



Senate

General Assembly

File No. 178

February Session, 2008

Substitute Senate Bill No. 499

Senate, March 26, 2008

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PARKING FOR PERSONS WHO ARE BLIND AND PERSONS WITH DISABILITIES WHICH LIMIT OR IMPAIR THE ABILITY TO WALK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-253a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) For the purposes of this section:

5 (1) "Special license plate" means a license plate displaying the
6 international symbol of access in a size identical to that of the letters or
7 numerals on the plate and in a color that contrasts with the
8 background color of the plate;

9 (2) "Removable windshield placard" means a two-sided, hanger-
10 style placard which bears on both of its sides: (A) The international
11 symbol of access in a height of three inches or more centered on such
12 placard and colored white on a blue background; (B) a unique

13 identification number; (C) a date of expiration; and (D) a statement
14 indicating that the Connecticut Department of Motor Vehicles issued
15 such placard, provided any such placard issued or renewed on or after
16 January 1, 2009, shall contain the signature of the person to whom such
17 placard is issued, the expiration date of such placard and the last five
18 digits of such person's operator's license number, or in the case of a
19 person without an operator's license, the last five digits of an identity
20 card issued by the Commissioner of Motor Vehicles pursuant to
21 section 1-1h;

22 (3) "Temporary removable windshield placard" means a placard
23 that is the same as a removable windshield placard except that the
24 international symbol of access appears on a red background, provided
25 any such placard issued or renewed on or after January 1, 2009, shall
26 contain the signature of the person to whom such placard is issued, the
27 expiration date of such placard and the last five digits of such person's
28 operator's license number, or in the case of a person without an
29 operator's license, the last five digits of an identity card issued by the
30 Commissioner of Motor Vehicles pursuant to section 1-1h; and

31 (4) "Person with disabilities" means a person with disabilities which
32 limit or impair the ability to walk, as defined in 23 CFR Part 1235.2.

33 (b) The Commissioner of Motor Vehicles shall accept applications
34 and renewal applications for special license plates and removable
35 windshield placards from (1) any person who is blind, as defined in
36 section 1-1f; (2) any person with disabilities; [which limit or impair the
37 ability to walk, as defined in 23 CFR Part 1235.2;] (3) any parent or
38 guardian of any [blind] person who is blind or any person with
39 disabilities, [who] if such person is under eighteen years of age at the
40 time of application; [and] (4) any parent or guardian of any person
41 who is blind or any person with disabilities, if such person is unable to
42 request or complete an application; and (5) any organization which
43 meets criteria established by the commissioner and which certifies to
44 the commissioner's satisfaction that the vehicle for which a plate or
45 placard is requested is primarily used to transport [blind] persons who

46 are blind or persons with disabilities, [which limit or impair the ability
47 to walk.] Such organizations shall be exempt from the renewal
48 provisions of this subsection. Any person who was issued a placard
49 prior to January 1, 2009, or who is issued a placard on or after January
50 1, 2009, shall be required to renew such placard (1) when such person
51 is required to renew such person's operator's license in accordance
52 with the schedule established by the commissioner pursuant to section
53 14-41 of the 2008 supplement to the general statutes, or (2) in the case
54 of a person with an identity card issued by the commissioner, when
55 such person is required to renew such person's identity card in
56 accordance with the expiration date indicated on such card. Such
57 applications and renewal applications shall be on a form prescribed by
58 the commissioner and shall include certification of disability from a
59 licensed physician or advanced practice registered nurse, licensed in
60 accordance with the provisions of chapter 378, or of blindness from an
61 ophthalmologist or an optometrist. In the case of persons with
62 disabilities, [which limit or impair the ability to walk,] the application
63 shall also include certification from a licensed physician, an advanced
64 practice registered nurse, licensed in accordance with the provisions of
65 chapter 378, or a member of the handicapped driver training unit
66 established pursuant to section 14-11b that the applicant meets the
67 definition of persons with disabilities which limit or impair the ability
68 to walk, as defined in 23 CFR Section 1235.2. On and after January 1,
69 2009, the certification that the applicant meets the definition of persons
70 with disabilities which limit or impair the ability to walk shall require
71 such physician, nurse or member to specify the criteria in 23 CFR
72 Section 1235.2 applicable to such applicant. The certification of
73 disability shall state that a false statement is subject to the provisions of
74 section 53a-157b. The commissioner, in said commissioner's discretion,
75 may accept the discharge papers of a disabled veteran, as defined in
76 section 14-254, in lieu of such certification. The commissioner may
77 require additional certification at the time of the original application or
78 at any time thereafter. If a person who has been requested to submit
79 additional certification fails to do so within thirty days of the request,
80 or if such additional certification is deemed by the commissioner to be

81 unfavorable to the applicant, the commissioner may refuse to issue or,
82 if already issued, suspend or revoke such special license plate or
83 [removable windshield] placard. The commissioner shall not [be
84 required to] issue more than one [removable windshield] placard per
85 applicant. The fee for the issuance of a temporary removable
86 windshield placard shall be five dollars. Any person whose application
87 has been denied or whose special license plate or [removable
88 windshield] placard has been suspended or revoked shall be afforded
89 an opportunity for a hearing in accordance with the provisions of
90 chapter 54.

