

SENATE BILL NO. 303—SENATOR MCGINNESS

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the issuance of special license plates, special parking placards and special parking stickers to persons with a permanent disability. (BDR 43-1100)

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

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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; requiring a physician to submit to the Department of Motor Vehicles medical evidence in support of a certified statement that a person has a permanent disability; requiring the Department to provide written notice to the appropriate licensing board of the physician if the Department has reason to believe that a physician failed to submit such medical evidence; requiring the appropriate licensing board to investigate certain notices received from the Department and impose administrative fines under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an application submitted by a person with a permanent disability to the Department of Motor Vehicles for a special license plate or plates, special parking placard or special parking sticker be accompanied by a certified statement by a physician that the applicant is permanently disabled. (NRS 482.384) **Section 3** of this bill requires a physician to submit to the Department medical evidence in support of a certified statement which corroborates the permanent disability of an applicant for a special license plate or plates, special parking placard or special parking sticker. **Section 1** of this bill requires the Department to provide written notice to the appropriate licensing board if the Department has reason to believe that the physician failed to submit sufficient medical evidence of the permanent disability of an applicant. **Sections 4, 6 and 7** of this bill require the Board of Medical Examiners, the State Board of Osteopathic Medicine and the State Board of Podiatry to investigate a notice received from the



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14 Department and to impose an administrative fine upon a finding that the statement
15 submitted by a licensee of the board is not supported by medical evidence.

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

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

3 *If the Department has reason to believe that a statement from a*
4 *licensed physician certifying that an applicant for a special license*
5 *plate or plates, special parking placard or special parking sticker*
6 *has a permanent disability is not supported by medical evidence as*
7 *required by NRS 482.384, the Department shall submit written*
8 *notice of the relevant facts to the appropriate licensing board of*
9 *the physician.*

10 **Sec. 2.** NRS 482.3835 is hereby amended to read as follows:

11 482.3835 “Person with a disability which limits or impairs the
12 ability to walk” means a person who:

13 1. Cannot walk 200 feet without stopping to rest ~~⌚~~ *due to a*
14 *physical condition or illness;*

15 2. Cannot walk without the use of a brace, cane, crutch,
16 wheelchair or prosthetic or other assistive device, or another person;

17 3. Is restricted by a lung disease to such an extent that the
18 person’s forced expiratory volume for 1 second, when measured by
19 a spirometer, is less than 1 liter, or the arterial oxygen tension is less
20 than 60 millimeters of mercury on room air while the person is at
21 rest;

22 4. Uses portable oxygen; *or*

23 5. Has a cardiac condition to the extent that the person’s
24 functional limitations are classified in severity as a Class III or Class
25 IV according to standards adopted by the American Heart
26 Association. ~~⌚~~

27 ~~—6.— Has a visual disability; or~~

28 ~~—7.— Is severely limited in his or her ability to walk because of an~~
29 ~~arthritic, neurological or orthopedic condition.]~~

30 **Sec. 3.** NRS 482.384 is hereby amended to read as follows:

31 482.384 1. Upon the application of a person with a
32 permanent disability, the Department may issue special license
33 plates for a vehicle, including a motorcycle, registered by the
34 applicant pursuant to this chapter. The application must include a
35 statement from a licensed physician certifying that the applicant is a
36 person with a permanent disability. *The statement from the licensed*
37 *physician must be accompanied by medical evidence of the*
38 *permanent disability of the applicant.* The issuance of a special
39 license plate to a person with a permanent disability pursuant to this



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1 subsection does not preclude the issuance to such a person of a
2 special parking placard for a vehicle other than a motorcycle or a
3 special parking sticker for a motorcycle pursuant to subsection 6.

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

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

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

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

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

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

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

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

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

42 ~~{~~ *The*

43 7. An application *made pursuant to subsection 6* must include
44 :



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(a) *For a person with a permanent disability*, a statement from a licensed physician certifying that the applicant is a person with a permanent disability . ~~[e-]~~ *The statement from the licensed physician must be accompanied by medical evidence of the permanent disability of the applicant.*

(b) *For a person with a disability of moderate duration, a statement from a licensed physician certifying that the applicant is a person with a* disability of moderate duration.

