

SENATE BILL NO. 244—COMMITTEE ON TRANSPORTATION

MARCH 16, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing special license plates and parking placards for persons with disabilities. (BDR 43-656)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted-material]** is material to be omitted.

AN ACT relating to motor vehicles; revising provisions governing special license plates, special or temporary parking placards and special or temporary parking stickers for certain persons with disabilities; authorizing a law enforcement officer to require the immediate surrender of special license plates, special or temporary parking placards or special or temporary parking stickers under certain circumstances; requiring a court to issue an order directing the Department of Motor Vehicles to suspend the drivers' licenses of certain persons who violate provisions governing special license plates, special or temporary parking placards and special or temporary parking stickers under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Department of Motor Vehicles may issue special
2 license plates or a special parking placard or special parking sticker to certain
3 persons with disabilities. A person who has a permanent disability may be issued
4 special license plates, a special parking placard or a special parking sticker. A
5 person with a disability of moderate duration may be issued a special parking
6 placard or a special parking sticker. The holder of special license plates, a special
7 parking placard or a special parking sticker is entitled to certain privileges
8 regarding parking a motor vehicle. Local governments are also authorized to issue
9 temporary parking placards and temporary parking stickers for this purpose. (NRS
10 482.384, 484B.463, 484B.467)

11 **Section 3** of this bill requires that any application form for the issuance of
12 special license plates, a special or temporary parking placard or a special or



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temporary parking sticker include a statement that the license plates, placard or sticker must be surrendered to the Department upon the expiration of the placard or sticker or upon the death of the holder of the license plates. **Section 3** also requires certain persons to surrender special license plates, special parking placards and special parking stickers to the Department under certain circumstances. **Section 5** of this bill requires the State Board of Health to allow the employees and agents of the Department to use the certificates of death in the custody of the State Registrar of Vital Statistics for the purpose of determining eligibility for the issuance of special license plates, special parking placards and special parking stickers.

Section 1 of this bill authorizes a law enforcement officer to require the immediate surrender of special license plates, a special or temporary parking placard or a special or temporary parking sticker if the officer has probable cause to believe that a person is not eligible to possess the special license plates, special or temporary parking placard or special or temporary parking sticker.

Existing law prohibits certain acts relating to the unauthorized use of special license plates, special or temporary parking placards and special or temporary parking stickers. (NRS 484B.467) **Section 4** of this bill requires a person who violates these provisions and who is not eligible for the issuance of the special license plates, special or temporary parking placard or special or temporary parking sticker to surrender the special license plates, special or temporary parking placard or special or temporary parking sticker to the Department. In addition to the other penalties provided **section 4** of this bill requires a court to issue an order directing the Department to suspend for not more than 30 days the driver's license of a person who violates certain of these provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

A law enforcement officer who has probable cause to believe that a person possesses any special license plate or plates, special or temporary parking placard or special or temporary parking sticker, or any combination thereof, which the person is not eligible to possess pursuant to NRS 482.384 may require the person immediately to surrender the special license plate or plates, special or temporary parking placard or special or temporary parking sticker.

Sec. 2. NRS 482.3831 is hereby amended to read as follows:
482.3831 As used in NRS 482.3831 to 482.384, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 482.3833 to 482.3839, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 482.384 is hereby amended to read as follows:
482.384 1. Upon the application of a person with a permanent disability, the Department may issue special license plates for a vehicle, including a motorcycle, registered by the applicant pursuant to this chapter. The application must include a statement from a licensed physician certifying that the applicant is a



1 person with a permanent disability. The issuance of a special license
2 plate to a person with a permanent disability pursuant to this
3 subsection does not preclude the issuance to such a person of a
4 special parking placard for a vehicle other than a motorcycle or a
5 special parking sticker for a motorcycle pursuant to subsection 6.

6 2. Every year after the initial issuance of special license plates
7 to a person with a permanent disability, the Department shall require
8 the person to renew the special license plates in accordance with the
9 procedures for renewal of registration pursuant to this chapter. The
10 Department shall not require a person with a permanent disability to
11 include with the application for renewal a statement from a licensed
12 physician certifying that the person is a person with a permanent
13 disability.

14 3. Upon the application of an organization which provides
15 transportation for a person with a permanent disability, disability of
16 moderate duration or temporary disability, the Department may
17 issue special license plates for a vehicle registered by the
18 organization pursuant to this chapter, or the Department may issue
19 special parking placards to the organization pursuant to this section
20 to be used on vehicles providing transportation to such persons. The
21 application must include a statement from the organization
22 certifying that:

23 (a) The vehicle for which the special license plates are issued is
24 used primarily to transport persons with permanent disabilities,
25 disabilities of moderate duration or temporary disabilities; or

26 (b) The organization which is issued the special parking
27 placards will only use such placards on vehicles that actually
28 transport persons with permanent disabilities, disabilities of
29 moderate duration or temporary disabilities.

