

810-5-1-.225 Handicapped Disability Access Parking Privileges – Evidence of Qualifications and Enforcement Procedures.

(1) Handicap Disability Access Parking Credentials. Evidence of qualification for disability access parking privileges shall be ~~either~~ a removable windshield placard, ~~or~~ a temporary removable windshield placard ~~as shown in 23CFR § 1235 (1991),~~ or the handicap disability access license plate as provided in 23CFR § 1235 and Sections 32-6-230 and 40-12-300, et seq., Code of Alabama 1975. ~~The removable windshield placards or temporary removable windshield placards shall be designed in accordance with 23CFR § 1235.2 [d] and [e].~~

~~(2) Credentials issued prior to January 1, 1997. The handicap decal issued in accordance with the provisions of Section 32-6-230, et seq., Code of Alabama 1975, shall not be issued after December 31, 1996, and shall not be recognized as a valid handicapped parking credential after December 1, 1997. Also, any handicap license plate issued under the provisions of Section 40-12-300, et seq., prior to January 1, 1997, shall not be revalidated on or after January 1, 1997. Furthermore, any handicap placard or handicap license plate issued prior to January 1, 1997, becomes null and void after December 1, 1997. Any decal issued by a military installation, municipal government, or eleemosynary institution shall not be recognized as a valid handicap parking credential.~~

~~(2)(3) Re-issuance of Handicap Disability Access~~ Parking Credentials. Effective January 1, 1997, cCounty license plate issuing officials shall accept completed applications (Form MVR: 32-6-230-"Application for Handicapped Disability Access Parking Privileges") from persons with disabilities (and from organizations transporting persons with disabilities – [see paragraph ~~(4)~~(9) below]) for handicap in order to issue disability access license plates and/or removable windshield placards or temporary removable windshield placards. Counties will no longer accept Form MVR:81-695 as their authority to issue handicapped parking credentials. Upon presentation of the Application, the issuing authority county license plate issuing official shall verify that the Application has been properly completed (see paragraph (4) below) ~~by the person with disabilities and by the Physician. When issuing removable windshield placards, t~~he issuing authority county license plate issuing official shall indicate in the designated space on the application the number shown on the placard, and/or the handicap disability access license plate number, ~~or both, and the fees collected. The fee shall be \$1.25 per removable windshield placard issued. The fee for the disability access license plate shall be the regular license fee, as provided in Section 40-12-300, Code of Alabama 1975. There shall be no fee for the removable windshield placard or temporary removable windshield placard.~~

~~(4) Qualifications to receive Handicap Parking Credentials. To qualify for handicap credentials, the person with disabilities (or their legal guardian) must have the following portions of the Application (Form MVR:32-6-230) completed:~~

- ~~(a) Name of the person with disabilities,~~
- ~~(b) Street and mailing address of the person with disabilities,~~
- ~~(c) Telephone number of the person with disabilities,~~
- ~~(d) Designation of the type(s) of handicapped parking credentials requested,~~
- ~~(e) The signature of the person with disabilities (or of their legal guardian) and date signed.~~

Furthermore, the "Physician's Certification" portion of the Application must be completed prior to the presentation of the Application to the county license plate issuing official. The physician shall:

- ~~1. Certify if the disability is long-term or a temporary disability,~~
- ~~2. If a temporary disability, the physician shall specify the length of the disability (not to exceed six months),~~
- ~~3. The physician shall provide his/her telephone number, and give his/her city, and state where licensed,~~
- ~~4. The physician shall check the disability or disabilities in the "Requirements" portion of the Application to indicate which criteria the person with disabilities is qualified under the federal regulations to receive handicap parking credentials. In signing the Application the physician shall certify that the person with disabilities meets the criteria shown under 23CFR §1235.2[b](1991); to wit, "Persons with disabilities which limit or impair their ability to walk means persons who, as determined by a license physician:~~

- ~~(i) Cannot walk two hundred feet without stopping to rest; or~~
- ~~(ii) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or~~
- ~~(iii) Are 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 sixty mm/hg on room air at rest; or~~
- ~~(iv) Use portable oxygen; or~~
- ~~(v) 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~~
- ~~(vi) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition."~~

~~(3)(5) Display of Placards/Credentials. The placards issued prior to January 1, 1997 should be displayed in the right rear window of the vehicle visible to the street where possible and if not possible, displayed on the front dash of the vehicle and visible to the street, if possible. In accordance with 23CFR §1235.4, Removable windshield placards issued beginning, January 1, 1997, shall "be~~

“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 utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard.” ~~{23CFR §1235.4[e](1991)}~~ It is NOT required that a motor vehicle being used by a person with disabilities display both the handicapdisability access license plate and the placard. Individuals that do not have disability access license plates, including those that do not own a motor vehicle, may request one (1) additional removable windshield placard, for a total of two (2) placards.

