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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3678**

03/29/2016 Authored by Hornstein

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to traffic regulations; authorizing disability parking for individuals with
1.3 dementia; amending Minnesota Statutes 2014, sections 168.021, subdivisions
1.4 1, 1a, 2a, 3, 5; 169.345, subdivisions 1, 2, 2a, 3, 3a.

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

1.6 Section 1. Minnesota Statutes 2014, section 168.021, subdivision 1, is amended to read:

1.7 Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered
1.8 under section 168.017, a motorcycle, a one-ton pickup truck, or a self-propelled
1.9 recreational vehicle is owned or primarily operated by a permanently physically disabled
1.10 person, owned by an individual with dementia, or owned or primarily operated by a
1.11 custodial parent or guardian of a permanently physically disabled minor or minor with
1.12 dementia, the owner may apply for and secure from the commissioner:

1.13 (1) immediately, a temporary permit valid for 30 days if the applicant is eligible for
1.14 the disability plates issued under this section; and

1.15 (2) two disability plates with attached emblems, one plate to be attached to the front,
1.16 and one to the rear of the motor vehicle, truck, or recreational vehicle, or, in the case of a
1.17 motorcycle, one disability plate the same size as a regular motorcycle plate.

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

1.22 (c) When the owner first applies for the disability plate or plates, the owner must
1.23 submit a medical statement in a format approved by the commissioner under section
1.24 169.345, or proof of physical disability or dementia provided for in that section.

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

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

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

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

2.11 Sec. 2. Minnesota Statutes 2014, section 168.021, subdivision 1a, is amended to read:

2.12 Subd. 1a. **Scope of privilege.** If a physically disabled person parks a vehicle
2.13 described in subdivision 1, displaying the disability plate or plates described in this
2.14 section, or a permit valid for 30 days and issued to an eligible person awaiting receipt
2.15 of the disability plate or plates described in this section, or any person parks the motor
2.16 vehicle for a physically disabled person or an individual with dementia, that person is
2.17 entitled to park the motor vehicle as provided in section 169.345.

2.18 Sec. 3. Minnesota Statutes 2014, section 168.021, subdivision 2a, is amended to read:

2.19 Subd. 2a. **Plate transfer.** (a) When ownership of a vehicle described in subdivision
2.20 1, is transferred, the owner of the vehicle shall remove the disability plate or plates. The
2.21 buyer of the motor vehicle is entitled to receive a regular plate or plates for the vehicle
2.22 without further cost for the remainder of the registration period.

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

2.29 Sec. 4. Minnesota Statutes 2014, section 168.021, subdivision 3, is amended to read:

2.30 Subd. 3. **Penalties for unauthorized use of plates.** (a) A person who uses the
2.31 disability plate or plates or permit provided under this section on a motor vehicle in
2.32 violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This

3.1 subdivision does not preclude a person who is not physically disabled from operating a
 3.2 vehicle bearing the disability plates or permit if:

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

3.5 (2) the person operates the vehicle with the consent of the owner who is physically
 3.6 disabled or who has dementia; or

3.7 (3) the person is the owner of the vehicle, is the custodial parent or guardian of a
 3.8 permanently physically disabled minor or a minor with dementia, and operates the vehicle
 3.9 to transport the minor.

3.10 (b) A driver who is not disabled is not entitled to the parking privileges provided in
 3.11 this section and in section 169.346 unless parking the vehicle for a physically disabled
 3.12 person or an individual with dementia.

3.13 Sec. 5. Minnesota Statutes 2014, section 168.021, subdivision 5, is amended to read:

3.14 Subd. 5. **Definitions.** For the purposes of this section, the ~~term~~ terms "physically
 3.15 disabled person" ~~has and~~ "dementia" have the meaning meanings given ~~it~~ in section
 3.16 169.345, subdivision 2.

3.17 Sec. 6. Minnesota Statutes 2014, section 169.345, subdivision 1, is amended to read:

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

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

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

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

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

3.33 (b) For purposes of this subdivision, a certificate is prominently displayed if it is
 3.34 displayed so that it may be viewed from the front and rear of the motor vehicle by hanging it

4.1 from the rearview mirror attached to the front windshield of the motor vehicle or, in the case
 4.2 of a motorcycle, is secured to the vehicle. If there is no rearview mirror or if the certificate
 4.3 holder's disability precludes placing the certificate on the mirror, the certificate must be
 4.4 displayed on the dashboard of the vehicle. No part of the certificate may be obscured.

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

4.11 Sec. 7. Minnesota Statutes 2014, section 169.345, subdivision 2, is amended to read:

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

4.14 (b) "Dementia" has the meaning given in United States Code, title 42, section
 4.15 483.102(b)(2).

4.16 ~~(b)~~ (c) "Health professional" means a licensed physician, licensed physician
 4.17 assistant, advanced practice registered nurse, or licensed chiropractor.

4.18 ~~(e)~~ (d) "Long-term certificate" means a certificate issued for a period greater than 12
 4.19 months but not greater than 71 months.