30 4. The Department may charge a fee for special license plates
31 issued pursuant to this section not to exceed the fee charged for the
32 issuance of license plates for the same class of vehicle.

33 5. Special license plates issued pursuant to this section must
34 display the international symbol of access in a color which contrasts
35 with the background and is the same size as the numerals and letters
36 on the plate.

37 6. Upon the application of a person with a permanent disability
38 or disability of moderate duration, the Department may issue:

39 (a) A special parking placard for a vehicle other than a
40 motorcycle. Upon request, the Department may issue one additional
41 placard to an applicant to whom special license plates have not been
42 issued pursuant to this section.

43 (b) A special parking sticker for a motorcycle.



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1 ➔ The application must include a statement from a licensed
2 physician certifying that the applicant is a person with a permanent
3 disability or disability of moderate duration.

4 7. A special parking placard issued pursuant to subsection 6
5 must:

6 (a) Have inscribed on it the international symbol of access
7 which is at least 3 inches in height, is centered on the placard and is
8 white on a blue background;

9 (b) Have an identification number and date of expiration of:

10 (1) If the special parking placard is issued to a person with a
11 permanent disability, 10 years after the initial date of issuance; or

12 (2) If the special parking placard is issued to a person with a
13 disability of moderate duration, 2 years after the initial date of
14 issuance;

15 (c) Have placed or inscribed on it the seal or other identification
16 of the Department; and

17 (d) Have a form of attachment which enables a person using the
18 placard to display the placard from the rearview mirror of the
19 vehicle.

20 8. A special parking sticker issued pursuant to subsection 6
21 must:

22 (a) Have inscribed on it the international symbol of access
23 which complies with any applicable federal standards, is centered on
24 the sticker and is white on a blue background;

25 (b) Have an identification number and a date of expiration of:

26 (1) If the special parking sticker is issued to a person with a
27 permanent disability, 10 years after the initial date of issuance; or

28 (2) If the special parking sticker is issued to a person with a
29 disability of moderate duration, 2 years after the initial date of
30 issuance; and

31 (c) Have placed or inscribed on it the seal or other identification
32 of the Department.

33 9. Before the date of expiration of a special parking placard or
34 special parking sticker issued to a person with a permanent
35 disability or disability of moderate duration, the person shall renew
36 the special parking placard or special parking sticker. If the
37 applicant for renewal is a person with a disability of moderate
38 duration, the applicant must include with the application for renewal
39 a statement from a licensed physician certifying that the applicant is
40 a person with a disability which limits or impairs the ability to walk,
41 and that such disability, although not irreversible, is estimated to last
42 longer than 6 months. A person with a permanent disability is not
43 required to submit evidence of a continuing disability with the
44 application for renewal.



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10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle or a temporary parking sticker for a motorcycle upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability; and

(b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background;

(b) Have an identification number and a date of expiration; and

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background; and

(b) Have an identification number and a date of expiration.

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with the application for renewal a statement from a licensed physician certifying that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. *Any form for the application for the issuance of a special or temporary parking placard, a special or temporary parking sticker or special license plates, or any combination thereof, must include a statement that the special or temporary parking placard,*



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special or temporary parking sticker or special license plates must be surrendered to the Department:

(a) For a special or temporary parking placard or a special or temporary parking sticker, upon the expiration of the special or temporary parking placard or special or temporary parking sticker; and

(b) For special license plates, upon the death of the person to whom the special license plates have been issued.

16. Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard, or a special or temporary parking sticker, the Department, or the city or county, if applicable, shall issue a letter to the applicant that sets forth the name and address of the person with a permanent disability, disability of moderate duration or temporary disability to whom the special license plate, special or temporary parking placard or special or temporary parking sticker has been issued and:

(a) If the person receives special license plates, the license plate number designated for the plates; and

(b) If the person receives a special or temporary parking placard or a special or temporary parking sticker, the identification number and date of expiration indicated on the placard or sticker.

➔ The letter, or a legible copy thereof, must be kept with the vehicle for which the special license plate has been issued or in which the person to whom the special or temporary parking placard or special or temporary parking sticker has been issued is driving or is a passenger.

~~16.1~~ **17.** A special or temporary parking sticker must be affixed to the windscreen of the motorcycle. If the motorcycle has no windscreen, the sticker must be affixed to any other part of the motorcycle which may be easily seen when the motorcycle is parked.