91 (c) Any person who is eligible to obtain a special license plate
92 pursuant to subsection (b) of this section and who has a motor vehicle
93 registered in his name as a passenger vehicle, passenger and
94 commercial vehicle or motorcycle shall be issued, upon approval of the
95 application, number plates in accordance with the provisions of
96 subsection (a) of section 14-21b, which shall bear letters or numerals or
97 any combination thereof followed by the international access symbol.
98 The registration of any motor vehicle for which a special license plate
99 is issued shall expire and be renewed as provided in section 14-22 and
100 be subject to the fee provisions of section 14-49 of the 2008 supplement
101 to the general statutes. Any person eligible to obtain a special license
102 plate pursuant to this section who transfers the expired registration of
103 a motor vehicle owned by him and replaces his number plate with a
104 special license plate shall be exempt from payment of any fee for such
105 transfer or replacement. [Any special license plate issued pursuant to
106 this section shall be returned to the commissioner upon the subsequent
107 change of residence to another state or death of the person to whom
108 such special license plate was issued.]

109 (d) Any [removable windshield] placard issued pursuant to this
110 section shall be displayed by hanging it from the front windshield
111 rearview mirror of the vehicle when utilizing a parking space reserved
112 for persons who are blind and persons with disabilities. If there is no
113 rearview mirror in such vehicle, the placard shall be displayed in clear
114 view on the dashboard of such vehicle.

115 (e) Vehicles displaying a special license plate or a [removable
116 windshield] placard issued pursuant to this section or by authorities of
117 other states or countries for the purpose of identifying vehicles
118 permitted to utilize parking spaces reserved for persons who are blind
119 and persons with disabilities, [which limit or impair their ability to
120 walk or blind persons,] shall be allowed to park in an area where
121 parking is legally permissible, for an unlimited period of time without
122 penalty, notwithstanding the period of time indicated as lawful by any
123 (1) parking meter, or (2) sign erected and maintained in accordance
124 with the provisions of chapter 249, provided the operator of or a
125 passenger in such motor vehicle is a [blind] person who is blind or a
126 person with disabilities. A [removable windshield] placard shall not be
127 displayed on any motor vehicle when such vehicle is not being
128 operated by or carrying as a passenger [the blind] a person who is
129 blind or a person with disabilities to whom the [removable
130 windshield] placard was issued. Vehicles bearing a special license
131 plate shall not utilize parking spaces reserved for persons who are
132 blind and persons with disabilities when such vehicles are not being
133 operated by or carrying as a passenger [the blind] a person who is
134 blind or a person with disabilities to whom such special license plate
135 was issued.

136 (f) Only those motor vehicles displaying a plate or placard issued
137 pursuant to this section shall be authorized to park in public or private
138 areas reserved for exclusive use by [blind] persons who are blind or
139 persons with disabilities, except that any ambulance, as defined in
140 section 19a-175, which is transporting a patient may park in such area
141 for a period not to exceed fifteen minutes while assisting such patient.
142 Any motor vehicle parked in violation of the provisions of this
143 subsection for the third or subsequent time shall be subject to being
144 towed from such designated area. Such vehicle shall be impounded
145 until payment of any fines incurred is received. No person, firm or
146 corporation engaged in the business of leasing or renting motor
147 vehicles without drivers in this state may be held liable for any acts of
148 the lessee constituting a violation of the provisions of this subsection.

