

No. 2004-76

## AN ACT

HB 1912

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the person with disability plate and placard, for physical examinations, for reports on mental or physical disabilities or disorders and for determination of incompetency.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1338, 1508.1, 1518 and 1519 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1338. Person with disability plate and placard.

(a) Person with disability plate.—On the application of any person who:

- (1) is blind;
- (2) does not have full use of an arm or both arms;
- (3) cannot walk 200 feet without stopping to rest;
- (4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (6) uses portable oxygen;
- (7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;
- (8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or
- (9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or truck with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a person with a disability. Special plates for persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities for display on the registration plate.

(b) Person with disability parking placard.—On the initial application or renewal application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is

displayed as being used for the transportation of persons with disabilities. When parking the designated vehicle, the person with disability parking placard shall be prominently displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard. Placards may also be issued for use in vehicles when operated for the use and benefit of persons with disabilities provided that a person with a disability is being transported in the vehicle. Organizations that transport persons with disabilities shall upon application be issued not more than eight placards in the organization's name. These placards may be used in a vehicle of the organization or the personal vehicle of an employee or volunteer of the organization when the employee or volunteer operates the vehicle for the benefit and use of persons with disabilities provided that a person with a disability is being transported in the vehicle.

(c) **[Physician's] Health care provider's statement.**—

(1) Any person applying for a special plate or parking placard for persons with disabilities must present a statement, certified by a physician, *podiatrist, chiropractor, physician assistant or certified registered nurse practitioner* licensed *or certified* to practice in this Commonwealth or in a contiguous state, that the person with a disability is disabled as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for persons with disabilities must comply with this subsection. Once a person with a disability has been duly certified by a physician, *podiatrist, chiropractor, physician assistant or certified registered nurse practitioner* as being disabled, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for persons with disabilities. A person who was issued a person with disability plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

(3) In lieu of a **[physician's] health care provider's** statement, a person applying for a special plate or parking placard may present a statement from a police officer certifying that the person does not have full use of a leg, or both legs, or is blind.

(4) The department shall phase out existing handicapped placards as soon as practicable and issue a new series to persons who comply with this section.

(c.1) Return of plates and placard.—Upon the death of a person to whom a plate or placard has been issued under this section, the plate or placard shall be void 30 days after death and shall not be displayed on any vehicle. The personal representative of the deceased shall return the plate to the

department. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall return the plate or placard to the department.

(c.2) Authorized use.—This section shall not preclude the operation of a vehicle which bears a person with disability plate when the vehicle is not being used for the benefit of the person with a disability or when the person with a disability is not present in the vehicle, provided the driver does not use or attempt to use any special privilege or benefit otherwise accorded to vehicles displaying the plate.

(d) Penalty.—Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.

(e) *Definitions.*—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

*“Chiropractor.” A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.*

*“Podiatrist.” A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.*

§ 1508.1. Physical examinations.

(a) *Authorization to conduct examinations.*—The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, *physicians, chiropractors*, physician assistants and certified registered nurse practitioners, to conduct examinations required for the issuance of a driver’s license and a school bus driver endorsement.

(b) *Definition.*—As used in this section, the term *“chiropractor”* means *a chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.*

§ 1518. Reports on mental or physical disabilities or disorders.

(a) Definition of disorders and disabilities.—The Medical Advisory Board shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) Reports by [medical] *health care* personnel.—All physicians, *podiatrists, chiropractors, physician assistants, certified registered nurse practitioners* and other persons authorized to diagnose or treat disorders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days.

(c) Responsibility of institution heads.—The person in charge of every mental hospital, institution or clinic, or any alcohol or drug treatment facility,

shall be responsible to assure that reports are filed in accordance with subsection (b).

(d) Confidentiality of reports.—The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this Commonwealth.

(e) Use of report as evidence.—No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial except in any proceeding under section 1519(c) (relating to determination of incompetency).

(f) Immunity from civil and criminal liability.—No civil or criminal action may be brought against any person or agency for providing the information required under this system.

(g) *Definitions.*—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

*“Chiropractor.”* A chiropractor acting within the scope of practice contained in the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.

*“Podiatrist.”* A podiatrist acting within the scope of practice contained in the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act.

§ 1519. Determination of incompetency.

(a) General rule.—The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may require the applicant or driver to undergo one or more of the examinations authorized under this subchapter in order to determine the competency of the person to drive. The department may require the person to be examined by a physician, *a certified registered nurse practitioner, a physician assistant* or a licensed psychologist designated by the department or may require the person to undergo an examination by a physician, *a certified registered nurse practitioner, a physician assistant* or a licensed psychologist of the person's choice. If the department designates the physician, *a certified registered nurse practitioner, a physician assistant* or licensed psychologist, the licensed driver or applicant may, in addition, cause a written report to be forwarded to the department by a physician, *a certified registered nurse practitioner, a physician assistant* or a licensed psychologist of the driver's or applicant's choice. Vision qualifications may be determined by an optometrist or ophthalmologist. The department shall appoint one or more qualified persons who shall consider all medical reports and testimony in order to determine the competency of the driver or the applicant to drive.

(b) Confidentiality of reports and evidence.—Reports received by the department for the purpose of assisting the department in determining whether a person is qualified to be licensed and reports of examinations authorized under this subchapter are for the confidential use of the

department and may not be divulged to any person or used as evidence in any trial except that the reports and statistics and evaluations used by the department in determining whether a person should be required to be examined under this subchapter shall be admitted in proceedings under section 1550 (relating to judicial review).

(c) Recall or suspension of operating privilege.—The department shall recall the operating privilege of any person whose incompetency has been established under the provisions of this chapter. The recall shall be for an indefinite period until satisfactory evidence is presented to the department in accordance with regulations to establish that such person is competent to drive a motor vehicle. The department shall suspend the operating privilege of any person who refuses or fails to comply with the requirements of this section until that person does comply and that person's competency to drive is established. Any person aggrieved by recall or suspension of the operating privilege may appeal in the manner provided in section 1550. The judicial review shall be limited to whether the person is competent to drive in accordance with the provisions of the regulations promulgated under section 1517 (relating to Medical Advisory Board).

Section 2. Any regulations of the Department of Transportation that are inconsistent with this act are hereby abrogated to the extent of that inconsistency.

Section 3. This act shall take effect in 60 days.

APPROVED—The 15th day of July, A.D. 2004.

EDWARD G. RENDELL