**South Carolina General Assembly**

118th Session, 2009-2010

**A24, R56, S126**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Sheheen and Elliott

Document Path: l:\council\bills\swb\5641cm09.docx

Introduced in the Senate on January 13, 2009

Introduced in the House on February 17, 2009

Last Amended on May 21, 2009

Passed by the General Assembly on May 21, 2009

Governor's Action: June 2, 2009, Signed

Summary: Special license tags

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2008 Senate Prefiled

 12/10/2008 Senate Referred to Committee on **Transportation**

 1/13/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑128

 1/13/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑128

 2/3/2009 Senate Committee report: Favorable **Transportation** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-03-09.docx)‑16

 2/11/2009 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-11-09.docx)‑32

 2/11/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-11-09.docx)‑32

 2/12/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-12-09.docx)‑11

 2/17/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-17-09.docx)‑6

 2/17/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-17-09.docx)‑7

 4/28/2009 House Committee report: Favorable with amendment **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-28-09.docx)‑3

 4/29/2009 Scrivener's error corrected

 4/29/2009 House Debate adjourned until Thursday, April 30, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑213

 4/30/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑23

 4/30/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑26

 4/30/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑26

 5/1/2009 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-01-09.docx)‑5

 5/12/2009 Senate House amendment amended [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-12-09.docx)‑50

 5/12/2009 Senate Returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-12-09.docx)‑50

 5/13/2009 Scrivener's error corrected

 5/14/2009 House Non‑concurrence in Senate amendment [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑51

 5/14/2009 House Roll call Yeas‑1 Nays‑104 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑52

 5/14/2009 Senate Senate insists upon amendment and conference committee appointed Verdin, Sheheen, and Campbell [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-14-09.docx)‑86

 5/19/2009 House Conference committee appointed Reps. Owens, Branham, and D.C. Smith [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-19-09.docx)‑6

 5/21/2009 House Free conference powers granted [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑17

 5/21/2009 House Free conference committee appointed Reps. Owens, Branham, and D.C. Smith [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑19

 5/21/2009 Senate Free conference powers granted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-21-09.docx)‑83

 5/21/2009 Senate Free conference committee appointed Verdin, Sheheen, and Campbell [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-21-09.docx)‑83

 5/21/2009 Senate Free conference report adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-21-09.docx)‑84

 5/21/2009 House Free conference report received and adopted [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑19

 5/21/2009 House Ordered enrolled for ratification [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑70

 5/27/2009 Ratified R 56

 6/2/2009 Signed By Governor

 6/11/2009 Effective date 12/02/09

 6/12/2009 Act No. 24

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p%3A%5Cpprever%5C2009-10%5C126_20081210.docx)

[2/3/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090203.docx)

[2/11/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090211.docx)

[4/28/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090428.docx)

[4/29/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090429.docx)

[4/30/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090430.docx)

[5/12/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090512.docx)

[5/13/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090513.docx)

[5/21/2009](file:///p%3A%5Cpprever%5C2009-10%5C126_20090521.docx)

(A24, R56, S126)

**AN ACT TO AMEND SECTION 56‑3‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56‑3‑1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56‑3‑1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56‑3‑1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56‑3‑2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56‑3‑1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSONS, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56‑3‑1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.**

Be it enacted by the General Assembly of the State of South Carolina:

**License plates for handicapped persons**

SECTION 1. Section 56‑3‑1910 of the 1976 Code is amended to read:

 “Section 56‑3‑1910. (A) As used in this article, ‘handicapped’ means a person who has one or more of the following conditions:

 (1) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;

 (2) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

 (3) a restriction by lung disease to the extent that the person’s forced 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;

 (4) requires use of portable oxygen;

 (5) 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 established by the American Heart Association. If the person’s status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;

 (6) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson’s disease, cerebral palsy, or multiple sclerosis; or

 (7) blindness.

 (B) Upon payment of the regular motor vehicle license fee, the department may issue a license plate with a special number or identification indicating that the license plate was issued to a person certified as permanently handicapped. A license plate issued pursuant to this section must be accompanied by a certification form completed by a licensed physician.

