

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5644

By Delegate DeVault

[Introduced February 13, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §§17A-3-14i of the Code of West Virginia, 1931, as amended; to
 2 amend said code by adding thereto a new section, designated §17A-3-14j; and to amend
 3 and reenact §17C-13-6, all relating to creating a special military license plate and placard
 4 for 80% disabled veterans.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
 CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
 CERTIFICATES OF TITLE.**

§17A-3-14i. Manufacturing of certain special registration plates; rulemaking.

1 (a) For all registration plates authorized pursuant to the provisions of §17A-3-14a, §17A-3-
 2 14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, ~~and §17A-3-14h, and §17A-~~
 3 3-14i, the division is not required to keep a stockpile of such plates, but may create a process for
 4 the issuance of such plates by special order.

5 (b) The division may propose rules for legislative approval in accordance with the
 6 provisions of §29A-3-1 *et seq.* of this code to administer the issuance of all special registration
 7 plates authorized in this article.

§17A-3-14j. Special military plates for 80% to 99% disabled veterans.

1 (a) The division may issue special plates to disabled veterans that have an 80% to 99%
 2 disability rating as determined by the Department of Veterans Affairs. Registration plates issued
 3 pursuant to this section are exempt from all registration fees otherwise required by the provisions
 4 of this chapter. A surviving spouse may continue to use the license plate of his or her deceased
 5 spouse that was issued pursuant to this section until the surviving spouse dies, remarries, or does
 6 not renew the license plate.

7 (b) A qualified applicant may obtain a second license plate as described in this section for

8 use on a passenger vehicle titled in the name of the applicant. The division shall charge for the
9 second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition
10 to all other fees required by this chapter.

11 (c) The applicant shall present satisfactory proof as determined by the commissioner as
12 evidence of qualification for any plate authorized in this section.

13 (d) An applicant qualified to receive a special plate under subsection (a) of this section, or
14 qualified to receive a registration fee exemption under §17A-10-8(6) of this code as a former
15 prisoner of war, may choose to transfer the registration fee exemptions to a special registration
16 plate for military personnel for which the applicant also qualifies under §17A-3-14b of this code
17 instead of receiving the honorary military plate pursuant to this section.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 3. TRAFFIC SIGNS, SIGNALS, AND MARKINGS.

§17C-13-6. Stopping, standing, or parking privileges for persons with a mobility impairment; disabled veterans; definitions; qualification; special registration plates and removable windshield placards; expiration, application; violation; penalties.

1 (a)(1) The commissioner may issue up to two special registration plates or removable
2 windshield placards to a person with a mobility impairment or a West Virginia organization which
3 transports persons with disabilities and facilitates the mobility of its customers, patients, students,
4 or persons otherwise placed under its responsibility.

5 (2) Special registration plates or placards may only be issued for placement on a Class A
6 or Class G motor vehicle registered under the provisions of §17A-3-1 *et seq.* of this code.

7 (3) The applicant shall specify whether he or she is applying for a special registration plate,
8 a removable windshield placard, or both on the application form prescribed and furnished by the
9 commissioner.

10 (4) The applicant shall submit, with the application, a certificate issued by any physician,

11 chiropractor, advanced nurse practitioner, or physician's assistant who is licensed in this state,
12 stating that the applicant has a mobility impairment, or that the applicant is an organization which
13 regularly transports a person with a mobility impairment as defined in this section. The physician,
14 chiropractor, advanced nurse practitioner, or physician's assistant shall specify in the certificate
15 whether the disability is temporary or permanent. A disability which is temporary is one expected
16 to last for a limited duration and improve during the applicant's life. A disability which is permanent
17 is one which is expected to last during the duration of the applicant's life.

18 (5) Upon receipt of the completed application, the physician's certificate and the regular
19 registration fee for the applicant's vehicle class, if the commissioner finds that the applicant
20 qualifies for the special registration plate or a removable windshield placard as provided in this
21 section, he or she shall issue to the applicant a special registration plate (upon remittance of the
22 regular registration fee) or a removable windshield placard (red for temporary and blue for
23 permanent), or both. Upon request, the commissioner shall also issue to any otherwise qualified
24 applicant one additional placard having the same expiration date as the applicant's original
25 placard. The placard shall be displayed by hanging it from the interior rearview mirror of the motor
26 vehicle so that it is conspicuously visible from outside the vehicle when parked in a designated
27 accessible parking space. The placard may be removed from the rearview mirror whenever the
28 vehicle is being operated to ensure clear vision and safe driving. Only in the event that there is no
29 suitable rearview mirror in the vehicle may the placard be displayed on the dashboard of the
30 vehicle.