149 (g) The State Traffic Commission, on any state highway, or local
 150 traffic authority, on any highway or street under its control, shall
 151 establish parking spaces in parking areas for twenty or more cars in
 152 which parking shall be prohibited to all motor vehicles except vehicles
 153 displaying a special license plate or a [removable windshield] placard
 154 issued pursuant to this section. Parking spaces in which parking shall
 155 be prohibited to all motor vehicles except vehicles displaying such
 156 special plate or placard shall be established in private parking areas for
 157 two hundred or more cars according to the following schedule:

T1	Total Number	Number of Special
T2	Of Parking Lot Spaces	Parking Spaces Required
T3	0 - 200	Exempt
T4	201 - 1000	1.0%
T5	1001 - 2000	10 plus 0.8% of spaces
T6		over 1000
T7	2001 - 3000	18 plus 0.6% of spaces
T8		over 2000
T9	3001 - 4000	24 plus 0.4% of spaces
T10		over 3000
T11	4001 or more	28 plus 0.2% of spaces
T12		over 4000

158 All such spaces shall be designated as reserved for exclusive use by
 159 [handicapped] persons who are blind and persons with disabilities
 160 and identified by the use of signs in accordance with subsection (h) of
 161 this section. Such parking spaces shall be adjacent to curb cuts or other
 162 unobstructed methods permitting sidewalk access to a [blind] person
 163 who is blind or [handicapped] a person with disabilities and shall be
 164 fifteen feet wide, including three feet of cross hatch, or be parallel to a
 165 sidewalk. The provisions of this subsection shall not apply (1) in the
 166 event the State Building Code imposes more stringent requirements as
 167 to the size of the private parking area in which special parking spaces

168 are required or as to the number of special parking spaces required or
169 (2) in the event a municipal ordinance imposes more stringent
170 requirements as to the size of existing private parking areas in which
171 special parking spaces are required or as to the number of special
172 parking spaces required.

173 (h) Parking spaces designated for [the handicapped] persons who
174 are blind and persons with disabilities on or after October 1, 1979, and
175 prior to October 1, 2004, shall be as near as possible to a building
176 entrance or walkway and shall be fifteen feet wide including three feet
177 of cross hatch, or parallel to a sidewalk on a public highway. On and
178 after October 1, 2004, parking spaces for passenger motor vehicles
179 designated for [the handicapped] persons who are blind and persons
180 with disabilities shall be as near as possible to a building entrance or
181 walkway and shall be fifteen feet wide including five feet of cross
182 hatch. On and after October 1, 2004, parking spaces for passenger vans
183 designated for [the handicapped] persons who are blind and persons
184 with disabilities shall be as near as possible to a building entrance or
185 walkway and shall be sixteen feet wide including eight feet of cross
186 hatch. Such spaces shall be designated by above grade signs with
187 white lettering against a blue background and shall bear the words
188 "handicapped parking permit required" and "violators will be fined".
189 Such sign shall also bear the international symbol of access. When such
190 a sign is replaced, repaired or erected it shall indicate the minimum
191 fine for a violation of subsection (f) of this section. Such indicator may
192 be in the form of a notice affixed to such a sign.

193 (i) Any public parking garage or terminal, as defined in the State
194 Building Code, constructed under a building permit application filed
195 on or after October 1, 1985, and prior to October 1, 2004, shall have
196 nine feet six inches' vertical clearance at a primary entrance and along
197 the route to at least two parking spaces which conform with the
198 requirements of subsection (h) of this section and which have nine feet
199 six inches' vertical clearance unless an exemption has been granted
200 pursuant to the provisions of subsection (b) of section 29-269. Each
201 public parking garage or terminal, as defined in the State Building

202 Code, constructed under a building permit application filed on or after
203 October 1, 2004, shall have eight feet two inches' vertical clearance at a
204 primary entrance and along the route to at least two parking spaces for
205 passenger vans which conform with the requirements of subsection (h)
206 of this section and which have eight feet two inches' vertical clearance
207 unless an exemption has been granted pursuant to the provisions of
208 subsection (b) of section 29-269.

209 (j) The commissioner may suspend or revoke any plate or placard
210 issued pursuant to this section when, after affording the person to
211 whom such plate or placard was issued an opportunity for a hearing in
212 accordance with chapter 54, the commissioner or his representative
213 determines that such person has used or permitted the use of such
214 plate or placard in a manner which violates the provisions of this
215 section.

216 (k) Nothing in this section may be construed to allow a [blind]
217 person who is blind or a person with disabilities who is a bona fide
218 resident of the state to park in a public or private area reserved for the
219 exclusive use of [handicapped] persons who are blind and persons
220 with disabilities as provided in this section if such person does not
221 display upon or within his vehicle a plate or placard issued pursuant
222 to this section.

223 (l) [Violation of] Any person who violates any provision of this
224 section for which a penalty or fine is not otherwise provided, shall, for
225 a first violation, be subject to a fine of one hundred fifty dollars, and
226 for a subsequent violation, be subject to a fine of two hundred fifty
227 dollars.

