Legislative Regulation Review Committee

2011-028

Department of Motor Vehicles

SPECIAL LICENSE PLATES AND PLACARDS FOR PERSONS WHO ARE BLIND OR PERSONS WITH DISABILITIES

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

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Special License Plates and Placards for Persons Who are Blind or Persons with Disabilities

Sec. 1. The Regulations of Connecticut State Agencies are amended by adding Sections 14-253a-14 through 14-253a-27, inclusive, as follows:

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(NEW) Sec. 14-253a-14. Definitions

As used in sections 14-253a-14 to 14-253a-27 of the Regulations of Connecticut State Agencies the following words shall have the following meanings:

(1) ''Person who is blind" shall have the same meaning as in subsection (a) of section 1-1f of the Connecticut General Statutes;

(2) ''Commissioner'' means the Commissioner of Motor Vehicles or his designee;

(3) "Credential" means a current Connecticut motor vehicle operator's license or non-driver identification card.

(4) ''Department'' means the Department of Motor Vehicles;

(5) "Hardship" means a situation in which a person who is blind or a person with disabilities who, due to physical incapacity or age, does not possess and cannot obtain or retain, through reasonable effort, a Connecticut motor vehicle operator's license or non-driver identification card and therefore requires a windshield placard to be issued in the name of a nominee. A parent, legal guardian or conservator who maintains a current Connecticut motor vehicle operator's license or non driver identification card may serve as such person's nominee. Upon approval by the commissioner, a removable windshield placard shall be issued to such nominee on behalf of a person who is blind or a person with disabilities.

) ''Removable windshield placard'' means a two-sided, hanger-style placard that bears on both of its sides:

(A) The international symbol of access with a height of three inches or more centered on such placard and colored white on a blue background;

(B) A unique identification number;

(C) A date of expiration; and

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(D) A statement indicating that the placard was issued by the Connecticut Department of Motor Vehicles
(E) The signature of the holder;
(F) If the holder is an organization, the vehicle number plate for which the placard was issued or if the holder is a person with disabilities or their nominee, the last five digits of such person's credential;
(7) "Nominee" means a parent, legal guardian or conservator of a person who is blind or a person with disabilities who does not hold a credential thereby creating a situation of hardship.
(8) "Person with disabilities" means a person with disabilities which limit or impair the ability to walk, as defined in 23 CFR Section 1235.2;
(9) ''Special license plates'' means vehicle number plates displaying the international symbol of access in a size identical to that of the letters or numerals on the plate and in a color that contrasts with the background color of the plate;
(10) ''Temporary removable windshield placard'' means a type of removable windshield placard on which the white international symbol of access appears on a red background and upon which there is no signature. The expiration date of such placard shall be six months from the month of issue.

(NEW) Sec. 14-253a-15. Application by or on behalf of an individual
(a) The following individuals may make application for either a removable windshield placard or special license plates:
(1) Any person who is blind or such person's nominee; and
(2) Any person with disabilities or such person's nominee;
(b) An application shall contain such information as required by the commissioner.
(c) Each application by or for an individual person shall include certification of blindness or disability as provided in section 14-253a-18 of the Regulations of Connecticut State Agencies. The certification shall remain valid through the expiration date of the applicant's or nominee's credential.

(NEW) Sec. 14-253a-16. Application by an organization
(a) An organization may make application for and be issued either special license plates or a removable windshield placard for use on a vehicle. The application shall be signed by an officer or authorized representative of the organization. Either special license plates or one removable windshield placard may be issued for each vehicle certified as provided in subsection (b) of the of this section.
(b) An officer or authorized representative of an organization shall certify under penalty of false statement that each motor vehicle for which special license plates or a removable windshield placard are assigned is used primarily to transport persons who are blind or persons with disabilities. Primary use means that more than one-half of the usage of such vehicle is for transportation of persons who are blind or persons with disabilities. The commissioner may require proof of such usage. The commissioner may require that the ownership or affiliation of such motor vehicle be identified clearly by markings thereon. Any such markings shall be subject to the inspection and approval of the commissioner. The motor vehicle shall be registered in the name of, or leased by, the organization making the application.
(c) No medical certification of disability or of blindness as provided in section 14-253a-18 of the Regulations of Connecticut State Agencies shall be required upon an application filed by an organization which meets the requirements of this section.
(d) An organization which meets the requirements of this section may be issued one removable windshield placard for each vehicle if no special license plates are issued for such vehicle. A removable windshield placard issued to a vehicle which meets the requirements of this section shall display the signature of the authorized representative of the organization and the alpha-numeric characters of the vehicle's number plate. Such placard shall expire on the same date as the expiration of the registration of such vehicle.