31 (6) Organizations which transport people with disabilities will be provided with a placard
32 which will permit them to park in a designated area for the length of time necessary to load and
33 unload passengers. These vehicles must be moved to a nondesignated space once the loading or
34 unloading process is complete.

35 (7) Notwithstanding any provision to the contrary in this section, any military veteran that
36 possesses a specialty plate for 80% to 99% disabled military veterans and has fully complied with

37 the provisions and requirements of §17A-3-14j shall be issued by the commissioner up to two
38 special license plates for vehicles titled in the veteran's name. Special plates for 80% to 99%
39 disabled veterans shall be valid for the duration of the eligible military veteran's life.

40 (8) Any disabled veteran who has a disability rating of 100%, who has been acknowledged
41 as such under the guidelines of this code, shall be given two placards that identify them as such
42 and provided with the ability to park in handicapped parking spaces. The second placard shall be
43 honored and effective regardless of the vehicle in which it is presented, the license plate on the
44 vehicle in which it is presented, or the registration information of the vehicle in which it is presented
45 and, absent a clear showing of fraud, theft, or malfeasance associated with the presentation of the
46 placard, shall carry all the privileges associated with the original.

47 (b) As used in this section, the following terms have the meanings ascribed to them in this
48 subsection:

49 (1) A person or applicant with a "mobility impairment" means a person who is a citizen of
50 West Virginia and as determined by a physician, allopath, or osteopath, chiropractor, advanced
51 nurse practitioner, or physician's assistant licensed to practice in West Virginia:

52 (A) Cannot walk 200 feet without stopping to rest;

53 (B) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic
54 device, wheelchair, other assistive device, or another person;

55 (C) Is restricted by lung disease to such an extent that the person's force (respiratory)
56 expiratory volume for one second, when measured by spirometry, is less than one liter or the
57 arterial oxygen tension is less than 60 mm/hg on room air at rest;

58 (D) Uses portable oxygen;

59 (E) Has a cardiac condition to such an extent that the person's functional limitations are
60 classified in severity as Class III or Class IV according to standards established by the American
61 Heart Association; or

62 (F) Is severely limited in his or her ability to walk because of an arthritic, neurological, or

63 other orthopedic condition;

64 (2) "Special registration plate" means a registration plate that displays the international
65 symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its
66 Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the
67 background, in letters and numbers the same size as those on the plate, and which may be used in
68 lieu of a regular registration plate;

69 (3) "Removable windshield placard" (permanent or temporary) means a two-sided,
70 hanger-style placard measuring three inches by nine and one-half inches, with all of the following
71 on each side:

72 (A) The international symbol of access, measuring at least three inches in height, centered
73 on the placard, in white on a blue background for permanent designations and in white on a red
74 background for temporary designations;

75 (B) An identification number measuring one inch in height;

76 (C) An expiration date in numbers measuring one inch in height for a temporary placard;

77 and

78 (D) The seal or other identifying symbol of the issuing authority;

79 (4) "Regular registration fee" means the standard registration fee for a vehicle of the same
80 class as the applicant's vehicle;

81 (5) "Public entity" means state or local government or any department, agency, special
82 purpose district, or other instrumentality of a state or local government;

83 (6) "Public facility" means all or any part of any buildings, structures, sites, complexes,
84 roads, parking lots, or other real or personal property, including the site where the facility is
85 located;

86 (7) "Place or places of public accommodation" means a facility or facilities operated by a
87 private entity whose operations affect commerce and fall within at least one of the following
88 categories:

- 89 (A) Inns, hotels, motels, and other places of lodging;
- 90 (B) Restaurants, bars, or other establishments serving food or drink;
- 91 (C) Motion picture houses, theaters, concert halls, stadiums, or other places of exhibition
- 92 or entertainment;
- 93 (D) Auditoriums, convention centers, lecture halls, or other places of public gatherings;
- 94 (E) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other
- 95 sales or rental establishments;
- 96 (F) Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe
- 97 repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys,
- 98 pharmacies, insurance offices, offices of professional health care providers, hospitals, or other
- 99 service establishments;
- 100 (G) Terminals, depots, or other stations used for public transportation;
- 101 (H) Museums, libraries, galleries, or other places of public display or collection;
- 102 (I) Parks, zoos, amusement parks, or other places of recreation;
- 103 (J) Public or private nursery, elementary, secondary, undergraduate, or post-graduate
- 104 schools or other places of learning and day care centers, senior citizen centers, homeless
- 105 shelters, food banks, adoption agencies, or other social services establishments; and
- 106 (K) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or
- 107 recreation;
- 108 (8) "Commercial facility" means a facility whose operations affect commerce and which are
- 109 intended for nonresidential use by a private entity;
- 110 (9) "Accessible parking" formerly known as "handicapped parking" is the present phrase
- 111 consistent with language within the Americans with Disabilities Act (ADA).
- 112 (10) "Parking enforcement personnel" includes any law-enforcement officer as defined by
- 113 §30-29-1 of this code, and private security guards, parking personnel, and other personnel
- 114 authorized by a city, county, or the state to issue parking citations.