4.20 ~~(d)~~ (e) "Organization certificate" means a certificate issued to an entity other than a
 4.21 natural person for a period of three years.

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

4.24 ~~(f)~~ (g) "Physically disabled person" means a person who:

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

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

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

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

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

4.33 (6) uses portable oxygen;

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

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

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

5.7 ~~(g)~~ (h) "Short-term certificate" means a certificate issued for a period greater than six
 5.8 months but not greater than 12 months.

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

5.10 ~~(i)~~ (j) "Temporary certificate" means a certificate issued for a period not greater
 5.11 than six months.

5.12 Sec. 8. Minnesota Statutes 2014, section 169.345, subdivision 2a, is amended to read:

5.13 Subd. 2a. **Health professional's medical statement.** (a) The commissioner shall
 5.14 develop a format for the medical statement. The medical statement must be signed by
 5.15 a health professional who certifies that the applicant is a physically disabled person or
 5.16 an individual with dementia as defined in subdivision 2. The commissioner may request
 5.17 additional information from the health professional if needed to verify the applicant's
 5.18 eligibility. The medical statement that the applicant is a physically disabled person or an
 5.19 individual with dementia must specify whether the disability is permanent or temporary
 5.20 and, if temporary, the opinion of the health professional as to the duration of the disability.
 5.21 A health professional who fraudulently certifies to the commissioner that a person is a
 5.22 physically disabled person or an individual with dementia as defined in subdivision 2, and
 5.23 that the person is entitled to the disability plates authorized by section 168.021 or to the
 5.24 certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine
 5.25 of \$500.

5.26 (b) The commissioner may waive the requirement of providing a statement of a
 5.27 health professional if the applicant has previously filed with the commissioner a statement
 5.28 of a health professional certifying that the applicant has a permanent physical disability
 5.29 or permanent dementia.

5.30 Sec. 9. Minnesota Statutes 2014, section 169.345, subdivision 3, is amended to read:

5.31 Subd. 3. **Identifying certificate.** (a) The commissioner shall issue (1) immediately,
 5.32 a permit valid for 30 days if the person is eligible for the certificate issued under this section
 5.33 and (2) an identifying certificate for a vehicle described in section 168.021, subdivision 1,
 5.34 paragraph (a), when a ~~physically disabled~~ an applicant submits proof of physical disability

6.1 or dementia under subdivision 2a. The commissioner shall design separate certificates for
6.2 persons with permanent and temporary disabilities that can be readily distinguished from
6.3 each other from outside a vehicle at a distance of 25 feet or, in the case of a motorcycle,
6.4 can be readily secured to the motorcycle. An applicant may be issued up to two certificates
6.5 if the applicant has not been issued disability plates under section 168.021.

6.6 (b) The operator of a vehicle displaying a certificate has the parking privileges
6.7 provided in subdivision 1 only while the vehicle is actually parked while transporting a
6.8 physically disabled person or an individual with dementia.

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

6.11 Sec. 10. Minnesota Statutes 2014, section 169.345, subdivision 3a, is amended to read:

6.12 Subd. 3a. **Organization certificates.** (a) An organization providing transportation
6.13 to one or more physically disabled persons or individuals with dementia may apply to
6.14 the commissioner for one or more organization certificates for motor vehicles owned
6.15 or operated on behalf of the organization.

6.16 (b) The organization shall submit a written statement of intent to the commissioner
6.17 signed by an officer of the organization. The statement must:

6.18 (1) indicate the number of certificates requested;

6.19 (2) state that all issued certificates must be used solely for the benefit of physically
6.20 disabled persons and individuals with dementia;

6.21 (3) state that the organization shall report lost or stolen certificates to the
6.22 commissioner within 24 hours of first discovery; and

6.23 (4) state that the organization shall immediately notify the commissioner of any
6.24 misuse or suspected misuse of any certificate issued to the organization.

6.25 (c) An organization shall include with the application a description of the internal
6.26 controls to be used to ensure the proper use of certificates and to account for all issued
6.27 certificates. The controls must include:

6.28 (1) maintenance of a current list of the make, model, and plate number of all motor
6.29 vehicles in which a certificate issued to the organization will be used; and

6.30 (2) maintenance of a current list of the name and driver's license number of all
6.31 individuals authorized to operate the motor vehicle in which certificates issued to the
6.32 organization will be used.

6.33 (d) When the commissioner is satisfied that an organization will use a certificate to
6.34 transport physically disabled persons and individuals with dementia, the commissioner

7.1 shall issue without charge (1) immediately, a permit valid for 30 days if the organization is
7.2 eligible for a certificate and (2) an organization certificate for the motor vehicle.

7.3 (e) The certificate issued to an organization transporting physically disabled persons
7.4 and individuals with dementia must be renewed every third year. On original application
7.5 and renewal, the organization must present evidence that each certificate issued continues to
7.6 be used exclusively to transport physically disabled persons and individuals with dementia.

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