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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 1160**

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

1.1 A bill for an act  
1.2 relating to traffic regulations; modifying parking privileges in van-accessible  
1.3 disability parking places; amending Minnesota Statutes 2008, sections 168.021,  
1.4 subdivisions 1, 2; 169.345; 169.346, subdivisions 1, 2, 3.

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

1.6 Section 1. Minnesota Statutes 2008, section 168.021, subdivision 1, is amended to read:

1.7 Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered  
1.8 under section 168.017, a motorcycle, a truck having a manufacturer's nominal rated  
1.9 capacity of one ton and resembling a pickup truck, or a self-propelled recreational vehicle  
1.10 is owned or primarily operated by a permanently physically disabled person or a custodial  
1.11 parent or guardian of a permanently physically disabled minor, the owner may apply for  
1.12 and secure from the commissioner (1) immediately, a temporary permit valid for 30 days  
1.13 if the applicant is eligible for the disability plates issued under this section and (2) two  
1.14 disability plates with attached emblems, one plate to be attached to the front, and one  
1.15 to the rear of the motor vehicle.

1.16 (b) The commissioner shall not issue more than one set of plates to any owner of  
1.17 a motor vehicle at the same time unless the state Council on Disability approves the  
1.18 issuance of a second set of plates to a motor vehicle owner.

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

1.22 (d) No medical statement or proof of disability is required when an owner of a motor  
1.23 vehicle applies for plates for one or more motor vehicles that are specially modified for  
1.24 and used exclusively by permanently physically disabled persons.

2.1 (e) The owner of a motor vehicle may apply for and secure (i) immediately, a permit  
 2.2 valid for 30 days, if the applicant is eligible to receive the disability plates issued under  
 2.3 this section, and (ii) a set of disability plates for a motor vehicle if:

2.4 (1) the owner employs a permanently physically disabled person who would qualify  
 2.5 for disability plates under this section; and

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

2.8 (f) The commissioner shall issue disability plates with a van-accessible designation,  
 2.9 as defined in section 169.345, subdivision 2, to an applicant who:

2.10 (1) submits a medical statement under paragraph (c) that specifies that the disability  
 2.11 is of a nature that requires regular use of a wheelchair, or is applying for disability plates  
 2.12 under paragraph (d);

2.13 (2) owns a type of motor vehicle that is able to transport a wheelchair; and

2.14 (3) meets all other requirements under this section.

2.15 Sec. 2. Minnesota Statutes 2008, section 168.021, subdivision 2, is amended to read:

2.16 Subd. 2. **Plate design; furnished by commissioner.** (a) The commissioner shall  
 2.17 design and furnish two disability plates with attached emblems to an eligible owner.  
 2.18 The emblem must bear the internationally accepted wheelchair symbol, as designated in  
 2.19 section 326B.106, subdivision 9, approximately three inches square. The emblem must be  
 2.20 large enough to be visible plainly from a distance of 50 feet. The disability plate design  
 2.21 must include a version or method to specify a van-accessible designation, as defined in  
 2.22 section 169.345, subdivision 2.

2.23 (b) An applicant eligible for disability plates shall pay the motor vehicle registration  
 2.24 fee authorized by sections 168.013 and 168.09.

2.25 Sec. 3. Minnesota Statutes 2008, section 169.345, is amended to read:

2.26 **169.345 PARKING PRIVILEGE FOR PHYSICALLY DISABLED.**

2.27 Subdivision 1. **Scope of privilege.** (a) A motor vehicle that prominently displays  
 2.28 the certificate authorized by this section or that bears disability plates issued under section  
 2.29 168.021 may be parked by or solely for the benefit of a physically disabled person:

2.30 (1) in a designated parking space for disabled persons, as provided in section  
 2.31 169.346;

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

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

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

3.8 (b) For purposes of this subdivision, a certificate is prominently displayed if it is  
3.9 displayed so that it may be viewed from the front and rear of the motor vehicle by hanging  
3.10 it from the rearview mirror attached to the front windshield of the motor vehicle. If there is  
3.11 no rearview mirror or if the certificate holder's disability precludes placing the certificate  
3.12 on the mirror, the certificate must be displayed on the dashboard on the driver's side of  
3.13 the vehicle. No part of the certificate may be obscured.

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

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

3.22 (b) "Health professional" means a licensed physician, registered physician assistant,  
3.23 advanced practice registered nurse, or licensed chiropractor.

3.24 (c) "Long-term certificate" means a certificate issued for a period greater than 12  
3.25 months but not greater than 71 months.

