches in height, centered on the placard, in white on a blue
17 background for permanent designations and in white on a red
18 background for temporary designations;

19 (B) An identification number measuring one inch in height;

20 (C) An expiration date in numbers measuring one inch in
21 height; and

22 (D) The seal or other identifying symbol of the issuing
23 authority;

24 (4) "Regular registration fee" means the standard registration

1 fee for a vehicle of the same class as the applicant's vehicle;

2 (5) "Public entity" means state or local government or any
3 department, agency, special purpose district or other
4 instrumentality of a state or local government;

5 (6) "Public facility" means all or any part of any buildings,
6 structures, sites, complexes, roads, parking lots or other real or
7 personal property, including the site where the facility is
8 located;

9 (7) "Place or places of public accommodation" means a facility
10 or facilities operated by a private entity whose operations affect
11 commerce and fall within at least one of the following categories:

12 (A) Inns, hotels, motels and other places of lodging;

13 (B) Restaurants, bars or other establishments serving food or
14 drink;

15 (C) Motion picture houses, theaters, concert halls, stadiums
16 or other places of exhibition or entertainment;

17 (D) Auditoriums, convention centers, lecture halls or other
18 places of public gatherings;

19 (E) Bakeries, grocery stores, clothing stores, hardware
20 stores, shopping centers or other sales or rental establishments;

21 (F) Laundromats, dry cleaners, banks, barber and beauty shops,
22 travel agencies, shoe repair shops, funeral parlors, gas or service
23 stations, offices of accountants and attorneys, pharmacies,
24 insurance offices, offices of professional health care providers,

1 hospitals or other service establishments;

2 (G) Terminals, depots or other stations used for public
3 transportation;

4 (H) Museums, libraries, galleries or other places of public
5 display or collection;

6 (I) Parks, zoos, amusement parks or other places of
7 recreation;

8 (J) Public or private nursery, elementary, secondary,
9 undergraduate or post-graduate schools or other places of learning
10 and day care centers, senior citizen centers, homeless shelters,
11 food banks, adoption agencies or other social services
12 establishments; and

13 (K) Gymnasiums, health spas, bowling alleys, golf courses or
14 other places of exercise or recreation;

15 (8) "Commercial facility" means a facility whose operations
16 affect commerce and which are intended for nonresidential use by a
17 private entity;

18 (9) "Accessible parking" formerly known as "handicapped
19 parking" is the present phrase consistent with language within the
20 Americans with Disabilities Act (ADA).

21 (10) "Parking enforcement personnel" includes any law-
22 enforcement officer as defined by section one, article twenty-nine,
23 chapter thirty of this code, and private security guards, parking
24 personnel and other personnel authorized by a city, county or the

1 state to issue parking citations.

2 Any person who falsely or fraudulently obtains or seeks to
3 obtain the special plate or the removable windshield placard
4 provided for in this section and any person who falsely certifies
5 that a person is mobility impaired in order that an applicant may
6 be issued the special registration plate or windshield placard
7 under this section is guilty of a misdemeanor and, upon conviction
8 thereof, in addition to any other penalty he or she may otherwise
9 incur, shall be fined \$500. Any person who fabricates, uses or
10 sells unofficially issued windshield placards to any person or
11 organization is committing a fraudulent act and is guilty of a
12 misdemeanor and, upon conviction thereof, in addition to any other
13 penalty he or she may otherwise incur, shall be fined \$500 per
14 placard fabricated, used or sold. Any person who fabricates, uses
15 or sells unofficially issued identification cards to any person or
16 organization is committing a fraudulent act and is guilty of a
17 misdemeanor and, upon conviction thereof, in addition to any other
18 penalty he or she may otherwise incur, shall be fined \$700 per
19 identification card fabricated, used or sold. Any person who
20 fabricates, uses or sells unofficially issued labels imprinted with
21 a future expiration date to any person or organization is
22 committing a fraudulent act and is guilty of a misdemeanor and,
23 upon conviction thereof, in addition to any other penalty he or she
24 may otherwise incur, shall be fined \$700. Any person covered by

1 this section who sells or gives away their officially issued
2 windshield placard to any person or organization not qualified to
3 apply or receive the placard and then reapplies for a new placard
4 on the basis it was stolen is committing a fraudulent act and is
5 guilty of a misdemeanor and, upon conviction thereof, in addition
6 to any other penalty he, she or they may otherwise incur, shall
7 lose their right to receive or use a special placard or special
8 license plate for a period of not less than five years.

