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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2926

02/11/2020 Authored by Daniels
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; modifying disability parking certificate eligibility to
1.3 include persons with a developmental disability under certain circumstances;
1.4 amending Minnesota Statutes 2018, sections 169.345, subdivisions 1, 2a, 3;
1.5 169.346; Minnesota Statutes 2019 Supplement, section 169.345, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 169.345, subdivision 1, is amended to read:

1.8 Subdivision 1. Scope of privilege. (a) A vehicle described in section 168.021, subdivision
1.9 1, paragraph (a), that prominently displays the certificate authorized by this section or that
1.10 bears the disability plate or plates issued under section 168.021 may be parked by or solely
1.11 for the benefit of a physically disabled person with a disability:

1.12 (1) in a designated parking space for disabled persons with a disability, as provided in
1.13 section 169.346;

1.14 (2) in a metered parking space without obligation to pay the meter fee and without time
1.15 restrictions unless time restrictions are separately posted on official signs; and

1.16 (3) without time restrictions in a nonmetered space where parking is otherwise allowed
1.17 for passenger vehicles but restricted to a maximum period of time and that does not
1.18 specifically prohibit the exercise of disabled parking privileges in that space.

1.19 A person may park the vehicle for a physically disabled person with a disability in a parking
1.20 space described in clause (1) or (2) only when actually transporting the physically disabled
1.21 person with a disability for the sole benefit of that person and when the parking space is
1.22 within a reasonable distance from the drop-off point.

2.1 (b) For purposes of this subdivision, a certificate is prominently displayed if it is displayed
 2.2 so that it may be viewed from the front and rear of the motor vehicle by hanging it from the
 2.3 rearview mirror attached to the front windshield of the motor vehicle or, in the case of a
 2.4 motorcycle or a motorized bicycle, is secured to the vehicle. If there is no rearview mirror
 2.5 or if the certificate holder's disability precludes placing the certificate on the mirror, the
 2.6 certificate must be displayed on the dashboard of the vehicle. No part of the certificate may
 2.7 be obscured.

2.8 (c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not permit
 2.9 parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces,
 2.10 or in parking spaces reserved for specified purposes or vehicles. A local governmental unit
 2.11 may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to
 2.12 accommodate heavy traffic during morning and afternoon rush hours and these ordinances
 2.13 also apply to ~~physically disabled~~ persons with a disability.

2.14 Sec. 2. Minnesota Statutes 2019 Supplement, section 169.345, subdivision 2, is amended
 2.15 to read:

2.16 Subd. 2. **Definitions.** (a) For the purpose of section 168.021 and this section, the following
 2.17 terms have the meanings given them in this subdivision.

2.18 (b) "Health professional" means a licensed physician, licensed physician assistant,
 2.19 advanced practice registered nurse, licensed physical therapist, or licensed chiropractor.

2.20 (c) "Long-term certificate" means a certificate issued for a period greater than 12 months
 2.21 but not greater than 71 months.

2.22 (d) "Organization certificate" means a certificate issued to an entity other than a natural
 2.23 person for a period of three years.

2.24 (e) "Permit" refers to a permit that is issued for a period of 30 days, in lieu of the
 2.25 certificate referred to in subdivision 3, while the application is being processed.

2.26 (f) "Person with a developmental disability" has the meaning given in section 252A.02,
 2.27 subdivision 2, except that the term includes a person of any age.

2.28 (g) "Person with a disability" means a person with a physical disability, a person with
 2.29 a developmental disability, or both.

2.30 ~~(f)~~ (h) "Physically disabled Person with a physical disability" means a person who:

2.31 (1) because of disability cannot walk without significant risk of falling;

2.32 (2) because of disability cannot walk 200 feet without stopping to rest;

3.1 (3) because of disability cannot walk without the aid of another person, a walker, a cane,
3.2 crutches, braces, a prosthetic device, or a wheelchair;

3.3 (4) is restricted by a respiratory disease to such an extent that the person's forced
3.4 (respiratory) expiratory volume for one second, when measured by spirometry, is less than
3.5 one liter;

3.6 (5) has an arterial oxygen tension (PaO₂) of less than 60 mm/Hg on room air at rest;

3.7 (6) uses portable oxygen;

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

3.11 (8) has lost an arm or a leg and does not have or cannot use an artificial limb; or

3.12 (9) has a disability that would be aggravated by walking 200 feet under normal
3.13 environmental conditions to an extent that would be life threatening.