(NEW) Sec. 14-253a-17. Application by Reason of Hardship
(a) A nominee who applies for a removable windshield placard or temporary removable windshield placard under a condition of hardship shall sign the application under penalty of false statement attesting

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o the truth and accuracy of the information presented on behalf of the person who is blind or a person with disabilities and acknowledging that such windshield placard may be used only for the transportation of the person who is blind or the person with disabilities.
(b) Each application or renewal application by or for an individual under this section shall include certification of blindness or disability as provided in section 14-253a-18 of the Regulations of Connecticut State Agencies. The certification shall remain valid through the expiration date of the applicant's or nominee's credential.

(NEW) Sec. 14-253a-18. Certification of blindness or disability
(a) Before special license plates, a removable windshield placard or a temporary removable windshield placard may be issued to or for a person who is blind or a person with disabilities, the department shall receive and approve a certification under penalty of false statement of disability or legal blindness of such person. Such certification shall be delivered by the authorized certifying authority as listed below through electronic submission or other means prescribed by the commissioner;
(b) In the case of a person who is legally blind, the certification shall be by an ophthalmologist or optometrist licensed in this state or by the Connecticut Board of Education and Services for the Blind.
(c) In the case of a person with disabilities other than blindness, the certification shall be by a physician, a physician's assistant licensed in this state, an advanced practice registered nurse, licensed in accordance with the provisions of Chapter 378 of the Connecticut General Statutes, or by an authorized employee of the department who is a member of the handicapped driver training unit established in accordance with section 14-11b of the Connecticut General Statutes.
(d) At the discretion of the commissioner, certification of service connected disability or legal blindness issued by the United States Veterans Administration on behalf of an individual applicant may be accepted.
(e) The certification made in accordance with subsection (b) or (c) of this section shall be made on the application form, or as otherwise required by the commissioner.
(f) If the commissioner has reasonable belief that the person may not meet the criteria for a person who is blind or for a person with disabilities, the commissioner may require additional evidence or certification that the applicant is a person who is blind or has a disability which limits or impairs the applicant's ability to walk.
(g) A request for additional evidence or certification in accordance with subsection (e) of this section shall be made in writing to the applicant's address of record at the department or an alternative standard or electronic mailing address as directed by the applicant or nominee.
(h) If an applicant who has been requested to submit additional evidence or certification in accordance with subsection (e) of this section fails to do so within thirty days of the mailing of such request, or if upon receipt of such additional evidence or certification is deemed to be unqualified by the commissioner, the commissioner may refuse to issue, or, if already issued, may suspend or revoke and require the return of any special license plates, removable windshield placard or temporary removable windshield placard issued to or on behalf of such person.
(i) Any person whose application has been denied, or whose special license plates, removable windshield placard or temporary removable windshield placard has been suspended or revoked in accordance with subsection (h) of this section, shall be provided notice and afforded an opportunity for a hearing in accordance with the provisions of Chapter 54 of the Connecticut General Statutes. Any suspension or revocation shall be stayed pending the hearing.
) Any medical reports or medical evidence submitted in accordance with this section shall be maintained in confidence by the commissioner and shall not be open to public inspection except as required by law.

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(NEW) Sec. 14-253a-19 Removable Windshield Placard
(a) Any applicant or the nominee for a removable windshield placard shall have a credential issued by the Department of Motor Vehicles.
(b) The expiration date of the removable windshield placard shall be the same as the expiration date of the applicant's or nominee's credential. Upon expiration of the removable windshield placard, the applicant or nominee shall submit a new application for approval.
(c) The removable windshield placard shall display the last five digits of the applicant's or nominee's credential as maintained in the records of the department. The commissioner shall enter the numbers on the removable windshield placard prior to its issuance.
(d) The removable windshield placard shall be signed by the applicant upon receipt in the space provided.
(e) There shall be no fee for a removable windshield placard.

(NEW) Sec. 14-253a-20. Removable windshield placard, Renewal
(a) Approximately sixty days prior to the expiration of the applicant's or nominee's credential that establishes the expiration date of a removable windshield placard, the commissioner shall send an invitation to renew the placard to the address of record as maintained by the commissioner or an alternative standard or electronic mailing address as directed by the holder of such placard.
(b) Upon receipt of the renewal invitation, an applicant shall submit a new certification of disability or legal blindness in accordance with section 14-253a-18 of the Regulations of Connecticut State Agencies.
(c) Before authorizing the renewal of a removable windshield placard, the commissioner shall confirm that the applicant or nominee has renewed his or her credential and has established a new expiration date for the removable windshield placard.

(NEW) Sec. 14-253a-21. Temporary removable windshield placard
(a) If the certifying authority for a person who is blind or a person with disabilities, upon filing the certification as provided in section 14-253a-18 of the Regulations of Connecticut State Agencies, attests that such blindness or disability is not permanent or is anticipated to last for a period of six months or less, such person or nominee, upon filing the application and paying any required fee shall upon approval by the commissioner be issued a temporary removable windshield placard. The expiration date of a temporary removable windshield placard shall be not more than six months following the month of issuance.
(b) A person whose blindness or disability still exists or continues for more than six months, or the nominee of such person, may file an application for a temporary removable windshield placard for one additional six month period in accordance with the provisions of subsection (a) of this section.
(c) A person who is eligible for a temporary removable windshield placard shall not be eligible for special license plates.

(NEW) Sec. 14-253a-22. Display of removable and temporary windshield placards
(a) A removable or temporary windshield placard shall be displayed by hanging it from the front windshield rearview mirror of any vehicle utilizing a parking space reserved for persons who are blind or persons with disabilities. If there is no rearview mirror in such vehicle, the placard shall be displayed clear view on the driver's side of the dashboard of such vehicle.

(NEW) Sec. 14-253a-23. Issuing of special license plates
(a) A person who is blind or a person with disabilities, or the nominee of such person, who has a motor vehicle registered in such person's or nominee's name may apply for not more than two (2) sets of special license plates. The vehicle registration categories eligible for issuance of special license plates are limited to passenger vehicle, passenger and commercial vehicle, or motorcycle.

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(b) An initial application for special license plates for any vehicle from a person who is blind or a person with disabilities, or such person's nominee, shall be supported by certification of disability or blindness as provided in section 14-253a-18 of the Regulations of Connecticut State Agencies.
(c) The registration of any motor vehicle for which special license plates are issued shall expire and be renewed as provided in section 14-22 of the Connecticut General Statutes and be subject to the provisions of section 14-49 of the Connecticut General Statutes.

(NEW) Sec. 14-253a-24. Replacement of special license plates or windshield placards.
(a) The theft, loss or destruction of any special license plates shall be reported to the commissioner and to the local police authority.
(b) Special license plates shall be replaced upon attestation under penalty of false statement of their theft, loss or destruction and presentation of a copy of the report to the local police authority. Replacement special license plates with the same expiration date as the plates being replaced shall be issued in accordance with subsection (c) of section 14-50a of the Connecticut General Statutes.
(c) The theft, loss or destruction of any removable windshield placard or temporary removable windshield placard shall be reported to the commissioner. Upon verification of continued eligibility, a replacement removable windshield placard or temporary removable windshield placard shall be issued with same expiration date as the placard being replaced.
(d) If a removable windshield placard originally issued prior to January 1, 2011 with an expiration date of "lifetime" is lost, stolen or mutilated, a new application shall be submitted for a replacement placard that shall expire when the applicant's or nominee's credential expires. The application for a new placard shall include certification of blindness or disability in accordance with section 14-253a-18 of the Regulations of Connecticut State Agencies.
(e) Mutilated special license plates, removable windshield placards or temporary removable windshield placards shall be surrendered to the commissioner upon application for a replacement.

(NEW) Sec. 14-253a-25. Return of special license plates and placards
(a) Any special license plates, removable windshield placard or temporary removable windshield placard issued by the commissioner shall be returned to the commissioner upon the subsequent change of residence to another state or death of the individual for whom the special plates or removable windshield placard was issued, upon suspension or revocation by the commissioner of the person's certification of blindness or disability or upon suspension or revocation of such special license plates, removable windshield placard or temporary removable windshield placard.
(b) A person whose qualifying blindness or disability is determined by a responsible medical authority to have improved to a level that such person would no longer qualify for special license plates or a removable windshield placard shall return to the commissioner the special license plates or removable windshield placard issued to such person.

(NEW) Sec. 14-253a-26. Use of plates and placards
(a) A vehicle displaying special license plates, a removable windshield placard or a temporary removable windshield placard issued pursuant to sections 14-253a-14 to 14-253a-27, inclusive, of the Regulations of Connecticut State Agencies, or issued by authorities of other states, territories, provinces : countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons who are blind or persons with disabilities shall be allowed to park, without limitation as to time, in areas where parking is legally permissible, and no penalty may be imposed for the overtime parking of any such motor vehicle, provided the operator of or a passenger in such motor vehicle is a person who is blind or a person with disabilities.
(b) A removable windshield placard or temporary removable windshield placard shall not be displayed on any motor vehicle when such vehicle is not being operated by or carrying as a passenger the person who is blind or the person with disabilities to or for whom the removable windshield placard was issued.

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An organization shall not display a removable windshield placard on a motor vehicle which is not carrying a person who is blind or a person with disabilities or on any vehicle other than the vehicle for which the removable windshield placard was issued.
(c) Private vehicles bearing special license plates shall not utilize parking spaces reserved for persons with disabilities when such vehicles are not being operated by or carrying as a passenger a person who is blind or a person with disabilities to or for whom such special license plates were issued. A motor vehicle owned or leased by an organization to which special license plates or a removable windshield placard have been issued shall not utilize such parking spaces when the vehicle is not carrying a person who is blind or a person with disabilities.
(d) A person who is blind or a person with disabilities, who is a resident of this state, shall not park in a public or private area reserved for the exclusive use of such persons if such person does not display on or within the vehicle special license plates, a removable windshield placard or a temporary removable windshield placard issued in accordance with sections 14-253a-14 to 14-253a-27, inclusive, of the Regulations of Connecticut State Agencies.

(NEW) Sec. 14-253a-27. Revocation or suspension
The commissioner may suspend or revoke any removable windshield placard, temporary removable windshield placard or special license plates, issued pursuant to sections 14-253a of the Connecticut General Statutes when the commissioner has reasonable belief that the person or organization to whom such removable windshield placard, temporary removable windshield placard or special license plates have been issued has used or permitted their use in a manner which violates the provisions of section 14-253a of the Connecticut General Statutes or the regulations adopted thereunder. Such person or organization, prior to the effective date of any such suspension or revocation shall be afforded notice and an opportunity for a hearing in accordance with Chapter 54 of the Connecticut General Statutes. Upon failure to request a hearing, or upon issuance of an interim order or a final decision by a hearing officer which affirms the commissioner's order to suspend or revoke, any special license plates, removable windshield placard or temporary removable windshield placard issued to or on behalf of such person or organization shall be returned to the commissioner.

Sec. 2. Sections 14-253a-1 through 14-253a-13, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Statement of Purpose:

Purpose: To reorganize and replace 14-253a-1 through 14-253a-13 R.C.S.A. to conform to newly enacted statutory provisions. The new regulations clarify who is eligible for a special plate or placard and under what circumstances and revises procedures to curtail fraud.

Summary of Main Provisions:

The proposed regulation does the following:

1) Defines new terms that are used in the regulations;
2) Allows the parent, legal guardian or conservator of a person who is blind or a person with disabilities to be issued special license plates or windshield placard on behalf of such person;
3) Requires that the applicant or the applicant's nominee possess a current operator's license or non-driver identification card for the issuance of special license plates or windshield placard;
4) Clarifies that the validity of the certification of persons who are blind or persons with disabilities runs concurrent with such person's or nominee's credential issued by the department;

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5) Establishes a link between the credential issuance and the issuance of special license plates or placards in order to reduce fraud and/or misuse.

6) Makes other changes as a result of amendments to 14-253a by the General Assembly in 2009 and 2010.

7) Repeals current regulations in place and replaces with these proposed regulations.

Legal Effects of the Regulation:

The regulation will clarify who is a proper person to receive a special plate or placard and under what circumstances and conditions.

Be it known that the foregoing:
[X] Regulations [ ] Emergency Regulations are:
[X] Adopted [ ] Amended as hereinabove stated [X] Repealed

By the aforesaid agency pursuant to:
[X] Section 14-253a of the Connecticut General Statutes.

[ ] Section 14-_____ of the Connecticut General Statutes, as amended by Section _ of Public Act. No. _ of the Public Acts.

[ ] Public Act. No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on May 10 , 2011 of the notice of the proposal to:
[X] Adopt [ ] Amend [X] Repeal such regulations

(If applicable): [ ] And the holding of an advertised public hearing on __ day of ___ 2011.

WHEREFORE, the foregoing regulations are hereby:
[X] Adopted [ ] Amended as hereinabove stated [X] Repealed

Effective:
[X] When filed with the Secretary of the State.
(OR)
[ ] The _____ day of _____ 2011.

In Witness Whereof:	Date 7/28/11	SIGNED (Head of Board, Agency or Commission) Melody A. Curry	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED Joseph Rubin 8/16/11	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

[ ] Approved

[ ] Disapproved

[ ] Disapproved in part, (Indicate Section Numbers disapproved only)

[ ] Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the Connecticut General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the Connecticut General Statutes.

DATE	SIGNED (Secretary of the State)	BY

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the Connecticut General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the Connecticut General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the Connecticut General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in underlined and deleted language in brackets. Section 4-170 of the Connecticut General Statutes.