3.26 (d) "Organization certificate" means a certificate issued to an entity other than a  
3.27 natural person for a period of three years.

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

3.30 (f) "Physically disabled person" means a person who:

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

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

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

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

4.4 (5) has an arterial oxygen tension (PAO2) of less than 60 mm/Hg on room air at rest;

4.5 (6) uses portable oxygen;

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

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

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

4.12 (g) "Short-term certificate" means a certificate issued for a period greater than six  
4.13 months but not greater than 12 months.

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

4.15 (i) "Temporary certificate" means a certificate issued for a period not greater than  
4.16 six months.

4.17 (j) "Van-accessible designation" means an authorization for parking in a  
4.18 van-accessible disability parking space included with a permit, temporary certificate,  
4.19 short-term certificate, six-year certificate, organization certificate, or disability plate.

4.20 Subd. 2a. **Health professional's medical statement.** (a) The commissioner shall  
4.21 develop a format for the medical statement. The medical statement must be signed by  
4.22 a health professional who certifies that the applicant is a physically disabled person as  
4.23 defined in subdivision 2. The commissioner may request additional information from the  
4.24 health professional if needed to verify the applicant's eligibility. The medical statement  
4.25 that the applicant is a physically disabled person must specify (1) whether the disability  
4.26 is permanent or temporary and, if temporary, the opinion of the health professional as to  
4.27 the duration of the disability, and (2) whether the disability is of a nature that requires  
4.28 regular use of a wheelchair.

4.29 (b) A health professional who fraudulently certifies to the commissioner that a  
4.30 person is a physically disabled person as defined in subdivision 2, and that the person  
4.31 is entitled to the disability plates authorized by section 168.021 or to the certificate  
4.32 authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

4.33 ~~(b)~~ (c) The commissioner may waive the requirement of providing a statement of a  
4.34 health professional if the applicant has previously filed with the commissioner a statement  
4.35 of a health professional certifying that the applicant has a permanent physical disability.

5.1 Subd. 3. **Identifying certificate.** (a) The commissioner shall issue (1) immediately,  
 5.2 a permit valid for 30 days if the person is eligible for the certificate issued under this  
 5.3 section and (2) an identifying certificate for a motor vehicle when a physically disabled  
 5.4 applicant submits proof of physical disability under subdivision 2a. ~~The commissioner~~  
 5.5 ~~shall design separate certificates for persons with permanent and temporary disabilities~~  
 5.6 ~~that can be readily distinguished from each other from outside a motor vehicle at a~~  
 5.7 ~~distance of 25 feet.~~

5.8 (b) The commissioner shall issue a permit or certificate with a van-accessible  
 5.9 designation to an applicant who (1) submits proof of physical disability under subdivision  
 5.10 2a that specifies that the disability is of a nature that requires regular use of a wheelchair,  
 5.11 and (2) owns a type of motor vehicle that is able to transport a wheelchair.

5.12 (c) An applicant may be issued up to two certificates if the applicant has not been  
 5.13 issued disability plates under section 168.021.

5.14 ~~(b)~~ (d) The operator of a motor vehicle displaying a certificate has the parking  
 5.15 privileges provided in subdivision 1 only while the motor vehicle is actually parked while  
 5.16 transporting a physically disabled person.

5.17 ~~(c)~~ (e) The commissioner shall cancel all certificates issued to an applicant who fails  
 5.18 to comply with the requirements of this subdivision.

5.19 Subd. 3a. **Organization certificates.** (a) An organization providing transportation  
 5.20 to one or more physically disabled persons may apply to the commissioner for one or  
 5.21 more organization certificates for motor vehicles owned or operated on behalf of the  
 5.22 organization.

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

5.25 (1) indicate the number of certificates requested, including the number of certificates  
 5.26 with a van-accessible designation;

5.27 (2) state that all issued certificates must be used solely for the benefit of physically  
 5.28 disabled persons;

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

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

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

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

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

6.6 (d) When the commissioner is satisfied that an organization will use a certificate to  
6.7 transport physically disabled persons, the commissioner shall issue without charge (1)  
6.8 immediately, a permit valid for 30 days if the organization is eligible for a certificate and  
6.9 (2) an organization certificate for the motor vehicle.

6.10 (e) The certificate issued to an organization transporting physically disabled persons  
6.11 must be renewed every third year. On original application and renewal, the organization  
6.12 must present evidence that each certificate issued continues to be used exclusively to  
6.13 transport physically disabled persons.