115 Any person who falsely or fraudulently obtains or seeks to obtain the special plate or the
116 removable windshield placard provided for in this section, and any person who falsely certifies that
117 a person is mobility impaired in order that an applicant may be issued the special registration plate
118 or windshield placard under this section is guilty of a misdemeanor and, upon conviction thereof, in
119 addition to any other penalty he or she may otherwise incur, shall be fined \$500. Any person who
120 fabricates, uses, or sells unofficially issued windshield placards to any person or organization is
121 committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in
122 addition to any other penalty he or she may otherwise incur, shall be fined \$500 per placard
123 fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued identification
124 cards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor
125 and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall
126 be fined \$700 per identification card fabricated, used, or sold. Any person who fabricates, uses, or
127 sells unofficially issued labels imprinted with a future expiration date to any person or organization
128 is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in
129 addition to any other penalty he or she may otherwise incur, shall be fined \$700. Any person
130 covered by this section who sells or gives away their officially issued windshield placard to any
131 person or organization not qualified to apply for or receive the placard and then reapplies for a new
132 placard on the basis it was stolen is committing a fraudulent act and is guilty of a misdemeanor
133 and, upon conviction thereof, in addition to any other penalty he or she, or they may otherwise
134 incur, shall lose their right to receive or use a special placard or special license plate for a period of
135 not less than five years.

136 (c) The commissioner shall set the expiration date for special registration plates on the last
137 day of a given month and year, to be valid for a minimum of one year but not more than five years,
138 after which time a new application must be submitted to the commissioner. After the commissioner
139 receives the new application, signed by a certified physician, chiropractor, advanced nurse
140 practitioner, or physician's assistant if required under this subsection, the commissioner shall

141 issue: (i) A new special registration plate or new permanent or temporary removable windshield
142 placard; or (ii) official labels imprinted with the new expiration date and designed so as to be
143 placed over the old dates on the original registration plate or windshield placard: *Provided*, That a
144 new application under this subsection must not be accompanied by a certificate pursuant to §17C-
145 13-6(a)(4) of this code if a prior application is on file with the commissioner, such application
146 includes a certificate issued pursuant to §17C-13-6(a)(4) of this code, such certificate specifies
147 that the applicant's disability is permanent for life, and such certificate was made within 10 years of
148 the new application.

149 (d) The commissioner shall set the expiration date of temporary removable windshield
150 placards to be valid for a period of approximately six months after the application was received and
151 approved by the commissioner. Permanent removable windshield placards are valid for the
152 duration of the applicant's life.

153 (e) The commissioner shall issue to each applicant who is granted a special registration
154 plate or windshield placard an identification card bearing the applicant's name, assigned
155 identification number, and expiration date. The applicant shall thereafter carry this identification
156 card on his or her person whenever parking in an accessible parking space. The identification card
157 shall be identical in design for both registration plates and removable windshield placards.

158 (f) An accessible parking space should comply with the provisions of the Americans with
159 Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In
160 particular, the parking space should be a minimum of eight feet wide with an adjacent eight-foot
161 access aisle for vans having side mounted hydraulic lifts or ramps, or a five-foot access aisle for
162 standard vehicles. Access aisles should be marked using diagonal two- to four-inch-wide stripes
163 spaced every 12 or 24 inches apart along with the words "no parking" in painted letters which are
164 at least 12 inches in height. All accessible parking spaces must have a signpost in front or adjacent
165 to the accessible parking space displaying the international symbol of access sign mounted at a
166 minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings

167 on the pavement or curbs for parking spaces and access aisles may be in any color, although blue
168 is the generally accepted color for accessible parking.

169 (g) A vehicle displaying a disabled veterans special registration plate issued pursuant to
170 §17A-3-14(c)(6) of this code shall be recognized and accepted as meeting the requirements of this
171 section.

172 (h) A vehicle from any other state, United States territory, or foreign country displaying an
173 officially issued special registration plate, placard, or decal bearing the international symbol of
174 access shall be recognized and accepted as meeting the requirements of this section, regardless
175 of where the plate, placard, or decal is mounted or displayed on the vehicle.