~~[7-]~~ 8. A special parking placard issued pursuant to subsection 6 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 blue background;

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

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

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

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

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

~~[8-]~~ 9. A special parking sticker issued pursuant to subsection 6 must:

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

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

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

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

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

~~[9-]~~ 10. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk,



1 and that such disability, although not irreversible, is estimated to last
2 longer than 6 months. A person with a permanent disability is not
3 required to submit *a certified statement from a physician or*
4 *medical* evidence of a continuing disability with the application for
5 renewal.

6 ~~§10.1~~ *11.* The Department, or a city or county, may issue, and
7 charge a reasonable fee for, a temporary parking placard for a
8 vehicle other than a motorcycle or a temporary parking sticker for a
9 motorcycle upon the application of a person with a temporary
10 disability. Upon request, the Department, city or county may issue
11 one additional temporary parking placard to an applicant. The
12 application must include a certificate from a licensed physician
13 indicating:

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

15 (b) The estimated period of the disability.

16 ~~§11.1~~ *12.* A temporary parking placard issued pursuant to
17 subsection ~~§10.1~~ *11* must:

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

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

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

25 ~~§12.1~~ *13.* A temporary parking sticker issued pursuant to
26 subsection ~~§10.1~~ *11* must:

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

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

31 ~~§13.1~~ *14.* A temporary parking placard or temporary parking
32 sticker is valid only for the period for which a physician has
33 certified the disability, but in no case longer than 6 months. If the
34 temporary disability continues after the period for which the
35 physician has certified the disability, the person with the temporary
36 disability must renew the temporary parking placard or
37 temporary parking sticker before the temporary parking placard or
38 temporary parking sticker expires. The person with the temporary
39 disability shall include with the application for renewal a statement
40 from a licensed physician certifying that the applicant continues to
41 be a person with a temporary disability and the estimated period of
42 the disability.

43 ~~§14.1~~ *15.* A special or temporary parking placard must be
44 displayed in the vehicle when the vehicle is parked by hanging or
45 attaching the placard to the rearview mirror of the vehicle. If the



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1 vehicle has no rearview mirror, the placard must be placed on the
2 dashboard of the vehicle in such a manner that the placard can easily
3 be seen from outside the vehicle when the vehicle is parked.

4 ~~[15.]~~ 16. Upon issuing a special license plate pursuant to
5 subsection 1, a special or temporary parking placard, or a special or
6 temporary parking sticker, the Department, or the city or county, if
7 applicable, shall issue a letter to the applicant that sets forth the
8 name and address of the person with a permanent disability,
9 disability of moderate duration or temporary disability to whom the
10 special license plate, special or temporary parking placard or special
11 or temporary parking sticker has been issued; and

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

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

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

22 ~~[16.]~~ 17. A special or temporary parking sticker must be
23 affixed to the windscreen of the motorcycle. If the motorcycle has
24 no windscreen, the sticker must be affixed to any other part of the
25 motorcycle which may be easily seen when the motorcycle is
26 parked.

27 ~~[17.]~~ 18. Special or temporary parking placards, special or
28 temporary parking stickers, or special license plates issued pursuant
29 to this section do not authorize parking in any area on a highway
30 where parking is prohibited by law.

31 ~~[18.]~~ 19. No person, other than the person certified as being a
32 person with a permanent disability, disability of moderate duration
33 or temporary disability, or a person actually transporting such a
34 person, may use the special license plate or plates or a special or
35 temporary parking placard, or a special or temporary parking sticker
36 issued pursuant to this section to obtain any special parking
37 privileges available pursuant to this section.

38 ~~[19.]~~ 20. Any person who violates the provisions of subsection
39 ~~[18.]~~ 19 is guilty of a misdemeanor.