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

6.16 Subd. 3b. **Certificate design, format, information.** (a) A certificate must be made  
6.17 of plastic or similar durable material and must bear its expiration date prominently on  
6.18 both sides. A certificate issued to a temporarily disabled person must display the date of  
6.19 expiration of the duration of the disability, as determined under subdivision 3 or 3a. For  
6.20 persons with permanent and temporary disabilities, the commissioner shall design separate  
6.21 certificates that can be readily distinguished from each other from outside a motor vehicle  
6.22 at a distance of 25 feet. The commissioner shall design a van-accessible designation for  
6.23 inclusion with a permit or certificate. The designation must be readily distinguishable  
6.24 from the permit or certificate from outside a motor vehicle at a distance of 25 feet.

6.25 (b) Each applicant must be provided a summary of the parking privileges and  
6.26 restrictions that apply to each motor vehicle for which the certificate is used.

6.27 Subd. 3c. **Fees; organization, temporary, and short-term certificates.** The  
6.28 commissioner may charge a fee of \$5 for issuance of each organization certificate, each  
6.29 temporary certificate, and each short-term certificate and a fee of \$5 for a duplicate to  
6.30 replace a lost, stolen, or damaged organization, temporary, or short-term certificate. The  
6.31 commissioner shall not issue more than three duplicate certificates for lost, stolen, or  
6.32 canceled certificates within any six-year period without the approval of the Minnesota  
6.33 State Council on Disability.

6.34 Subd. 4. **Unauthorized use or noncompliance; cancellation; misdemeanor.** (a) If  
6.35 a peace officer, authorized parking enforcement employee or agent of a statutory or home  
6.36 rule charter city or town, representative of the Minnesota State Council on Disability, or an

7.1 authorized agent of a citizen enforcement program under section 169.346, subdivision 4,  
 7.2 finds that a certificate, permit, or disability plate is being improperly used, or the applicant  
 7.3 is no longer eligible, the officer, municipal employee, representative, or agent shall  
 7.4 report the violation or situation to the commissioner. The commissioner may cancel the  
 7.5 certificate, permit, or disability plates issued under section 168.021 on determining that:

- 7.6 (1) the certificate, permit, or plates were used improperly;
- 7.7 (2) the certificate, permit, or plates were fraudulently obtained;
- 7.8 (3) the certificate, permit, or plates were issued in error;
- 7.9 (4) the person who was issued the certificate, permit, or plates is deceased;
- 7.10 (5) the person who was issued the certificate, permit, or plates no longer maintains  
 7.11 a Minnesota address; or
- 7.12 (6) the person or organization has failed to comply with the requirements of this  
 7.13 section.

7.14 (b) A person who uses a certificate, permit, or disability plates in violation of this  
 7.15 section is guilty of a misdemeanor and is subject to a fine of \$500.

7.16 Sec. 4. Minnesota Statutes 2008, section 169.346, subdivision 1, is amended to read:

7.17 Subdivision 1. **Disability parking space prohibitions.** (a) A person shall not:

7.18 (1) park a motor vehicle in or obstruct access to a parking space or associated access  
 7.19 aisle designated and reserved for the physically disabled, on either private or public  
 7.20 property, unless authorized for disability parking;

7.21 (2) park a motor vehicle in or obstruct access to an area designated by a local  
 7.22 governmental unit as a transfer zone for disabled persons, unless authorized for disability  
 7.23 parking;

7.24 (3) alter a certificate;

7.25 (4) exercise the parking privilege provided in section 169.345, subdivision 1,  
 7.26 paragraph (a), clauses (2) and (3), unless: authorized for disability parking;

7.27 ~~(i) that person is a physically disabled person as defined in section 169.345,~~  
 7.28 ~~subdivision 2, or the person is transporting or parking a motor vehicle for a physically~~  
 7.29 ~~disabled person; and~~

7.30 ~~(ii) the motor vehicle visibly displays one of the following: a disability plate issued~~  
 7.31 ~~under section 168.021, a certificate issued under section 169.345, a permit valid for 30~~  
 7.32 ~~days issued under section 168.021 or 169.345, or an equivalent certificate, insignia, or~~  
 7.33 ~~plate issued by another state, a foreign country, or one of its political subdivisions; or~~

7.34 (5) park a motor vehicle in or obstruct access to a parking space or associated access  
 7.35 aisle designated and reserved for the physically disabled and posted as a van-accessible

8.1 parking space, unless authorized for disability parking and the certificate, disability plate,  
 8.2 or permit includes a van-accessible designation, as defined in section 169.345, subdivision  
 8.3 2; or

8.4 (6) park a motor vehicle in an area used as a regular route transit stopping point  
 8.5 where a transit vehicle that is accessible to the physically disabled regularly stops and a  
 8.6 sign that bears the international symbol of access in white on blue is posted. A sign posted  
 8.7 under this clause may display other information relating to the regular route transit service.  
 8.8 For purposes of this clause, an area used as a regular route transit stopping point consists  
 8.9 of the 80 feet immediately preceding the sign described in this clause.