~~(6) Additional placards. Many persons with disabilities, as defined under 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above), do not own a motor vehicle; therefore, in accordance with 23CFR §1235.4[a] (1991), such individuals may request one (1) additional removable windshield placard [note that this extra placard is applicable only to persons with disabilities that do not have the distinctive handicap license plate(s)].~~

~~(4)(7) When eCredentials mMay bBe uUsed. A motor vehicle may be parked in a handicapdisability access parking space only when the vehicle is ~~then~~ being used to transport or is being operated by, the person with disabilities to whom the handicapdisability access license plate and/or placard was issued; provided, that an organization qualified under paragraph (10)(9) of this rule, and displaying the distinctive handicapdisability access license plate upon an organization-owned motor vehicle may also park in a designated handicapdisability access parking space when the vehicle is being used to transport persons with disabilities.~~

~~(8) "Temporarily handicapped individual" defined - Physician determination of length of issuance. In accordance with 23CFR §1235.5[b] (1991), the definition of "temporarily handicapped individual" found in Section 32-6-230 shall not be used, and the following definition shall be used: any person having a temporary (for a period up to six months) disability as defined in 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above). The licensed physician shall, on the Form MVR: 32-6-230 - "Application for Handicapped Parking Privileges," provide the beginning and ending dates for the temporary removable windshield placard to be valid, not to exceed six months from the date of issuance. The county license plate issuing official shall exercise care in issuing the temporary removable windshield placard as to not issue a temporary removable placard valid for a period of time exceeding that authorized by the licensed physician as shown on the "Application for Handicapped Parking Privileges."~~

~~(5)(9) Periodic Renewal of Removable Windshield Placards. Removable windshield placards and handicapdisability access license plates issued under the provisions of this regulation shall, in accordance with 23CFR §1235.4[a] (1991), be subject to "periodic renewal," which is to be based on the five (5) year renewal cycle for standard private passenger automobiles/ and pickup truck license plates as provided under Section 32-6-~~6162~~, Code of Alabama 1975. The month of renewal shall be~~

~~based on the staggered system as provided under Section 32-6-61, Code of Alabama 1975. For example, any person with disabilities whose first letter of their last name begins with the letters "A" or "D" will be issued a placard expiring in the same designated renewal month that the following five year passenger series will be issued (such as January 2002 in this example).~~

~~(6)(10) Recertification. Upon expiration of the removable windshield placard and/or the five (5) year disability access license plate, the person with disabilities would be required to reapply by obtaining a completed~~completing the self-certification on Form MVR 32-6-230 "Recertification for Handicapped Parking Privileges" (Form MVR: 32-6-230 [A], signed by the person with disabilities to whom the previous removable windshield placard was issued, which is to be provided to the county license plate issuing official before a new removable windshield placard; and/or handicapdisability access license plate shall be issued. However, the Commissioner may elect to require all persons with disabilities to be recertified by a licensed physician, as defined in Section 32-6-230, Code of Alabama 1975, (using Form MVR: 32-6-230) before handicappeddisability access parking credentials may be re-issuedreissued.

