

## 540 CMR: REGISTRY OF MOTOR VEHICLES

### 540 CMR 17.00: ISSUANCE OF DISABILITY PLATES AND PLACARDS

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#### 17.01: Policy, Authority and Application

540 CMR 17.00 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, §§ 2 and 31 to establish uniform standards and procedures for the issuance and use of disability plates and placards, which carry certain parking privileges under the laws of the Commonwealth, including M.G.L. c. 40, §§ 21 and 22A. Plates and placards are issued by the Medical Affairs Branch of the Registry of Motor Vehicles, to persons meeting the standards contained in 540 CMR 17.00 who, by reason of disability, need a plate or placard to minimize the distance to be traveled between the person's parked vehicle and ultimate destination, or to accommodate movement between the vehicle and a wheelchair or other assistive device.

#### 17.02: Definitions

As used in 540 CMR 17.00, the following terms shall have the meaning indicated:

Disability Plate or Plate is a registration number plate issued by the Registrar displaying the international symbol of access.

Disability Placard or Placard is a special parking identification permit referenced in M.G.L. c. 90, § 2, of such size and design as the Registrar shall require, to be used by the person to whom it is issued when traveling in a private passenger vehicle, a private passenger vehicle bearing a commercial registration, a pickup truck or a vehicle designed and used for the transportation of handicapped persons. A placard may be used while a vehicle is parked in a designated handicapped space from which the authorized user is entering or exiting, including immediate drop off or pick up.

Health Care Provider is a medical doctor, optometrist, osteopath, chiropractor, podiatrist, registered nurse, or physician assistant, who is licensed to practice in the Commonwealth of Massachusetts; provided that the Registrar may specify the appropriate type of health care provider to address the applicant's medical qualifications to receive disability plates or placards and hold a driver's license.

Immediate Drop Off or Pick-up means ten minutes.

Medical Affairs Branch is the Registry of Motor Vehicles' office which initially handles issues involving the medical qualification of applicants for driver's licenses and for disability plates or placards. The name of this office may be changed by the Registrar in his discretion.

Private Passenger Vehicle means a vehicle used for non-commercial purposes, and with a gross weight rating of 10,000 pounds or less.

#### 17.03: General Requirements and Eligibility Standards

(1) Choice of Plate or Placard. A person who satisfies the qualifications of 540 CMR 17.03(2) shall be entitled to either a plate or a placard. A person may choose to have a placard; but a plate shall be available only to a person who is a registered owner of the motor vehicle to which the plate is to be attached. The rights, privileges and obligations associated with a plate and a placard are the same. The Registrar may issue both a plate and a placard upon application and for good cause shown by the applicant.

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(2) Medical Standards. To qualify for a plate or a placard, the applicant must meet one or more of the following standards:

- (a) cannot walk 200 feet without stopping to rest, or cannot walk without the assistance of another person, prosthetic aid, or other assistive device, as a result of a described clinical diagnosis;
- (b) has a cardiovascular disease to the extent that his or her functional limitations are classified in severity as Class III or Class IV by the American Heart Association;
- (c) has a pulmonary disease to the extent that forced expiratory volume (FEV-1) in one second when measured by spirometry is less than one liter, or requires continuous oxygen therapy, or has an O<sub>2</sub> saturation level of 88% at rest or with minimal exertion even with supplemental oxygen;
- (d) is blind to the extent that his or her central visual acuity does not exceed 20/200 (Snellen) in the better eye, with corrective lenses, or has a visual acuity that is greater than 20/200 in the better eye but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20°;
- (e) has lost, or permanently lost the use of, one or more limbs.

(3) Medical Certification. The applicant's medical condition must be certified by a health care provider, by completion of the relevant sections of the prescribed application form. The health care provider shall also provide an opinion regarding the applicant's ability to safely operate a motor vehicle in light of the medical condition certified. If the medical certification contains insufficient information to enable the Registry reasonably to determine whether the medical qualifications have been satisfied, it may request supplemental medical documentation, but is under no obligation to do so.

(4) Effect on Driving Privileges. If the health care provider is unable to certify that the applicant is medically qualified to operate a motor vehicle safely, the Registry may require the applicant to successfully undergo a competency road skills test as a condition for retaining driving privileges. Applicants who qualify for a plate or placard as a result of a functional Class IV cardiac condition according to the standards set by the American Heart Association, legal blindness, an O<sub>2</sub> saturation level of 88% at rest or with minimal exertion even with supplemental oxygen, or any other medical condition that the Registry determines, based on an individual risk assessment, is likely to impede the safe operation of a motor vehicle, shall be required to surrender their license to operate. Upon surrender, such individuals shall have an opportunity for a hearing, at which time they may present further medical qualification testimony.

(5) Temporary Placards. If, in the opinion of the health care provider, the duration of the applicant's disability is at least two months but less than 24 months, the applicant shall be issued a Temporary Placard, with an expiration date coincident with the expected duration of the disability.