8.10 (b) For purposes of this subdivision, "authorized for disability parking" means:

8.11 (1) the operator of a motor vehicle is a physically disabled person as defined in  
 8.12 section 169.345, subdivision 2, or the operator is transporting or parking a motor vehicle  
 8.13 for a physically disabled person; and

8.14 (2) the motor vehicle visibly displays:

8.15 (i) a disability plate issued under section 168.021;

8.16 (ii) a certificate issued under section 169.345;

8.17 (iii) a permit valid for 30 days issued under section 168.021 or 169.345; or

8.18 (iv) an equivalent certificate, insignia, or plate issued by another state, a foreign  
 8.19 country, or one of its political subdivisions.

8.20 Sec. 5. Minnesota Statutes 2008, section 169.346, subdivision 2, is amended to read:

8.21 Subd. 2. **Disability parking space signs.** (a) Parking spaces reserved for  
 8.22 physically disabled persons must be designated and identified by the posting of signs (1)  
 8.23 incorporating the international symbol of access in white on blue; (2) for van-accessible  
 8.24 parking spaces, a design or text clearly indicating that the space is reserved for vehicles  
 8.25 with a certificate, disability plate, or permit with a van-accessible designation, as defined  
 8.26 in section 169.345, subdivision 2; and (3) indicating that violators are subject to a fine of  
 8.27 up to \$200. These parking spaces are reserved for disabled persons with motor vehicles  
 8.28 displaying the required certificate, plates, permit valid for 30 days, or insignia.

8.29 (b) For purposes of this subdivision, a parking space that is clearly identified as  
 8.30 reserved for physically disabled persons by a permanently posted sign that does not  
 8.31 meet all design standards, is considered designated and reserved for physically disabled  
 8.32 persons. A sign posted for the purpose of this section must be visible from inside a motor  
 8.33 vehicle parked in the space, be kept clear of snow or other obstructions which block its  
 8.34 visibility, and be nonmovable or only movable by authorized persons.



9.1 Sec. 6. Minnesota Statutes 2008, section 169.346, subdivision 3, is amended to read:

9.2 Subd. 3. **Misdemeanor; enforcement.** (a) A person who violates subdivision 1 is  
9.3 guilty of a misdemeanor and must be fined not less than \$100 and not more than \$200,  
9.4 except that a person who is authorized for disability parking, as defined in subdivision  
9.5 1, paragraph (b), who violates subdivision 1, paragraph (a), clause (5), is guilty of a  
9.6 petty misdemeanor and must be fined not less than \$50 and not more than \$100. This  
9.7 subdivision must be enforced in the same manner as parking ordinances or regulations in  
9.8 the governmental subdivision in which the violation occurs. Law enforcement officers  
9.9 may tag motor vehicles parked on either private or public property in violation of  
9.10 subdivision 1. Parking enforcement employees or agents of statutory or home rule charter  
9.11 cities or towns may tag or otherwise issue citations for motor vehicles parked on public  
9.12 property in violation of subdivision 1.

9.13 (b) If a holder of a disability certificate or disability plates allows a person who is not  
9.14 otherwise eligible to use the certificate or plates, then the holder is not eligible to be issued  
9.15 or to use a disability certificate or plates for 12 months after the date of violation.

9.16 (c) A physically disabled person, or a person parking a motor vehicle for a disabled  
9.17 person, who is charged with violating subdivision 1 because the person parked in a parking  
9.18 space for physically disabled persons without the required certificate, ~~license~~ disability  
9.19 plates, or permit must not be convicted if the person produces in court or before the court  
9.20 appearance the required certificate, permit, or evidence that the person has been issued  
9.21 plates under section 168.021, and demonstrates entitlement to the certificate, plates, or  
9.22 permit at the time of arrest or tagging. This paragraph does not apply if the motor vehicle  
9.23 was parked in a parking space or associated access aisle posted as van-accessible, unless  
9.24 the certificate, disability plate, or permit included a van-accessible designation, as defined  
9.25 in section 169.345, subdivision 2.