~~(7)(11) Fee for Issuance of Removable Windshield Placards/Replacement License Plates and Removable Windshield Placards. The county license plate issuing official shall charge the \$1.25 issuance fee provided by law for issuing motor vehicle license plates/revalidation decals when issuing the removable windshield placard or temporary removable windshield placard, which fee shall be retained by the county and deposited into the county treasury. In the event that the disability access license plate or placard is lost or stolen, or becomes mutilated, a replacement disability access license plate or placard may be issued upon application to the county license plate issuing official, and completion of the replacement disability access license plate and/or placard affidavit on the reverse of the "Application for Handicapped Parking Privileges" Form MVR 32-6-230 and payment of the appropriate issuance fee.~~

~~(8)(12) Issuance procedures/mMaintenance of Application Forms. In issuing the disability access license plates or removable windshield placards, the countieslicensing officials shall record on Form #MVR:32-6-230 the issued license plate or placard number. This form shall be maintained by the issuing official for audit by the Examiners of Public Accounts, and in order to provide information to law enforcement agencies inquiring as to whom the placard was issued; also, In addition, the form must be maintained to be compared with Form #32-6-230(A) when re-issuing handicapdisability access parking credentials. Likewise, when re-issuing the removable windshield placard(s) or the disability access license plates, the counties shall record on Form #MVR:32-6-230[A] the newly issued placard number. Counties are to file these forms in placard number sequence in order to be able to advise law enforcement officials as to whom a specific placard was issued.~~

~~(13) Manufacturing Fee. In accordance with 23CFR §1235.3[c] (1991) county license plate issuing officials shall not collect the \$3.00 additional manufacturing fee authorized under Section 40-12-300 when issuing the handicap license plates.~~

~~(14) Handicap Reciprocity. In accordance with 23CFR §1235.8 (1991) Alabama "shall recognize removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair their ability to walk" for any person with disabilities who is temporarily in this state and who is not required to obtain Alabama license plates.~~

~~(15) Misuse of Handicapped Parking Privileges. Anyone parking in handicapped parking spaces with expired removable windshield placards, expired temporary removable windshield placards, or expired handicap license plates, or otherwise violating the Alabama handicap parking laws as provided under Section 32-6-233, shall, upon conviction, be guilty of a Class B misdemeanor as provided in Section 32-6-233, Code of Alabama 1975.~~

~~(9)(16) Obtaining of Handicap Disability Access License Plates by Organizations or Governmental Entities. 23CFR §1235.3[b] (1991) reads that, "Upon application of an organization, each state shall issue special license plates for the vehicle registered in the applicant's name if the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk. The application shall include a certification by the applicant, under criteria to be determined by the state, that the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk." provides for disability access license plates for organizations using vehicles primarily to transport persons with disabilities. Accordingly, effective January 1, 1997, tThe distinctive handicappeddisability access license plates may be issued to nursing homes, commissions on aging, special schools for persons with disabilities, and similar organizations when an official of the organization certifies on the "Application for HandicappedDisability Access Parking Privileges" under the "Organizations Only" portion that the vehicle is being primarily used to transport persons with disabilities (note that the "Physician's Certification" portion of the Aapplication is NOT to be completed by the Oorganization). If county license plate issuing officials have reservations regarding the issuance of handicappeddisability access license plates to an organization, the official may request, in writing, from the organization a description of the mission, purposes, etc. of the organization, and how the vehicle is to be, or is being used. Such organizations may recertify upon expiration of the handicappeddisability access license plates by completing Form MVR: 32-6-230(A). If the organization is a state, county or municipal governmental entity, which requires governmental license plates under the provisions of Section 40-12-250, Code of Alabama 1975, said governmental agency may request the Department of Revenue to issue governmental license plates containing the International Symbol of Access. Law enforcement agencies shall~~

~~honor the parking privileges of these organizations displaying license plates with the International Symbol of Access issued pursuant to this section, unless it is determined that the vehicles displaying the handicap license plates are not being properly used.~~

~~(17) Handicap Motorcycle License Plates. Any person with disabilities who owns and operates a motorcycle may choose to secure a distinctive handicap motorcycle license plate for his motorcycle(s). The plate shall contain the International Symbol of Access in accordance with the federal regulations. As with standard handicap license plates, the registrant shall pay standard registration fees. Anyone qualifying under provisions of this regulation for handicap parking credentials may surrender their current and valid standard motorcycle license plate in favor of the handicap motorcycle license plate.~~

~~(18) License Physician Defined. The term "licensed physician" as used in this regulation shall be deemed to mean a doctor of medicine or a doctor of osteopathy licensed to practice medicine or a person employed by the U.S. government as a doctor of medicine or doctor of osteopathy to practice medicine.~~

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Public Law 100-641 and federal regulations adopted under 23CFR Sec  
1235

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