(6) Re-certification of Disability. The Registry may require a holder of a plate or placard to submit a re-certification of the person's disability by a health care provider at such intervals and in such form as the Registrar may determine.

### 17.04: Application Procedures

(1) An applicant for a plate or placard shall submit a completed application form prescribed by the Registrar, including the certification of a health care provider referenced in 540 CMR 17.03(3). The application must be received by the office of the Registry designated in the application instructions within 30 days of the date of the medical certification.

(2) If the applicant satisfies the requirements of 540 CMR 17.00, the Registry shall approve the application for a plate or placard, or Temporary Plate or Placard, or both as appropriate. The Registry will send the applicant a notice of approval of the plate or placard with instructions for its issuance and proper use, or the approved placard if all of the necessary supporting applicant information is already on file. The Registry shall use reasonable efforts to make a decision on an application within 30 days of its submission, but the failure of the Registry to act within such time period shall not constitute a decision on the application, nor be the basis for any claim against the Registry.

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(3) If the Registrar or his designee determines that the applicant has failed to satisfy the requirements of 540 CMR 17.00, the application shall be denied. The applicant shall be provided written notice of the denial, containing an explanation of the reason for the denial, the date of the denial, and a notice of appeal rights.

(4) If an applicant receiving a notice of denial has information which he or she believes is responsive to the reason for denial, the applicant may re-submit the application with the supplemental documentation for reconsideration by the Registry. If the resubmission occurs within 90 days of the date of the original medical professional certification, a new certification shall not be required. Any new medical documentation that is provided, however, must be dated within 30 days of the resubmission, must be on a medical information form provided by the Registry, or must be on the letterhead of the health care provider and signed by the medical professional.

### 17.05: Misuse of Plate or Placard

(1) The use of a disability placard, or the special parking privileges associated with a disability plate, is restricted to the person to whom the placard or plate has been issued. A placard may be used while a vehicle is parked in a designated handicapped space from which the authorized user is entering or exiting, including immediate drop off or pick up. No person shall use a Temporary disability placard after its expiration date.

(2) If, after affording a holder of a plate or placard an opportunity for a hearing, the Registrar determines that the plate or placard has been misused, the Registrar may suspend or revoke the placard or the special parking privileges associated with the plate. Unless the Registrar finds the existence of special mitigating or egregious circumstances, a first offense of misuse of a plate or placard shall result in a 60 day suspension. A subsequent offense of misuse of a plate or placard is grounds for revocation of the plate or placard and disqualification from future issuance of a new disability placard or plate.

(3) A person whose plate or placard is suspended or revoked shall immediately surrender the plate or placard to the Registry. Although any suspension or revocation shall be effective as of the date specified in the notice of suspension or revocation for purposes of prohibiting use of the special parking privileges associated with the placard or plate, no time shall be credited towards reducing the duration of suspension until the placard or plate has been surrendered to the Registry.

(4) The suspension of the special parking privileges associated with a disability plate shall not prevent the holder from obtaining another registration plate that is not a disability plate for use during the suspension period, provided the holder pays all of the usual fees related to the exchange of registration plates, and the holder is not otherwise ineligible for a certificate of registration.

(5) Any person who wrongfully displays or uses a placard or plate in violation of 540 CMR 17.05(1), shall be subject to a fine of \$500 for a first offense, and \$1,000 for a second or subsequent offense pursuant to M.G.L. c. 90, § 2. To prevent the improper use of placards and plates, the Registrar shall suspend the operator's license or right to operate of any person found to have violated the provisions of 540 CMR 17.05 relative to the wrongful use or display of a special handicapped plate or parking placard for a period of 30 days for a first offense, for a period of 90 days for a second offense and for a period of one year for a third or subsequent offense. Such suspension shall be in addition to any other penalty, fine suspension, revocation or requirement that may be imposed for such violation including, but not limited to, those applicable under M.G.L. c. 266, § 37E. The Registrar may revoke the plate or placard as issued to a person upon a finding that the person to whom the plate or placard was issued willingly and without coercion or duress authorized, permitted or allowed it to be used by another person.

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17.06: Procedure on Appeal

(1) Any person who is aggrieved by any ruling or decision of the Registrar, including the denial of an application for a disability plate or placard, or a suspension or revocation of a plate or placard, or a license or right to operate for misuse of a plate or placard, may appeal the ruling or decision to the Board of Appeal on Motor Vehicle Liability Policies and Bonds, pursuant to M.G.L. c. 90, § 28, within ten days of the ruling or decision.

(2) A person aggrieved by a decision of the Board of Appeal may seek further review under the provisions of M.G.L. c. 30A, § 14.

REGULATORY AUTHORITY

540 CMR 17.00: M.G.L. c. 90, §§ 2 and 31.