3.14 ~~(g)~~ (i) "Short-term certificate" means a certificate issued for a period greater than six
3.15 months but not greater than 12 months.

3.16 ~~(h)~~ (j) "Six-year certificate" means a certificate issued for a period of six years.

3.17 ~~(i)~~ (k) "Temporary certificate" means a certificate issued for a period not greater than
3.18 six months.

3.19 Sec. 3. Minnesota Statutes 2018, section 169.345, subdivision 2a, is amended to read:

3.20 Subd. 2a. **Health professional's medical statement.** (a) The commissioner ~~shall~~ must
3.21 develop a format for the medical statement. The medical statement must be signed by: (1)
3.22 a health professional who certifies that the applicant is a ~~physically disabled~~ person as
3.23 ~~defined in subdivision 2~~ with a physical disability; or (2) a licensed physician, licensed
3.24 physician assistant, or advanced practice registered nurse who certifies that the applicant is
3.25 a person with a developmental disability who is anticipated to have an increased likelihood
3.26 of encountering unsafe parking or traffic conditions due to the applicant's disability. The
3.27 commissioner may request additional information from the health professional if needed to
3.28 verify the applicant's eligibility. The medical statement that the applicant is a ~~physically~~
3.29 ~~disabled~~ person with a physical disability must specify whether the disability is permanent
3.30 or temporary and, if temporary, the opinion of the health professional as to the duration of
3.31 the disability.

4.1 (b) A health professional who fraudulently certifies to the commissioner that a person
 4.2 is a ~~physically disabled person as defined in subdivision 2~~ with a disability, and that the
 4.3 person is entitled to the disability plates authorized by section 168.021 or to the certificate
 4.4 authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

4.5 ~~(b)~~ (c) The commissioner may waive the requirement of providing a statement of a health
 4.6 professional if the applicant has previously filed with the commissioner a statement of (1)
 4.7 a health professional certifying that the applicant has a permanent physical disability, or (2)
 4.8 a licensed physician or licensed physician assistant who certifies that the applicant is a
 4.9 person with a developmental disability who meets the requirements under paragraph (a).

4.10 Sec. 4. Minnesota Statutes 2018, section 169.345, subdivision 3, is amended to read:

4.11 Subd. 3. **Identifying certificate.** (a) The commissioner ~~shall~~ must issue (1) immediately,
 4.12 a permit valid for 30 days if the person is eligible for the certificate issued under this section
 4.13 and (2) an identifying certificate for a vehicle described in section 168.021, subdivision 1,
 4.14 paragraph (a), when a ~~physically disabled~~ an applicant who is a person with a disability
 4.15 submits proof of ~~physical~~ the disability under subdivision 2a. The commissioner ~~shall~~ must
 4.16 design separate certificates for persons with permanent and temporary disabilities that can
 4.17 be readily distinguished from each other from outside a vehicle at a distance of 25 feet or,
 4.18 in the case of a motorcycle or a motorized bicycle, can be readily secured to the motorcycle
 4.19 or motorized bicycle. An applicant may be issued up to two certificates if the applicant has
 4.20 not been issued disability plates under section 168.021.

4.21 (b) The operator of a vehicle displaying a certificate has the parking privileges provided
 4.22 in subdivision 1 only while the vehicle is actually parked while transporting a ~~physically~~
 4.23 ~~disabled person~~ with a disability.

4.24 (c) The commissioner ~~shall~~ must cancel all certificates issued to an applicant who fails
 4.25 to comply with the requirements of this subdivision.