 (C)(1) The department must develop a standardized certification form designed to capture criteria related information relating to persons considered handicapped. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

 (2) All persons that have been issued a handicapped license plate as of the effective date of this section will be issued a certificate upon renewal of the license plate. To renew the plate and receive the certificate, the person must be certified as permanently handicapped as provided in this section. Failure to carry a certificate as required by this section by a person that has been issued a handicapped license plate as of the effective date of this section is not a violation of the provisions of this section until after the person renews his license plate.

 (D) Forms must be completed by physicians licensed to practice in South Carolina as defined in Section 40‑47‑5.

 (E) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who meets the requirements of this section if the vehicle is owned and titled in the name of the disabled person or in the name of a member of his immediate family.

 (F) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for the special license plate issued to the agency, organization, or facility. (G) When processing applications for special license plates pursuant to this section, the department also shall issue a license plate registration certificate that must be carried at all times in the vehicle driven by or transporting the disabled individual. The certificate must display the name of the individual or organization to which the plate was issued.

 (H) Vehicles displaying a special handicapped license plate only may park in designated handicapped parking spaces if that vehicle is driven by or transporting the disabled individual whose name appears on the license plate registration certificate, or if the certificate lists the name of the agency, organization, or facility authorized under subsection (G). The driver of the vehicle displaying the plate must present the registration when requested by law enforcement entities or their duly authorized agents.

 (I) A person who qualifies for a license plate under this section and also qualifies as a disabled veteran under Section 56‑3‑1110 must be issued the license plate provided for in this section free of charge.

 (J)(1) Except as provided in item (2), a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days for each offense.

 (2) A person who illegally duplicates, forges, or sells a handicapped license plate or a person who falsifies information on an application form for a handicapped license plate is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

**Definitions**

SECTION 2. Section 56‑3‑1950 of the 1976 Code is amended to read:

“Section 56‑3‑1950. As used in this article:

 (1) ‘Handicapped’ means a person as defined in Section 56‑3‑1910.

 (2) ‘Access aisle’ means a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for handicapped persons, on public or private property. Access aisles must be marked so as to discourage parking in them.”

**Temporary and permanent parking placards**

SECTION 3. Section 56‑3‑1960 of the 1976 Code is amended to read:

 “Section 56‑3‑1960. (A) A person who is ‘handicapped’ as defined in Section 56‑3‑1910 may apply to the department for issuance of a temporary or permanent placard. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the application is accompanied by a certificate from a licensed physician that certifies that the individual is handicapped and whether the handicap is temporary or permanent. The placards must indicate that the person is qualified to use reserved handicapped parking spaces. Applications for placards must be processed through and issued by the department’s headquarters. Only one placard may be issued to an applicant. The certification procedure shall adhere to the requirements set forth in Section 56‑3‑1910. In conjunction with the issuance of a placard, applicants also must be issued a placard registration certificate that must be carried at all times in the vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard was issued. A placard only can be displayed on a vehicle driven by or transporting the disabled individual whose name appears on the placard registration certificate. The department shall charge a fee of one dollar for a placard. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard for each vehicle registered upon proper application and the payment of the appropriate fees.

 (B) The placards authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for placards issued to an agency, organization, or facility. At the time of qualification, applicants qualifying for a placard under this section also must be issued a placard registration certificate that must be carried at all times in the vehicle transporting handicapped or disabled individuals. The certificate will display the name of the agency, organization, or facility to which the placard was issued.

 (C) The placards shall conform to specifications set forth in the standards established for compliance with the Americans with Disabilities Act. The design must incorporate a means for hanging the placard from a vehicle windshield rearview mirror, and:

 (1) contain the International Symbol of Access;

 (2) be color coded to reflect user status in the following manner:

 (a) dark blue ‑ permanently disabled; and

 (b) red ‑ temporarily disabled.

