

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

**FILED**

2001 OCT 11 A 10:11

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91

RULE TYPE: Interpretive CITE AUTHORITY: W.Va Code §17A-2-9

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 10

TITLE OF RULE BEING AMENDED: Handicaped Parking Permits

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 12, 2001 AT 10:00 A. M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Division of Motor Vehicles  
Office of the Commissioner  
Attention: Steven O. Dale  
Docket #2001 91CSR10  
Building 3, Room 113  
Capitol Complex  
Charleston, WV 25317

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



**WEST VIRGINIA**  
**DEPARTMENT OF TRANSPORTATION**  
1900 Kanawha Boulevard East • Building Five • Room 109  
Charleston, West Virginia 25305-0440 • 304/558-0444

Bob Wise  
Governor

Fred VanKirk, P. E.  
Secretary

October 11, 2001

The Honorable Joe Manchin III  
Secretary of State  
State Capitol Building  
Charleston, WV 25305

Dear Mr. Secretary:

The Commissioner of Motor Vehicles is hereby authorized to promulgate proposed amendments to 91 CSR 10, Handicapped Parking Permits.

Very truly yours,

A handwritten signature in cursive script that reads "Fred VanKirk".

Fred VanKirk, P.E.  
Secretary/Highways Commissioner

FV:sd

Enclosure



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Division of Motor Vehicles**

1800 Kanawha Boulevard East • Building Three  
Charleston, West Virginia 25317-0010

**Bob Wise**  
Governor

**Fred VanKirk, P. E.**  
Secretary

**Roger Pritt**  
Commissioner

91 CSR 10

Handicapped Parking Permits

Statement of Circumstances

Revisions to this rule are made necessary in order to increase the number of years handicapped permits are valid. The rule change increases the renewal period from once every two-years to once every five years.

The rule change will assist disabled West Virginians by reducing the need to obtain new permits and doctor's recertifications to once every five years

A handwritten signature in black ink that reads "Roger Pritt".

Roger Pritt  
Commissioner



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Division of Motor Vehicles**

1800 Kanawha Boulevard East • Building Three  
Charleston, West Virginia 25317-0010

**Bob Wise**  
Governor

**Fred VanKirk, P. E.**  
Secretary

**Roger Pritt**  
Commissioner

91 CSR 10

Handicapped Parking Permits

Summary of Content

This proposed rule revises procedures governing the issuance of handicapped plates and placards. This rule changes the renewal period from once every two years to the maximum period of once every five years. West Virginia Code §17C-13-6 prescribes the range of the renewal period as a minimum of one year to a maximum of five years.

A handwritten signature in black ink that reads "Roger Pritt".

Roger Pritt  
Commissioner



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Handicapped Parking Permits

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Division of Motor Vehicles

Address: Building 3, Capitol Complex  
Charleston, WV 25317

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>		32,800		32,800	32,800
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>					
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of Above Estimates:  
Changing the renewal cycle for handicapped permits from once every two years to once every five years will result in savings of about \$165,000 over five years through reduced postage and processing costs.

3. Objectives of These Rules:  
The purpose of changing this rule is to increase the handicapped parking permit renewal cycle from 2 years to 5 years.

Rule Title: Handicapped Parking Permits

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

The Division of Motor Vehicles will save postage and processing costs by changing the renewal cycle.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

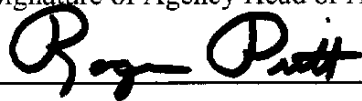
Disabled West Virginians will now be required to get medical recertification of handicapped status every five years instead of the current every two years. This change will reduce the number of Doctors office visits and trips or mailings to DMV.

C. Economic Impact on Citizens/Public at Large.

None

Date: October 5, 2001

Signature of Agency Head or Authorized Representative:



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2001 OCT 11 A 10:11

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA INTERPRETIVE RULES  
DIVISION OF MOTOR VEHICLES  
91CSR10**

Title: Handicapped Parking Permits

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91-10-1 General

1.1 Scope - The rule establishes procedures for issuance of handicapped parking permits for persons with disabilities in accordance with Federal Rule 23 CFR Part 1235 and West Virginia Code §17C-13-6.

1.2 Authority - West Virginia Code 17A-2-9 and 17C-13-6(e).

1.3 Filing Date -

1.4 Effective Date -

1.5 Application and Enforcement - This rule applies to persons applying for handicapped parking permits.

91-10-2 Definitions

2.1 Handicapped parking permit means either the special license plate or removable windshield placard issued under the provisions of West Virginia Code 17C-13-6 meeting the specifications prescribed in Federal Rule 23CFR Part 1235.

2.2 Licensed Physician - means any allopathic or osteopathic physician licensed in this state or any other state.

91-10-3 Handicapped Parking Permits - Eligibility

3.1 Eligibility - In accordance with West Virginia Code 17C-13-6, a physically disabled person with limited mobility is any person who is a resident of West Virginia and who suffers from a permanent or temporary physical condition making it unduly difficult and burdensome to walk.