4.26 Sec. 5. Minnesota Statutes 2018, section 169.346, is amended to read:

4.27 **169.346 DISABILITY PARKING AREAS; CRITERIA, ENFORCEMENT.**

4.28 Subdivision 1. **Disability parking space prohibitions.** A person ~~shall~~ must not:

4.29 (1) park a motor vehicle in or obstruct access to a parking space or associated access
 4.30 aisle designated and reserved for ~~the physically disabled~~ persons with a disability as defined
 4.31 in section 169.345, subdivision 2, on either private or public property;

5.1 (2) park a motor vehicle in or obstruct access to an area designated by a local
5.2 governmental unit as a transfer zone for ~~disabled~~ persons with a disability;

5.3 (3) alter a certificate;

5.4 (4) exercise the parking privilege provided in section 169.345, unless:

5.5 (i) that person is a ~~physically disabled~~ person with a disability as defined in section
5.6 169.345, subdivision 2, or the person is transporting or parking a motor vehicle for a
5.7 ~~physically disabled~~ person with a disability; and

5.8 (ii) the motor vehicle visibly displays one of the following: a disability plate issued under
5.9 section 168.021, a certificate issued under section 169.345, a permit valid for 30 days issued
5.10 under section 168.021 or 169.345, or an equivalent certificate, insignia, or plate issued by
5.11 another state, a foreign country, or one of its political subdivisions; or

5.12 (5) park a motor vehicle in an area used as a regular route transit stopping point where
5.13 a transit vehicle that is accessible to ~~the physically disabled~~ persons with a physical disability
5.14 regularly stops and a sign that bears the international symbol of access in white on blue is
5.15 posted. A sign posted under this clause may display other information relating to the regular
5.16 route transit service. For purposes of this clause, an area used as a regular route transit
5.17 stopping point consists of the 80 feet immediately preceding the sign described in this clause.

5.18 Subd. 1a. **Disability parking when designated spaces occupied or unavailable.** In
5.19 the event the designated disability parking spaces are either occupied or unavailable, a
5.20 vehicle bearing a valid disability parking certificate issued under section 169.345 or license
5.21 plates for ~~physically disabled~~ persons with a physical disability under section 168.021 may
5.22 park at an angle and occupy two standard parking spaces.

5.23 Subd. 2. **Disability parking space signs.** (a) Parking spaces reserved for ~~physically~~
5.24 ~~disabled~~ persons with a disability must be designated and identified by the posting of signs
5.25 incorporating the international symbol of access in white on blue and indicating that violators
5.26 are subject to a fine of up to \$200. These parking spaces are reserved for ~~disabled~~ persons
5.27 with a disability with motor vehicles displaying the required certificate, plates, permit valid
5.28 for 30 days, or insignia.

5.29 (b) For purposes of this subdivision, a parking space that is clearly identified as reserved
5.30 for ~~physically disabled~~ persons with a disability by a permanently posted sign that does not
5.31 meet all design standards, is considered designated and reserved for ~~physically disabled~~
5.32 persons with a disability. A sign posted for the purpose of this section must be visible from

6.1 inside a motor vehicle parked in the space, be kept clear of snow or other obstructions which
 6.2 block its visibility, and be nonmovable.

6.3 Subd. 2a. **Parking space free of obstruction; penalty.** The owner or manager of the
 6.4 property on which the designated parking space is located ~~shall~~ must ensure that the parking
 6.5 space and associated access aisle are kept free of obstruction. If the owner or manager does
 6.6 not have the parking space properly posted or allows the parking space or access aisle to
 6.7 be blocked by snow, merchandise, or similar obstructions for 24 hours after receiving a
 6.8 warning from a peace officer, the owner or manager is guilty of a misdemeanor and subject
 6.9 to a fine of up to \$500.

