

CHAPTER 60—S.F.No. 478

An act relating to motor vehicles; providing for disability motorcycle plate; amending Minnesota Statutes 2010, sections 168.021; 169.345, subdivisions 1, 3.

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

Section 1. Minnesota Statutes 2010, section 168.021, is amended to read:

168.021 PLATES FOR PHYSICALLY DISABLED PERSONS.

Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered under section 168.017, a motorcycle, a truck having a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a self-propelled recreational vehicle is owned or primarily operated by a permanently physically disabled person or a custodial parent or guardian of a permanently physically disabled minor, the owner may apply for and secure from the commissioner (1) immediately, a temporary permit valid for 30 days if the applicant is eligible for the disability plates issued under this section and (2) two disability plates with attached emblems, one plate to be attached to the front, and one to the rear of the motor vehicle, truck, or recreational vehicle, or, in the case of a motorcycle, one disability plate the same size as a regular motorcycle plate.

(b) The commissioner shall not issue more than one plate to the owner of a motorcycle and not more than one set of plates to any owner of ~~a motor~~ another vehicle described in paragraph (a) at the same time unless the state Council on Disability approves the issuance of a second plate or set of plates to ~~a motor vehicle~~ an owner.

(c) When the owner first applies for the disability plate or plates, the owner must submit a medical statement in a format approved by the commissioner under section 169.345, or proof of physical disability provided for in that section.

(d) No medical statement or proof of disability is required when an owner ~~of a motor vehicle~~ applies for a plate or plates for one or more ~~motor~~ vehicles listed in paragraph (a) that are specially modified for and used exclusively by permanently physically disabled persons.

(e) The owner of a ~~motor~~ vehicle listed in paragraph (a) may apply for and secure (i) immediately, a permit valid for 30 days, if the applicant is eligible to receive the disability plate or plates issued under this section, and (ii) a ~~set of~~ disability plate or plates for ~~a motor~~ the vehicle if:

(1) the owner employs a permanently physically disabled person who would qualify for the disability plate or plates under this section; and

(2) the owner furnishes the motor vehicle to the physically disabled person for the exclusive use of that person in the course of employment.

Subd. 1a. **Scope of privilege.** If a physically disabled person parks a ~~motor~~ vehicle described in subdivision 1, displaying the disability plate or plates described in

this section, or a permit valid for 30 days and issued to an eligible person awaiting receipt of the disability plate or plates described in this section, or any person parks the motor vehicle for a physically disabled person, that person is entitled to park the motor vehicle as provided in section 169.345.

Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design and furnish two disability plates, or one disability plate for a motorcycle that is the same size as a regular motorcycle plate, with attached emblem or emblems to an eligible owner. The emblem must bear the internationally accepted wheelchair symbol, as designated in section 326B.106, subdivision 9, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for a disability plate or plates shall pay the motor vehicle registration fee authorized by sections 168.013 and 168.09.

Subd. 2a. **Plate transfer.** (a) When ~~motor vehicle~~ ownership of a vehicle described in subdivision 1, is transferred, the owner of the ~~motor~~ vehicle shall remove the disability plate or plates. The buyer of the motor vehicle is entitled to receive a regular plate or plates for the ~~motor~~ vehicle without further cost for the remainder of the registration period.

(b) Notwithstanding section 168.12, subdivision 1, the disability plate or plates may be transferred to a replacement ~~motor~~ vehicle on notification to the commissioner. However, the disability plate or plates may not be transferred unless the replacement ~~motor~~ vehicle (1) is listed under section 168.012, subdivision 1, and, in case of a single plate for a motorcycle, the replacement vehicle is a motorcycle, and (2) is owned or primarily operated by the permanently physically disabled person.

Subd. 2b. **When not eligible.** On becoming ineligible for the disability plate or plates, the owner of the motor vehicle shall remove the disability plate or plates. The owner may receive regular plates for the ~~motor~~ vehicle without further cost for the remainder of the registration period.

Subd. 3. **Penalties for unauthorized use of plates.** (a) A person who uses the disability plate or plates or permit provided under this section on a motor vehicle in violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically disabled from operating a ~~motor~~ vehicle bearing the disability plates or permit if:

(1) the person is the owner of the ~~motor~~ vehicle described in subdivision 1 and permits its operation by a physically disabled person;

(2) the person operates the ~~motor~~ vehicle with the consent of the owner who is physically disabled; or

(3) the person is the owner of the ~~motor~~ vehicle, is the custodial parent or guardian of a permanently physically disabled minor, and operates the ~~motor~~ vehicle to transport the minor.

(b) A driver who is not disabled is not entitled to the parking privileges provided in this section and in section 169.346 unless parking the ~~motor~~ vehicle for a physically disabled person.

Subd. 4. **Fees; disposition.** All fees collected from the sale of a disability plate or plates under this section must be deposited in the state treasury to the credit of the vehicle services operating account under section 299A.705, subdivision 1.

Subd. 5. **Definitions.** For the purposes of this section, the term "physically disabled person" has the meaning given it in section 169.345, subdivision 2.

Subd. 6. **Driver's license law not affected.** This section must not be construed to revoke, limit, or amend chapter 171.

Sec. 2. Minnesota Statutes 2010, section 169.345, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2010, section 169.345, subdivision 3, is amended to read:

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

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

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

Presented to the governor May 23, 2011

Signed by the governor May 24, 2011, 2:25 p.m.