~~17.1~~ **18.** Special or temporary parking placards, special or temporary parking stickers, or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

~~18.1~~ **19.** No person, other than the person certified as being a person with a permanent disability, disability of moderate duration or temporary disability, or a person actually transporting such a person, may use the special license plate or plates or a special or temporary parking placard, or a special or temporary parking sticker issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

~~19.1~~ **20.** Any person who violates the provisions of subsection ~~18.1~~ **19** is guilty of a misdemeanor.



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~~[20.]~~ 21. The Department may review the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any combination thereof. Upon a determination of ineligibility by the Department ~~[, the]~~ :

(a) The holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department ~~[~~

~~—21.] ; or~~

(b) *If the determination of ineligibility is based upon a determination that the holder is deceased, the representative of the estate of the holder or any other person designated by the Department by regulation shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department. In reviewing the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any combination thereof, the Department shall examine the certificates of death in the custody of the State Registrar of Vital Statistics to determine whether any such holder is deceased.*

22. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 4. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of \$250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:



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(a) Stating “No Parking” or similar words which indicate that parking in such a space is prohibited;

(b) Stating “Minimum fine of \$250 for violation” or similar words indicating that the minimum fine for parking in such a space is \$250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➤ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading



1 wheelchair lift in such a parking space if the space is in a parking lot
2 with fewer than 60 parking spaces.

3 7. A person shall not park in a space which:

4 (a) Is immediately adjacent to a space designed for use by a
5 vehicle with a side-loading wheelchair lift; and

6 (b) Is designated as a space in which parking is prohibited by a
7 sign that meets the requirements of subsection 3,

8 ➤ whether on public or privately owned property.

9 8. A person shall not use a plate, sticker or placard set forth in
10 subsection 5 to park in a space designated for persons who are
11 handicapped unless he or she is a person with a permanent
12 disability, disability of moderate duration or temporary disability, a
13 veteran with a disability or the driver of a vehicle in which any such
14 person is a passenger.

15 9. A person with a permanent disability, disability of moderate
16 duration or temporary disability to whom a:

17 (a) Special license plate, or a special or temporary parking
18 sticker, has been issued pursuant to NRS 482.384 shall not allow
19 any other person to park the vehicle or motorcycle displaying the
20 special license plate or special or temporary parking sticker in a
21 space designated for persons who are handicapped unless the person
22 with the permanent disability, disability of moderate duration or
23 temporary disability is a passenger in the vehicle or on the
24 motorcycle, or is being picked up or dropped off by the driver of the
25 vehicle or motorcycle, at the time that the vehicle or motorcycle is
26 parked in the space designated for persons who are handicapped.

27 (b) Special or temporary parking placard has been issued
28 pursuant to NRS 482.384 shall not allow any other person to park
29 the vehicle which displays the special or temporary parking placard
30 in a space designated for persons who are handicapped unless the
31 person with the permanent disability, disability of moderate duration
32 or temporary disability is a passenger in the vehicle, or is being
33 picked up or dropped off by the driver of the vehicle, at the time that
34 it is parked in the space designated for persons who are
35 handicapped.

36 10. A person who violates any of the provisions of subsections
37 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

38 (a) Upon the first offense, by a fine of \$250.

39 (b) Upon the second offense, by a fine of \$250 and not less than
40 8 hours, but not more than 50 hours, of community service.

41 (c) Upon the third or subsequent offense, by a fine of not less
42 than \$500, but not more than \$1,000 and not less than 25 hours, but
43 not more than 100 hours, of community service.

44 **11. In addition to any penalty imposed pursuant to subsection**
45 **10 or 12, a person who violates any of the provisions of**



subsections 5 to 9, inclusive, and who is not eligible for the issuance of a special or temporary parking placard, special or temporary parking sticker or special license plate or plates shall surrender the special or temporary parking placard, special or temporary parking sticker or special license plate or plates, or any combination thereof, to the Department.

12. In addition to any penalty imposed pursuant to subsection 10 or 11, if a person violates any of the provisions of subsections 5 to 9, inclusive, and is punished pursuant to paragraph (c) of subsection 10:

(a) The court shall issue an order directing the Department to suspend the driver's license of the person for a period of not more than 30 days and forward a copy of the order to the Department within 5 days after issuance of the order; and

(b) Upon receipt of an order issued pursuant to paragraph (a), the Department shall suspend the driver's license of the person for the period specified in the order.

Sec. 5. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of certificates of death by employees or agents of the Department of Motor Vehicles to determine the eligibility of each holder of a special parking placard, a special parking sticker or a special license plate or plates, or any combination thereof, pursuant to NRS 482.384;

(b) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

~~(b)~~ (c) Shall allow the use of certificates of death by a multidisciplinary team to review the death of a child established pursuant to NRS 432B.405 and 432B.406; and

~~(c)~~ (d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