228 (m) Any placard or special license plate issued pursuant to this
229 section shall be returned to the commissioner upon the subsequent
230 change of residence to another state or death of the person to whom
231 such placard or license plate was issued. Any person who uses a
232 placard or a special license plate issued pursuant to this section after
233 the death of the person to whom such placard or special license plate
234 was issued shall be fined five hundred dollars.

235 (n) The commissioner shall develop a procedure for the cancellation
236 or renewal of existing placards. The procedure may be implemented
237 over a period of several years. Any renewal of such placards shall
238 require the issuance of a new placard in accordance with the
239 provisions of this section. If the procedure results in a request for the
240 renewal of such placard within six months prior to the renewal date of
241 the holder's operator's license or identity card, the commissioner may
242 extend the renewal requirement until such date.

243 (o) The commissioner shall establish an online procedure to allow
244 members of the public to file complaints of violations of statutory or
245 regulatory provisions concerning parking for persons who are blind
246 and persons with disabilities. Such procedure shall require all persons
247 filing complaints to disclose their identity.

248 [(m)] (p) The Commissioner of Motor Vehicles shall adopt
249 regulations in accordance with the provisions of chapter 54, to carry
250 out the provisions of this chapter and to establish a uniform system for
251 the issuance, renewal and regulation of special license plates,
252 removable windshield placards and temporary removable windshield
253 placards. Such plates and placards shall be used only by persons to
254 whom such plates and placards are issued.

255 Sec. 2. (*Effective from passage*) The Commissioner of Motor Vehicles,
256 in consultation with members of municipal police departments, shall:
257 (1) Review and evaluate alternative methods of enforcement of
258 statutory provisions concerning parking for blind persons and persons
259 with disabilities in areas not normally patrolled by municipal police
260 officers, including private property open to public use; (2) develop
261 recommendations, including proposed legislation, authorizing
262 municipal police departments to employ ancillary staff for such
263 enforcement, such as retired police officers and licensed private
264 security companies; and (3) recommend increased fines and a
265 mandatory court appearance for persons who violate such provisions.
266 The commissioner shall submit such recommendations and proposed
267 legislation to the joint standing committee of the General Assembly

268 having cognizance of matters relating to the Department of Motor
269 Vehicles, not later than January 15, 2009.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	14-253a
Sec. 2	<i>from passage</i>	New section

Statement of Legislative Commissioners:

Following the words "person with disabilities", the phrase "which limit or impair the ability to walk, as defined in 23 CFR Part 1235.2" was bracketed because new language in section 1 defines "person with disabilities" as "a person with disabilities which limit or impair the ability to walk, as defined in 23 CFR Part 1235.2".

TRA *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Motor Vehicles	TF - Cost	820,000	820,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	TF - Cost	300,000	300,000
Department of Motor Vehicles	TF - One-time	330,000	

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The estimated cost to the Department of Motor Vehicles (DMV) to implement the placard program and the on-line complaint filing system is a one-time cost of \$330,000 for computer programming and printers in FY 09 and an on-going annual cost of \$1.12 million for personnel and office supplies in FY 09 and thereafter.

The one-time cost in FY 09 includes: (1) \$300,000 to reprogram the drivers license system to include the handicapped placard renewal process and develop and implement the on-line complaint filing system and (2) \$30,000 to purchase and install placard printers.

The ongoing cost of \$1.12 million for FY 09 and after, includes \$890,000, including fringe benefits, for 14 new positions at DMV (12 Motor Vehicle Examiners, 1 Motor Vehicle Analyst and 1 System Developer II) and \$230,000 for placard printing stock, computer IT

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

charges, office supplies and postage.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 499*****AN ACT CONCERNING PARKING FOR PERSONS WHO ARE BLIND AND PERSONS WITH DISABILITIES WHICH LIMIT OR IMPAIR THE ABILITY TO WALK.*****SUMMARY:**

This bill establishes several new requirements with respect to the issuance and use of handicapped parking windshield placards including:

1. requiring anyone issued a placard to have either a Connecticut driver's license or a non-driver photo identification card;
2. requiring a placard to expire and be renewed when the recipient's license or identification card has to be renewed;
3. requiring the newly issued placards to contain additional information;
4. requiring placards to be returned to the motor vehicle commissioner when the recipient moves to another state or dies;
5. establishing a \$500 fine for using a placard issued to a deceased person; and
6. requiring a person's certification of eligibility for the credential to be made under penalty for false statement.

The bill also requires the Department of Motor Vehicles (DMV) commissioner to (1) establish an on-line procedure for members of the public to file complaints of violations of the handicapped parking laws and (2) evaluate alternative enforcement methods and certain other issues related to the handicapped parking laws and submit

recommendations to the Transportation Committee by January 15, 2009.

