



Senate

General Assembly

File No. 346

January Session, 2009

Substitute Senate Bill No. 444

Senate, March 31, 2009

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 Section 14-253a of the general statutes is repealed and the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

3 (a) For the purposes of this section:

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

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

13 indicating that the Connecticut Department of Motor Vehicles issued
14 such placard, provided any such placard issued or renewed on or after
15 January 1, 2010, shall contain the signature of the person to whom such
16 placard is issued, the expiration date of such placard and the last five
17 digits of such person's operator's license number, or in the case of a
18 person without an operator's license, the last five digits of an identity
19 card issued by the Commissioner of Motor Vehicles pursuant to
20 section 1-1h;

21 (3) "Temporary removable windshield placard" means a placard
22 that is the same as a removable windshield placard except that the
23 international symbol of access appears on a red background, provided
24 any such placard issued or renewed on or after January 1, 2010, shall
25 contain the signature of the person to whom such placard is issued, the
26 expiration date of such placard and the last five digits of such person's
27 operator's license number, or in the case of a person without an
28 operator's license, the last five digits of an identity card issued by the
29 Commissioner of Motor Vehicles pursuant to section 1-1h; and

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

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

46 ability to walk.] Such organizations shall be exempt from the renewal
47 provisions of this subsection. Any person who was issued a placard
48 prior to January 1, 2010, or who is issued a placard on or after January
49 1, 2010, shall be required to renew such placard (A) when such person
50 is required to renew such person's operator's license in accordance
51 with the schedule established by the commissioner pursuant to section
52 14-41, or (B) in the case of a person with an identity card issued by the
53 commissioner, when such person is required to renew such person's
54 identity card in accordance with the expiration date indicated on such
55 card. Such applications and renewal applications shall be on a form
56 prescribed by the commissioner and shall include certification of
57 disability from a licensed physician, physician's assistant or advanced
58 practice registered nurse, licensed in accordance with the provisions of
59 chapter 378, or of blindness from an ophthalmologist or an
60 optometrist. In the case of persons with disabilities, [which limit or
61 impair the ability to walk,] the application shall also include
62 certification from a licensed physician, an advanced practice registered
63 nurse, licensed in accordance with the provisions of chapter 378, or a
64 member of the handicapped driver training unit established pursuant
65 to section 14-11b that the applicant meets the definition of persons
66 with disabilities which limit or impair the ability to walk, as defined in
67 23 CFR Section 1235.2. On and after January 1, 2010, the certification
68 that the applicant meets the definition of person with disabilities
69 which limit or impair the ability to walk shall require such physician,
70 nurse or member to specify the criteria in 23 CFR Section 1235.2
71 applicable to such applicant. The certification of disability shall state
72 that a false statement is subject to the provisions of section 53a-157b.
73 The commissioner, in said commissioner's discretion, may accept the
74 discharge papers of a disabled veteran, as defined in section 14-254, in
75 lieu of such certification. The commissioner may require additional
76 certification at the time of the original application or at any time
77 thereafter. If a person who has been requested to submit additional
78 certification fails to do so within thirty days of the request, or if such
79 additional certification is deemed by the commissioner to be
80 unfavorable to the applicant, the commissioner may refuse to issue or,

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

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

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

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

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

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

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

169 requirements as to the size of existing private parking areas in which
170 special parking spaces are required or as to the number of special
171 parking spaces required.

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

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

203 primary entrance and along the route to at least two parking spaces for
204 passenger vans which conform with the requirements of subsection (h)
205 of this section and which have eight feet two inches' vertical clearance
206 unless an exemption has been granted pursuant to the provisions of
207 subsection (b) of section 29-269.

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

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

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

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

234 (n) The commissioner shall develop a procedure for the cancellation

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

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

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

254 Sec. 2. (*Effective from passage*) The Commissioner of Motor Vehicles,
255 in consultation with members of municipal police departments, shall:
256 (1) Review and evaluate alternative methods of enforcement of
257 statutory provisions concerning parking for persons who are blind and
258 persons with disabilities in areas not normally patrolled by municipal
259 police officers, including private property open to public use; (2)
260 develop recommendations, including proposed legislation, authorizing
261 municipal police departments to employ ancillary staff for such
262 enforcement, such as retired police officers and licensed private
263 security companies; and (3) recommend increased fines and a
264 mandatory court appearance for persons who violate such provisions.
265 The commissioner shall submit such recommendations and proposed
266 legislation, in accordance with the provisions of section 11-4a of the
267 general statutes, to the joint standing committee of the General

268 Assembly having cognizance of matters relating to the Department of
269 Motor Vehicles, not later than January 15, 2010.

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:

In Subdivision (3) of subsection (a) of section 1, the date of "January 1, 2009," was changed to "January 1, 2010," to comply with other sections of the bill, and in subsection (b) of section 1, "persons with disabilities" was changed to "person with disabilities" for accuracy.

TRA *Joint Favorable Subst.-LCO*

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 House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Motor Vehicles	TF - Cost	940,000	940,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	TF - Cost	180,553	180,553
Department of Motor Vehicles	TF - One-time	330,000	None

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 10 and an on-going annual cost of \$1.12 million for personnel and office supplies in FY 10 and thereafter.

The one-time cost of \$330,000 in FY 10 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 10 and after, includes \$710,000 for 14 new positions at DMV (12 Motor Vehicle Examiners, 1

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

Motor Vehicle Analyst and 1 System Developer II), \$180,553 for fringes and \$230,000 for placard printing stock, computer IT charges, office supplies and postage.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$	FY 14 \$
Department of Motor Vehicles	TF - Cost*	968,200	997,246	1,027,163
Comptroller Misc. Accounts (Fringe Benefits)	TF - Cost*	185,970	191,549	197,295

Note: TF=Transportation Fund

*These figures have been adjusted for inflation at a rate of 3%

Municipal Impact: None

OLR Bill Analysis**sSB 444*****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 Department of Motor Vehicle (DMV) commissioner when the recipient moves to another state or dies;
5. establishing a \$500 fine for using a placard after the person to whom it was issued dies; 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 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, 2010.

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, 2010 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, 2010, 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, 2010.

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

Yea 35 Nay 0 (03/13/2009)