9 (c) (1) The commissioner shall set the expiration date for
10 special registration plates and permanent removable windshield
11 placards on the last day of a given month and year, to be valid for
12 a minimum of one year but not more than five years, after which
13 time a new application must be submitted to the commissioner.
14 After the commissioner receives the new application, signed by a
15 ~~certified~~ licensed physician, chiropractor, advanced nurse
16 practitioner or physician's assistant, the commissioner shall
17 issue: (i) A new special registration plate or new permanent
18 removable windshield placard; or (ii) official labels imprinted
19 with the new expiration date and designed so as to be placed over
20 the old dates on the original registration plate or windshield
21 placard.

22 (2) A new application submitted under this subsection is not
23 required to include a certificate from a physician, chiropractor,
24 advanced nurse practitioner or physician's assistant if:

1 (A) A previous application included a certificate signed by a
2 licensed physician, chiropractor, advanced nurse practitioner or
3 physician's assistant, indicating that the applicant's disability
4 was expected to last more than five years or for the life of the
5 applicant; and

6 (B) The application is for a special registration plate for a
7 vehicle that is registered to the applicant. This provision does
8 not apply to permanent removable windshield placards, and does not
9 allow them to be issued for more than five years at a time.

10 (d) The commissioner shall set the expiration date of
11 temporary removable windshield placards to be valid for a period of
12 approximately six months after the application was received and
13 approved by the commissioner.

14 (e) The commissioner shall issue to each applicant who is
15 granted a special registration plate or windshield placard an
16 identification card bearing the applicant's name, assigned
17 identification number and expiration date. The applicant shall
18 thereafter carry this identification card on his or her person
19 whenever parking in an accessible parking space. The
20 identification card shall be identical in design for both
21 registration plates and removable windshield placards.

22 (f) An accessible parking space should comply with the
23 provisions of the Americans with Disabilities Act Accessibility
24 Guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In

1 particular, the parking space should be a minimum of eight feet
2 wide with an adjacent eight-foot access aisle for vans having side
3 mounted hydraulic lifts or ramps or a five-foot access aisle for
4 standard vehicles. Access aisles should be marked using diagonal
5 two- to four-inch-wide stripes spaced every twelve or twenty-four
6 inches apart along with the words "no parking" in painted letters
7 which are at least twelve inches in height. All accessible parking
8 spaces must have a signpost in front or adjacent to the accessible
9 parking space displaying the international symbol of access sign
10 mounted at a minimum of eight feet above the pavement or sidewalk
11 and the top of the sign. Lines or markings on the pavement or
12 curbs for parking spaces and access aisles may be in any color,
13 although blue is the generally accepted color for accessible
14 parking.

15 (g) A vehicle from any other state, United States territory or
16 foreign country displaying an officially issued special
17 registration plate, placard or decal bearing the international
18 symbol of access shall be recognized and accepted as meeting the
19 requirements of this section, regardless of where the plate,
20 placard or decal is mounted or displayed on the vehicle.

21 (h) Stopping, standing or parking places marked with the
22 international symbol of access shall be designated in close
23 proximity to all public entities, including state, county and
24 municipal buildings and facilities, places of public accommodation

1 and commercial facilities. These parking places shall be reserved
2 solely for persons with a mobility impairment at all times.

3 (i) Any person whose vehicle properly displays a valid,
4 unexpired special registration plate or removable windshield
5 placard may park the vehicle for unlimited periods of time in
6 parking zones unrestricted as to length of parking time permitted:
7 *Provided*, That this privilege does not mean that the vehicle may
8 park in any zone where stopping, standing or parking is prohibited
9 or which creates parking zones for special types of vehicles or
10 which prohibits parking during heavy traffic periods during
11 specified rush hours or where parking would clearly present a
12 traffic hazard. To the extent any provision of any ordinance of
13 any political subdivision of this state is contrary to the
14 provisions of this section, the provisions of this section take
15 precedence and apply.

16 The parking privileges provided ~~for~~ in this subsection apply
17 only during those times when the vehicle is being used for the
18 loading or unloading of a person with a mobility impairment. Any
19 person who knowingly exercises, or attempts to exercise, these
20 privileges at a time when the vehicle is not being used for the
21 loading or unloading of a person with a mobility impairment is
22 guilty of a misdemeanor and, upon first conviction thereof, in
23 addition to any other penalty he or she may otherwise incur, shall
24 be fined \$200; upon second conviction thereof, in addition to any

1 other penalty he or she may otherwise incur, shall be fined \$300;
2 and upon third and subsequent convictions thereof, in addition to
3 any other penalty he or she may otherwise incur, shall be fined
4 \$500.