EFFECTIVE DATE: Upon passage

HANDICAPPED PARKING PLACARDS

By law, anyone who is blind or who has disabilities that limit or impair the ability to walk as defined in federal regulations may apply for special license plates, a removable windshield placard, or both plates and a placard that grant special parking privileges for the recipient. Display of these plates or placard permits the holder to use specially designated parking spaces. Windshield placards are issued for both permanent and temporary disabilities. Currently, only the temporary placards expire. Placards can also be issued to (1) the parent or guardian of a person under age 18 who qualifies for the credential and (2) any organization that meets DMV criteria and certifies to the commissioner's satisfaction that the vehicle for which the plate or placard is requested is primarily used to transport blind or disabled people.

The bill makes all handicapped parking placards subject to renewal. To receive a placard, a person must have either a driver's license or a DMV-issued non-driver photo identification card. Organizations eligible to receive plates or placards are exempt from these requirements.

The bill requires placards issued to individuals to be renewed when the person's driver's license or identification card is renewed. The commissioner must develop a procedure for canceling or renewing existing placards that can be implemented over a period of "several" years. The new placards must be issued in accordance with the new requirements the bill establishes. If the commissioner's procedure results in a request for renewal within six months before expiration of the holder's license or identity card, the commissioner may extend the placard renewal requirement until that date.

The bill requires the new renewable placards issued on or after

January 1, 2009 to contain the signature of the person to whom it was issued, the placard's expiration date, and the last five numbers of the holder's license or identity card. The bill authorizes placards to be issued to the parent or guardian of any qualifying person who is blind or disabled if the person is unable to request or complete an application. The bill requires any placard to be returned to the commissioner if the person to whom it was issued either moves out-of-state or dies. This is already required for the special license plates.

Currently, any violation of the handicapped parking laws, including those relating to proper use of plates and placards, is punishable by a fine of \$150 for a first offense and \$250 for any subsequent offense. The bill establishes a fine of \$500 for anyone who uses a placard or special license plates after the person to whom they were issued has died.

CERTIFICATION OF ELIGIBILITY FOR SPECIAL PLATES OR PLACARD

By law, someone's eligibility for handicapped parking privileges can be certified by a licensed physician or advanced practice nurse or by a member of DMV's handicapped driver training unit. Qualifying blindness can be certified by an ophthalmologist or optometrist. Beginning January 1, 2009, the bill requires these certifications of eligibility to (1) specify which of the qualifying criteria the person meets and (2) be made under penalty for second degree false statement (a class A misdemeanor punishable by a fine of up to \$2,000, up to one year imprisonment, or both).

ONLINE COMPLAINT PROCEDURE

The bill requires the commissioner to establish an online procedure through which members of the public can file complaints of violations of the handicapped parking laws. The procedure must require complainants to identify themselves.

DMV STUDY

The bill requires the commissioner, in consultation with members of

local police departments, to:

1. review and evaluate alternative ways of enforcing the handicapped parking laws in areas not normally patrolled by local police, including private property open to public use;
2. develop recommendations, including any necessary legislation, authorizing local police departments to use ancillary staff for handicapped parking enforcement including retired police officers and licensed private security companies; and
3. recommend increased fines and mandatory court appearances for violators.

The commissioner must submit his recommendations and proposals to the Transportation Committee by January 15, 2009.

BACKGROUND

Eligibility Criteria for Handicapped Parking Plates or Placards

Connecticut's law uses the federal criteria for defining limitation in ability to walk (23 CFR § 1235. 2). These criteria can involve physician-certified limitations that are not outwardly visible. Specifically, under these criteria, someone qualifies if a physician, advanced practice nurse, or DMV handicapped driver training unit personnel certifies that the person:

1. cannot walk 200 feet without stopping to rest;
2. cannot walk without the use of, or assistance from, a cane, brace, crutch, another person, prosthetic device, wheelchair, or other assistive device;
3. is restricted by lung disease to such an extent that his forced respiratory volume or arterial oxygen tension is below certain limits;
4. uses portable oxygen;

- 5. has a cardiac condition that creates functional limitations falling within the American Heart Association's Class III or IV criteria; or
- 6. is "severely limited" in walking ability due to an arthritic, neurological, or orthopedic condition.

For eligibility purposes, someone is considered blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if it is better than 20/200 but is accompanied by a limitation in his fields of vision such that the widest diameter of the visual field subtends an angle of no more than 20 degrees (CGS § 1-1f).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/07/2008)