176 (i) Stopping, standing or parking places marked with the international symbol of access
177 shall be designated in close proximity to all public entities, including state, county, and municipal
178 buildings and facilities, places of public accommodation, and commercial facilities. These parking
179 places shall be reserved solely for persons with a mobility impairment and disabled veterans at all
180 times.

181 (j) Any person whose vehicle properly displays a valid, unexpired special registration plate
182 or removable windshield placard may park the vehicle for unlimited periods of time in parking
183 zones unrestricted as to length of parking time permitted: *Provided*, That this privilege does not
184 mean that the vehicle may park in any zone where stopping, standing, or parking is prohibited or
185 which creates parking zones for special types of vehicles or which prohibits parking during heavy
186 traffic periods during specified rush hours or where parking would clearly present a traffic hazard.
187 To the extent any provision of any ordinance of any political subdivision of this state is contrary to
188 the provisions of this section, the provisions of this section take precedence and apply.

189 The parking privileges provided for in this subsection apply only during those times when
190 the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any
191 person who knowingly exercises, or attempts to exercise, these privileges at a time when the
192 vehicle is not being used for the loading or unloading of a person with a mobility impairment is

193 guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or
194 she may otherwise incur, shall be fined \$200; upon second conviction thereof, in addition to any
195 other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent
196 convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined
197 \$500.

198 (k) Any person whose vehicle does not display a valid, special registration plate or
199 removable windshield placard may not stop, stand, or park a motor vehicle in an area designated,
200 zoned, or marked for accessible parking with signs or instructions displaying the international
201 symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or
202 a wall in front of the accessible parking space and instructions may appear on the ground or
203 pavement, but use of both methods is preferred. Accessible parking spaces for vans having an
204 eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any
205 vehicle displaying a valid special registration plate or removable windshield placard.

206 Any person who violates the provisions of this subsection is guilty of a misdemeanor and,
207 upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any
208 other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent
209 convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined
210 \$500.

211 (l) All signs that designate areas as "accessible parking" or that display the international
212 symbol of access shall also include the words "Up to \$500 fine".

213 (m) No person may stop, stand, or park a motor vehicle in an area designated or marked off
214 as an access aisle adjacent to a van-accessible parking space or regular accessible parking
215 space. Any person, including a driver of a vehicle displaying a valid removable windshield placard
216 or special registration plate, who violates the provisions of this subsection is guilty of a
217 misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof,
218 in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third

219 and subsequent convictions thereof, in addition to any other penalty he or she may otherwise
220 incur, shall be fined \$500.

221 (n) Parking enforcement personnel who otherwise enforce parking violations may issue
222 citations for violations of this section and shall reference the number on the vehicle's license plate,
223 since the driver normally will not be present.

224 (o) Law-enforcement agencies may establish a program to use trained volunteers to
225 collect information necessary to issue citations to persons who illegally park in designated
226 accessible parking spaces. Any law-enforcement agency choosing to establish a program shall
227 provide for workers' compensation and liability coverage. The volunteers shall photograph the
228 illegally parked vehicle and complete a form, to be developed by supervising law-enforcement
229 agencies, that includes the vehicle's license plate number, date, time, and location of the illegally
230 parked vehicle. The photographs must show the vehicle in the accessible space and a readable
231 view of the license plate. Within the discretion of the supervising law-enforcement agency, the
232 volunteers may issue citations or the volunteers may submit the photographs of the illegally
233 parked vehicle and the form to the supervising law-enforcement agency, who may issue a citation,
234 which includes the photographs and the form, to the owner of the illegally parked vehicle.
235 Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned,
236 or designated accessible parking areas by the supervising law-enforcement agency.

237 (p) Local authorities who adopt the basic enforcement provisions of this section and issue
238 their own local ordinances shall retain all fines and associated late fees. These revenues shall be
239 used first to fund the provisions of subsection (o) of this section, if adopted by local authorities, or
240 otherwise shall go into the local authorities' General Revenue Fund. Otherwise, any moneys
241 collected as fines shall be collected for and remitted to the state.

242 (q) The commissioner shall prepare and issue a document to applicants describing the
243 privileges accorded a vehicle having a special registration plate and removable windshield placard
244 as well as the penalties when the vehicle is being inappropriately used as described in this section

245 and shall include the document along with the issued special registration plate or windshield
246 placard. In addition, the commissioner shall issue a separate document informing the general
247 public regarding the new provisions and increased fines being imposed either by way of
248 newspaper announcements or other appropriate means across the state.

249 (r) The commissioner shall propose rules for legislative approval in accordance with the
250 provisions of §29A-3-1 *et seq.* of this code.

NOTE: The purpose of this bill is to create a special military license plate and placard for 100% disabled veterans.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.