SPONSOR: Sen. Hansen & Rep. Heffernan & Rep. Matthews
Sens. Brown, Buckson, Gay, Hocker, Hoffner, Huxtable, Lawson, Lockman, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Poore, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Harris, Morris, Osienski, Parker Selby, Romer, Vanderwende

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 236
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE PLATES AND PARKING PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2135, Chapter 21, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) A person or a member of the person's household who has a disability that is permanent with no prognosis for improvement as described in § 2134(a)(1)-(6) of this title or who has a physical disability which is not permanent but which substantially limits or impairs the person's or household member's ability to walk for no less than 5 weeks and which is so severe that the person or household member would endure a hardship or be subject to a risk of injury without a temporary parking permit for persons with disabilities, or a person who is age ~~85~~ 80 or older, whether or not that person has a disability, or an organization that regularly in its course of business transports persons with disabilities may apply to the Department for a permanent or temporary parking permit, whichever is appropriate, on a form provided by the Department. The form must state:

(1) That a permanent permit for a person with a disability, or for a person ~~85~~ 80 or older, expires after 8 years, or for an organization that regularly in its course of business transports persons with disabilities expires after 3 years and a temporary permit for a person with a disability may not exceed ~~90 days~~ 180 days;

(2) ~~That a licensed physician, a physician assistant who is supervised by a licensed physician, or an advanced practice nurse who is employed by or who has a collaborative agreement with a licensed physician,~~ That an individual licensed under Chapter 17 or 19 of Title 24 must certify a disability and indicate whether the applicant or household member needs a permanent parking permit or a temporary parking permit;

(3) That an applicant ~~85~~ 80 or older need only submit proof of age that is satisfactory to the Department; and

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(b) A permanent or temporary parking permit may be issued under this section only if the applicant submits proof satisfactory to the Department that the applicant or household member has a disability that is permanent with no prognosis for improvement as described in § 2134(a)(1)-(6) of this title, or that the applicant or household member has a physical disability which is not permanent but which substantially limits or impairs the applicant's or household member's ability to walk for no less than 5 weeks and which is so severe that the applicant or household member would endure a hardship or be subject to a risk of injury without a temporary parking permit for persons with disabilities, or that the applicant or household member is ~~85~~ 80 or older, or that the applicant is an organization that regularly in its course of business transports persons with disabilities. Satisfactory proof of a disability must include the signature of ~~a licensed physician, a physician assistant who is supervised by a licensed physician, or an advanced practice nurse who is employed by or who has a collaborative agreement with a licensed physician,~~ an individual licensed under Chapter 17 or 19 of Title 24 on a Department special license plate or placard application form ~~on which the physician, a physician assistant who is supervised by a licensed physician, or an advanced practice nurse who is employed by or who has a collaborative agreement with a licensed physician, indicates~~ indicating the applicant's or household member's disability.

(d) (1) A permanent permit issued under this section for a person who has a disability stated in § 2134(a) of this title, or for a person ~~85~~ 80 or older, expires 8 years from the date of issue, or to an organization that regularly in its course of business transports persons with disabilities expires 3 years from the date of issue. However, another permanent permit may be issued upon reapplication.

(2) A temporary permit issued under this section for an applicant who has a physical disability which is not permanent but which substantially limits or impairs the person's ability to walk for no less than ~~5 weeks~~ 180 days and ~~which~~ that is so severe that the person would endure a hardship or be subject to a risk of injury without a temporary parking permit for persons with disabilities expires at the discretion of the Department, but may not exceed ~~90~~ 180 days from the date of issue. However, another temporary permit may be issued upon reapplication.

(e) A parking permit for a person with a disability which limits or impairs the ability to walk, or for a person ~~85~~ 80 or over, or for an organization pursuant to subsection (i) of this section must be in the form of a removable windshield placard of a size and design determined by the Department. A permanent parking placard must be blue; a temporary parking placard must be red; an organization parking placard must be green. The information on the placard must be large enough to be read clearly from outside a motor vehicle when the placard is hanging from the vehicle's front windshield rearview mirror, or if there is no front windshield rearview mirror, the placard must be displayed on the dashboard and be able to be read by a person outside of the vehicle. Both sides of the placard must contain the following: the words "State of Delaware Division of Motor Vehicles" and "Remove placard when vehicle is in motion," the internationally recognized

wheelchair symbol of access, an identification number, and the expiration date. The expiration date must appear in letters or numerals at least 1 inch tall. Only 1 placard may be issued initially to an applicant; however, upon written request, the Department shall issue 1 additional placard to an applicant who does not also have a special license plate issued pursuant to § 2134 of this title.

(f) (3) The person for whom a red or blue parking placard is issued under this section or under a similar statute of any other state or country must be the driver of or a passenger in the vehicle displaying the parking placard whenever the vehicle parks in a parking space or zone restricted for use only by vehicles with a special license plate or parking placard for persons with disabilities.

a. Individuals who become a resident of Delaware, who have a valid placard issued by another state, who desire a permanent or temporary placard issued by the Department, shall apply within 180 days of taking up residence in the state and submit the documents required as outlined above in subsection (b) of this title.

(i) Notwithstanding any provisions of this Code to the contrary, the Department may, without the certification of ~~a licensed physician, a physician assistant who is supervised by a licensed physician, or an advanced practice nurse who is employed by or who has a collaborative agreement with a licensed physician,~~ an individual licensed under Chapter 17 or 19 of Title 24, issue a green parking placard upon application by an organization that regularly in its course of business transports persons with disabilities which limit or impair the ability to walk if the organization presents proof satisfactory to the Department that the organization regularly in its course of business transports persons with disabilities. A green parking placard may be used only when at least 1 person who is entitled to obtain a permanent or temporary parking placard pursuant to subsection (a) of this section is being transported and only when an employee or volunteer staff person of the organization is the driver of the vehicle.

(j) (1) A person or organization who intentionally presents false information to ~~a licensed physician, a physician assistant who is supervised by a licensed physician, or an advanced practice nurse who is employed by or who has a collaborative agreement with a licensed physician,~~ an individual licensed under Chapter 17 or 19 of Title 24, or to the Department in an attempt to obtain a parking placard under this section shall be guilty of an unclassified misdemeanor. For the first offense, the person or organization shall receive a mandatory fine of $100. For each subsequent like offense, the person or organization shall receive a mandatory fine of $200 or be imprisoned for not less than 10 nor more than 30 days, or both. Any other violation of this section is a violation. Justices of the peace have jurisdiction over violations of this section.