5 (j) Any person whose vehicle does not display a valid, special
6 registration plate or removable windshield placard may not stop,
7 stand or park a motor vehicle in an area designated, zoned or
8 marked for accessible parking with signs or instructions displaying
9 the international symbol of access, either by itself or with
10 explanatory text. The signs may be mounted on a post or a wall in
11 front of the accessible parking space and instructions may appear
12 on the ground or pavement, but use of both methods is preferred.
13 Accessible parking spaces for vans having an eight-foot adjacent
14 access aisle should be designated as "van accessible" but may be
15 used by any vehicle displaying a valid special registration plate
16 or removable windshield placard.

17 Any person who violates the provisions of this subsection is
18 guilty of a misdemeanor and, upon conviction thereof, shall be
19 fined \$200; upon second conviction thereof, in addition to any
20 other penalty he or she may otherwise incur, shall be fined \$300;
21 and upon third and subsequent convictions thereof, in addition to
22 any other penalty he or she may otherwise incur, shall be fined
23 \$500.

24 (k) All signs that designate areas as "accessible parking" or

1 that display the international symbol of access shall also include
2 the words "Up to \$500 fine".

3 (1) No person may stop, stand or park a motor vehicle in an
4 area designated or marked off as an access aisle adjacent to a van-
5 accessible parking space or regular accessible parking space. Any
6 person, including a driver of a vehicle displaying a valid
7 removable windshield placard or special registration plate, who
8 violates the provisions of this subsection is guilty of a
9 misdemeanor and, upon conviction thereof, shall be fined \$200; upon
10 second conviction thereof, in addition to any other penalty he or
11 she may otherwise incur, shall be fined \$300; and upon third and
12 subsequent convictions thereof, in addition to any other penalty he
13 or she may otherwise incur, shall be fined \$500.

14 (m) Parking enforcement personnel who otherwise enforce
15 parking violations may issue citations for violations of this
16 section and shall reference the number on the vehicle's license
17 plate, since the driver normally will not be present.

18 (n) Law-enforcement agencies may establish a program to use
19 trained volunteers to collect information necessary to issue
20 citations to persons who illegally park in designated accessible
21 parking spaces. Any law-enforcement agency choosing to establish
22 a program shall provide for workers' compensation and liability
23 coverage. The volunteers shall photograph the illegally parked
24 vehicle and complete a form, to be developed by supervising law-

1 enforcement agencies, that includes the vehicle's license plate
2 number, date, time and location of the illegally parked vehicle.
3 The photographs must show the vehicle in the accessible space and
4 a readable view of the license plate. Within the discretion of the
5 supervising law-enforcement agency, the volunteers may issue
6 citations or the volunteers may submit the photographs of the
7 illegally parked vehicle and the form to the supervising law-
8 enforcement agency, who may issue a citation, which includes the
9 photographs and the form, to the owner of the illegally parked
10 vehicle. Volunteers shall be trained on the requirements for
11 citations for vehicles parked in marked, zoned or designated
12 accessible parking areas by the supervising law-enforcement agency.

13 (o) Local authorities who adopt the basic enforcement
14 provisions of this section and issue their own local ordinances
15 shall retain all fines and associated late fees. These revenues
16 shall be used first to fund the provisions of subsection (n) of
17 this section, if adopted by local authorities, or otherwise shall
18 go into the local authorities' General Revenue Fund. Otherwise,
19 any moneys collected as fines shall be collected for and remitted
20 to the state.

21 (p) The commissioner shall prepare and issue a document to
22 applicants describing the privileges accorded a vehicle having a
23 special registration plate and removable windshield placard as well
24 as the penalties when the vehicle is being inappropriately used as

1 described in this section and shall include the document along with
2 the issued special registration plate or windshield placard. In
3 addition, the commissioner shall issue a separate document
4 informing the general public regarding the new provisions and
5 increased fines being imposed either by way of newspaper
6 announcements or other appropriate means across the state.

7 (q) The commissioner shall adopt and promulgate rules in
8 accordance with the provisions of article three, chapter twenty-
9 nine-a of this code.

NOTE: The purpose of this bill is to allow a renewal application for a special registration plate to be issued without a certificate from a licensed physician, chiropractor, advanced nurse practitioner or physician's assistant. This would apply only if: (1) A previous application indicated that the applicant's disability was expected to last more than five years or for the applicant's life of the applicant; and (2) the application is for a special registration plate for a vehicle that is registered to the applicant.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.