6.10 Subd. 3. **Misdemeanor; enforcement.** A person who violates subdivision 1 is guilty of
 6.11 a misdemeanor and must be fined not less than \$100 and not more than \$200. This
 6.12 subdivision must be enforced in the same manner as parking ordinances or regulations in
 6.13 the governmental subdivision in which the violation occurs. Law enforcement officers may
 6.14 tag motor vehicles parked on either private or public property in violation of subdivision
 6.15 1. Parking enforcement employees or agents of statutory or home rule charter cities or towns
 6.16 may tag or otherwise issue citations for motor vehicles parked on public property in violation
 6.17 of subdivision 1. If a holder of a disability certificate or disability plates allows a person
 6.18 who is not otherwise eligible to use the certificate or plates, then the holder is not eligible
 6.19 to be issued or to use a disability certificate or plates for 12 months after the date of violation.
 6.20 Except when the permit or certificate is expired by, or is otherwise invalid for, more than
 6.21 90 days, a ~~physically disabled~~ person with a disability, or a person parking a motor vehicle
 6.22 for a ~~disabled~~ person with a disability, who is charged with violating subdivision 1 because
 6.23 the person parked in a parking space for ~~physically disabled~~ persons with a disability without
 6.24 the required certificate, license plates, or permit must not be convicted if the person (1)
 6.25 produces in court or before the court appearance the required certificate, permit, or evidence
 6.26 that the person has been issued plates under section 168.021, (2) surrenders the expired
 6.27 permit or certificate, and (3) demonstrates entitlement to the certificate, plates, or permit at
 6.28 the time of arrest or tagging. To be valid, the certificate or permit must show that it is owned
 6.29 by the same person that owned the expired certificate or permit displayed at the time the
 6.30 tag was issued. The registered vehicle owner is subject to the provisions of this subdivision.

6.31 Subd. 4. **Local ordinance; citizen enforcement program.** A statutory or home rule
 6.32 charter city may, by ordinance, establish a program to enforce the parking restrictions of
 6.33 this section or any similar local ordinance, relating to parking spaces for ~~the physically~~
 6.34 ~~disabled~~ persons with a disability, by using citizen volunteers to issue citations to violators.
 6.35 The ordinance ~~shall~~ must contain a process for training program participants in the

7.1 requirements of the law, the method of issuing citations, and other related matters. Program
 7.2 participants who satisfy the training requirements of the ordinance are authorized to issue
 7.3 citations for violations of this section and are exempt from any other training or licensure
 7.4 requirements imposed on law enforcement officers by chapter 626.

7.5 **Subd. 5. Local ordinance; long-term parking.** A statutory or home rule charter city
 7.6 may enact an ordinance establishing a permit program for long-term disability parking. If
 7.7 a city enacts the ordinance, a permit program for long-term disability parking must establish
 7.8 as a minimum:

7.9 (1) a limitation on disability parking of a maximum of four hours during the hours of
 7.10 enforcement, on one-hour, 90-minute, and two-hour parking meters;

7.11 (2) a requirement for city parking lots and ramps to provide a 50 percent discount on
 7.12 monthly fees for contracted parkers with disabilities or a 50 percent reduction in the hourly
 7.13 rate for parkers with disabilities, with appropriate vehicle identification, who park in
 7.14 designated disability parking spaces; and

7.15 (3) issuance of a special needs permit to an employed person with severe disability for
 7.16 an all-day, on-street parking permit that will accommodate the person's access needs.

7.17 **Sec. 6. REVISOR INSTRUCTION.**

7.18 Wherever the terms appear in Minnesota Statutes, sections 13.69, 85.053, 168.002,
 7.19 168.021, 168.125, and 169.345, the revisor of statutes must change the following: (1)
 7.20 "physically disabled person" to "person with a physical disability"; (2) "physically disabled
 7.21 persons" to "persons with a physical disability"; (3) "permanently physically disabled person"
 7.22 to "person with a permanent physical disability"; and (4) "permanently physically disabled
 7.23 persons" to "persons with a permanent physical disability." The revisor must make any
 7.24 necessary grammatical changes or changes to sentence structure necessary to preserve the
 7.25 meaning of the text as a result of the changes.