 (D) Blue and red placards shall contain the qualified user’s photograph. The photograph must be taken from the qualified user’s driver’s license or identification card on file with the department. However, a photograph is not required for a placard issued to an agency, organization, or facility.

 (E) Each placard shall contain the placard’s expiration date.

 (F) When qualified users park in designated spaces, the placard must be displayed in the windshield of the vehicle by hanging it from the rearview mirror. In vehicles in which hanging may not be feasible, the placard must be placed on the side of the dashboard so that it is clearly visible through the windshield. When more than one placard holder is transported in the same vehicle, only one placard needs to be displayed.

 (G) Placards used for parking in designated handicapped spaces must be displayed on vehicles driven by or transporting the handicapped individual whose name appears on the placard registration certificate. When parked in designated spaces, the driver of the vehicle displaying the placard must present the placard registration certificate when requested by law enforcement entities or their duly authorized agents.

 (H) Placards and placard registration certificates for permanently disabled persons may be issued and renewed for a maximum period of four years and are renewable on the owner’s birth date. Placards issued to an agency, organization, or facility must be renewed every four years.

 (I) A vehicle displaying a valid out‑of‑state handicapped license plate or placard or other evidence of handicap issued by the appropriate authority as determined by the department is entitled to the parking privileges provided in this section. Handicapped individuals from other states seeking permanent residence in South Carolina have forty‑five days after becoming a resident to obtain South Carolina certification.

 (J) Placards issued prior to the effective date of this section must be renewed by the expiration date on the placard or by January 1, 2013, whichever is sooner. To renew the placard and receive the certificate, the person must be certified as permanently handicapped as provided in Section 56‑3‑1910. Upon renewal, the department will issue a certificate as required by this section. Failure to carry a certificate as required by this section by a person using a placard issued prior to the effective date of this section is not a violation of the provisions of this section until after the placard is renewed or January 1, 2013, whichever is sooner.

 (K)(1) Except as provided in item (2), a person that violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for each offense.

 (2) A person who illegally duplicates, forges, or sells a handicapped placard or a person who falsifies information on an application form for a handicapped placard is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

**Free parking in metered or timed parking places for handicapped persons**

SECTION 4. Section 56‑3‑1965 of the 1976 Code is amended to read:

 “Section 56‑3‑1965. Those municipalities having marked parking spaces shall provide appropriately designated space or spaces reserved for the parking of handicapped persons. A person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section does not apply to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or to areas which are reserved for special types of vehicles. A vehicle must display a distinguishing license plate which must be issued by the department, or a distinguishing placard which must be issued by the department, pursuant to Section 56‑3‑1960 when parked in metered or timed parking places.”

**International Symbol of Access decals**

SECTION 5. Section 56‑3‑2010 of the 1976 Code is amended by adding at the end:

 “(C) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56‑3‑1910, then the license plate issued pursuant to this section also shall include a decal with the International Symbol of Access used on license plates issued pursuant to Section 56‑3‑1910. The decal only can be used if space is available to place the decal on the license plate without covering any identifying numbers or letters on the license plate.”

**Parking places designated for handicapped persons**

SECTION 6. Section 56‑3‑1970 of the 1976 Code is amended to read:

 “Section 56‑3‑1970. (A) It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56‑3‑1960.

 (B) It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Sections 56‑3‑1910, 56‑3‑1960, and 56‑3‑1965.

 (C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days for each offense.”

**Access aisles included in handicapped parking places**

SECTION 7. Section 56‑3‑1975 of the 1976 Code is amended to read:

 “Section 56‑3‑1975. Each handicapped parking place must be clearly identified as a handicapped parking place. The handicapped parking place includes all access aisles. If the handicapped parking place is on public property, the marker must be maintained by the political subdivision having jurisdiction over the public property or the street or highway where the handicapped parking place is located. If the handicapped parking place is on private property, the marker must be maintained by the owner of the property.”

**Time effective**

SECTION 8. This act takes effect six months after approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

\_\_\_\_\_\_\_\_\_\_