40 ~~[20.]~~ 21. The Department may review the eligibility of each
41 holder of a special parking placard, a special parking sticker or
42 special license plates, or any combination thereof. Upon a
43 determination of ineligibility by the Department, the holder shall
44 surrender the special parking placard, special parking sticker or



1 special license plates, or any combination thereof, to the
2 Department.

3 ~~[24.]~~ 22. The Department may adopt such regulations as are
4 necessary to carry out the provisions of this section.

5 **Sec. 4.** Chapter 630 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. Upon receipt of written notice from the Department of*
8 *Motor Vehicles pursuant to section 1 of this act, the Board shall*
9 *investigate the notice and determine whether the statement*
10 *submitted by the physician to the Department is supported by*
11 *medical evidence as required by NRS 482.384.*

12 *2. In addition to any other penalty, if the Board determines*
13 *that the statement submitted by the physician is not supported by*
14 *medical evidence as required by NRS 482.384, the Board shall*
15 *impose an administrative fine of:*

16 *(a) For the first occurrence, \$10,000.*

17 *(b) For the second occurrence, \$50,000.*

18 *(c) For the third or subsequent occurrence, \$100,000.*

19 *3. A physician may appeal an administrative fine imposed*
20 *pursuant to this section by submitting a written notice of appeal to*
21 *the Board not later than 30 days after the date on which the*
22 *administrative fine is imposed.*

23 **Sec. 5.** NRS 630.265 is hereby amended to read as follows:

24 630.265 1. Except as otherwise provided in NRS 630.161,
25 the Board may issue to a qualified applicant a limited license to
26 practice medicine as a resident physician in a graduate program
27 approved by the Accreditation Council for Graduate Medical
28 Education if the applicant is:

29 (a) A graduate of an accredited medical school in the United
30 States or Canada; or

31 (b) A graduate of a foreign medical school and has received the
32 standard certificate of the Educational Commission for Foreign
33 Medical Graduates or a written statement from that Commission that
34 the applicant passed the examination given by it.

35 2. The medical school or other institution sponsoring the
36 program shall provide the Board with written confirmation that the
37 applicant has been appointed to a position in the program and is a
38 citizen of the United States or lawfully entitled to remain and work
39 in the United States. A limited license remains valid only while the
40 licensee is actively practicing medicine in the residency program
41 and is legally entitled to work and remain in the United States.

42 3. The Board may issue a limited license for not more than 1
43 year but may renew the license if the applicant for the limited
44 license meets the requirements set forth by the Board by regulation.



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4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive ~~1~~, and section 4 of this act.

Sec. 6. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of written notice from the Department of Motor Vehicles pursuant to section 1 of this act, the Board shall investigate the notice and determine whether the statement submitted by the osteopathic physician to the Department is supported by medical evidence as required by NRS 482.384.

2. In addition to any other penalty, if the Board determines that the statement submitted by the osteopathic physician is not supported by medical evidence as required by NRS 482.384, the Board shall impose an administrative fine of:

(a) For the first occurrence, \$10,000.

(b) For the second occurrence, \$50,000.

(c) For the third or subsequent occurrence, \$100,000.

3. An osteopathic physician may appeal an administrative fine imposed pursuant to this section by submitting a written notice of appeal to the Board not later than 30 days after the date on which the administrative fine is imposed.

Sec. 7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of written notice from the Department of Motor Vehicles pursuant to section 1 of this act, the Board shall investigate the notice and determine whether the statement submitted by the podiatric physician to the Department is supported by medical evidence as required by NRS 482.384.

2. In addition to any other penalty, if the Board determines that the statement submitted by the podiatric physician is not supported by medical evidence as required by NRS 482.384, the Board shall impose an administrative fine of:

(a) For the first occurrence, \$10,000.

(b) For the second occurrence, \$50,000.

(c) For the third or subsequent occurrence, \$100,000.

3. A podiatric physician may appeal an administrative fine imposed pursuant to this section by submitting a written notice of appeal to the Board not later than 30 days after the date on which the administrative fine is imposed.



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1 **Sec. 8.** This act becomes effective on July 1, 2011.

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