In accordance with Federal Rule 23CFR Part 1235.2 (b) and West Virginia Code 17C-13-6(c) (1996 enactment) limited mobility shall be further defined as persons who as certified by a licensed physician:

- 3.1.1 Can not walk two hundred (200) feet without stopping to rest; or
- 3.1.2 Can not walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- 3.1.3 Are restricted by lung disease to such an extent that the persons forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/Hg on room air at rest; or
- 3.1.4 Use portable oxygen; or
- 3.1.5 Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- 3.1.6 Are severely limited in their ability to walk due to an arthritic, neurological, or other orthopedic condition.

The licensed physician shall certify on the application specifically as to which of the six conditions pertain to the applicant.

#### 91-10-4 Application Procedure

##### 4.1 Application For a Special License Plate

4.1.1 Upon proper application, on the form prescribed by the Commissioner and completion of all requested information, including the physician certification, a person who is a resident of West Virginia with a disability as defined in Section 3 of this Rule, shall be issued no more than two special license plates for not more than two Class A vehicles registered in West Virginia in the applicant's name.

4.1.2 The fee for the issuance of a special license plate shall not exceed the fee charged for a regular issue license plate for the same class or weight of vehicle. However, any application for a duplicate special license plate shall be accompanied by the fee prescribed in West Virginia Code 17A-10-11 and certification that the original plate was lost, stolen, or otherwise unusable.

4.1.3 Upon request, one removable windshield placard may be issued to the applicant who already has one special plate. However, an applicant who has obtained two special license plates is

not eligible for any removable windshield placards.

#### 4.2 Application For a Removable Windshield Placard

4.2.1 Upon proper application, on the form prescribed by the Commissioner and completion of all requested information, including the physician certification, a person who is a resident of West Virginia with a disability as defined in Section 3 of this Rule shall be issued one removable windshield placard. In accordance with the provisions of West Virginia Code 17A-13-6, there is no fee for the removable windshield placard.

4.2.2 Upon request, the Commissioner may issue one additional removable windshield placard to an applicant who does not have a special license plate for a maximum of two removable windshield placards. Such additional removable windshield placard shall have the same expiration as the original placard.

#### 4.3 Application For A Temporary Removable Windshield Placard

4.3.1 Upon proper application, on the form prescribed by the Commissioner, and completion of all requested information, including the physician certification, a person who is a resident of West Virginia with a disability as defined in Section 3 of this Rule shall be issued one temporary removable windshield placard for a period of time not to exceed six months.

4.3.2 Upon request, the Commissioner may issue an applicant one additional temporary removable windshield placard.

4.4 Upon application of a West Virginia organization which transports persons with disabilities, the Commissioner shall issue special license plates or removable placards in such a manner as in his or her judgement facilitate the mobility of such organization's customers, patients, students, or persons otherwise placed under the responsibility or care of the organization.

4.5 The removable windshield placard may be used in any class A vehicle in which a person with a disability is the operator or passenger, regardless of vehicle ownership.

4.6 Upon proper application, on the form prescribed by the Commissioner and completion of all requested information, including the physician certification, a person who is a resident of West Virginia with a disability as defined in Section 3 of this Rule, shall be issued special license plates for one or more Class G motorcycle vehicles registered in West Virginia in the applicant's name.

4.7 Any applicant with a permanent disability who has obtained a special disabled class A license plate, special disabled class G license plate, or removable windshield placard with current and unexpired physician certification is required to complete the designated application but is not

required to obtain a physician certification for an additional plate or placard.

91-10-5        Renewal

5.1        The special license plate shall be renewable each year in accordance with the provisions of West Virginia Code 17A. The Commissioner shall require each registrant to submit recertification from a licensed physician every ~~two~~ five years or portion of the five year renewal cycle established by the Commissioner for continued eligibility for the special license plate.

5.2        The removable windshield placard shall be valid for a period of ~~two~~ five years or portion of the five year renewal cycle established by the Commissioner. The applicant shall submit certification from a licensed physician for continued eligibility for the removable windshield placard prior to renewal for an additional renewal period.

5.3        The temporary removable windshield placard shall not be renewable. However, the applicant may submit an original application for another temporary removable windshield placard upon certification by a licensed physician.

5.4        The Commissioner may issue a duplicate removable windshield placard upon certification by the applicant that the original removable windshield placard was lost, stolen or otherwise made unusable. The fee for a duplicate removable windshield placard is \$5.00 as prescribed in West Virginia Code 17A-10-11.

91-10-6        Display of Placard

6.1        The placard shall be displayed by hanging it from the front windshield rear view mirror of the vehicle in such a manner that it may be conspicuously visible from the outside of the vehicle only when the vehicle is utilizing reserved handicapped parking space. When there is no rear view mirror, the placard shall be displayed on the dashboard to be conspicuously visible from the outside of the vehicle. The placard shall be removed from the rear view mirror whenever the vehicle is in motion. A placard shall not be used on a class G motorcycle vehicle.

91-10-7        Identification Cards

7.1        The Commissioner shall issue all holders of handicapped parking permits one identification card to be carried by the person with a disability whenever handicapped parking privileges are exercised. Such card shall be exhibited to any law enforcement officer on demand.

7.2        The Commissioner may issue a duplicate identification card upon certification by the applicant that the original identification card was lost, stolen, or otherwise made unusable.

91-10-8      Reciprocity

8.1      In accordance with Federal Rule 25 CPR Part 1235, and West Virginia Code 17C-13-6(h) all removable windshield placards or special license plates issued by any other state or country shall be recognized for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities.