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Sponsors: Senator L. Martin

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Summary: State Building Code

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[5/2/2013](file:///p:\pprever\2013-14\676_20130502.docx)

**A** **BILL**

TO AMEND SECTION 56‑3‑1910 OF THE 1976 CODE, RELATING TO LICENSE PLATES FOR HANDICAPPED PERSONS, TO PROVIDE FOR THE ISSUANCE OF A “WHEELCHAIR USER” DECAL WITH A LICENSE PLATE ISSUED TO A PERSON CERTIFIED AS PERMANENTLY HANDICAPPED AND WHO USES A WHEELCHAIR OR SIMILAR LOW-POWERED MOTORIZED OR MECHANICALLY PROPELLED VEHICLE DESIGNED SPECIFICALLY FOR USE BY A PERSON WITH A PHYSICAL DISABILITY; TO AMEND SECTION 56‑3‑1960, RELATING TO HANDICAPPED PARKING PLACARDS, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE A “WHEELCHAIR USER” PLACARD OR DECAL IF THE PERSON USES A WHEELCHAIR OR SIMILAR LOW-POWERED MOTORIZED OR MECHANICALLY PROPELLED VEHICLE DESIGNED SPECIFICALLY FOR USE BY A PERSON WITH A PHYSICAL DISABILITY THAT WILL PERMIT A HOLDER OF A “WHEELCHAIR USER” PLACARD OR DECAL TO PARK IN DESIGNATED “WHEELCHAIR USER ONLY” PARKING SPACES, AND TO PROVIDE FOR THE PRESENTATION AND EXPIRATION OF A “WHEELCHAIR USER” PLACARD OR DECAL; AND TO AMEND CHAPTER 34, TITLE 1, RELATING TO NATIONAL BUILDING CODES, BY ADDING SECTION 1-34-80, TO PROVIDE THAT NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN THE STATE BUILDING CODE, THE STATE BUILDING CODE SHALL REQUIRE A NUMBER OF ACCESSIBLE PARKING SPACES FOR “WHEELCHAIR USER” PLACARD OR DECAL HOLDERS TO BE PROVIDED FOR ALL BUILDINGS AND FACILITIES SUBJECT TO THE STATE BUILDING CODE, INCLUDING, BUT NOT LIMITED TO, PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES, GOVERNMENT BUILDINGS, AND PRIVATE ENTITIES, AND TO PROVIDE THAT THE SPACES BE APPROPRIATELY SIGNED.

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

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)(1) 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.

(2) The department may issue a license plate decal with a ‘Wheelchair User’ designation indicating that the license plate was issued to a person certified as permanently handicapped and who uses a wheelchair or similar low‑powered motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

(3) 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). Vehicles displaying a license plate decal with a ‘Wheelchair User’ designation may park in designated ‘Wheelchair User Only’ parking spaces or 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 decal or a person who falsifies information on an application form for a handicapped license plate or decal 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.”

SECTION 2. 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, or ‘Wheelchair User’ placard or decal. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. A person may be issued a ‘Wheelchair User’ placard or decal if the person uses a wheelchair or similar low‑powered motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability. No applicant may be denied a placard or decal 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 or decals must indicate that the person is qualified to use reserved handicapped or ‘Wheelchair User Only’ parking spaces. Applications for placards or decals must be processed through and issued by the department’s headquarters. Only one placard or decal 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 or decal, applicants also must be issued a placard or decal registration certificate that must be carried at all times in ~~the~~ any vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard or decal was issued. A placard or decal only can be displayed on ~~a~~ any vehicle driven by or transporting the disabled individual whose name appears on the placard or decal registration certificate. The department shall charge a fee of one dollar for a placard or decal. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard or decal for each vehicle registered upon proper application and the payment of the appropriate fees.

(B) The placards or decals 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 or decal under this section also must be issued a placard or decal 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 or decal 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)(1) The department shall determine the form, size, and content of the ‘Wheelchair User’ placard or decal and the department shall require that the placard or decal contain the words ‘Wheelchair User’ and have an expiration date that is visible from outside the vehicle when the placard or decal is displayed on or in the vehicle.

(2) The department shall determine how a person may qualify for a ‘Wheelchair User’ placard or decal under this section.

(3) Applicants for a ‘Wheelchair User’ placard or decal under this section must have a driver’s license or identification card issued by the department.

~~(F)~~(G) When qualified users park in designated spaces, the placard or decal 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 or decal must be placed on the side of the dashboard so that it is clearly visible through the windshield. When more than one placard or decal holder is transported in the same vehicle, only one placard or decal needs to be displayed.

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

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

~~(I)~~(J) 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)~~(K) Placards or decals issued prior to the effective date of this section must be renewed by the expiration date on the placard or decal or by January 1, 2013, whichever is sooner. To renew the placard or decal and receive the certificate, the person must be certified as permanently handicapped as provided in Section 56‑3‑1910 or a qualified ‘Wheelchair User’ as determined by the department. 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 or decal issued prior to the effective date of this section is not a violation of the provisions of this section until after the placard or decal is renewed or January 1, 2013, whichever is sooner.

~~(K)~~(L)(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 or ‘Wheelchair User’ placard or decal or a person who falsifies information on an application form for a handicapped or ‘Wheelchair User’ placard or decal 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.”

SECTION 3. Chapter 34, Title 1 of the 1976 Code is amended by adding:

“Section 1‑34‑80. (A) Notwithstanding any provision to the contrary in the state building code, a number of accessible parking spaces for ‘Wheelchair User’ placard or decal holders as specified in subsection (B) shall be provided for all buildings and facilities subject to the state building code, including, but not limited to, public accommodations and commercial facilities, government buildings, and private entities. The spaces shall be signed as required in subsection (B) of this section.

(B)(1) In addition to the requirements for accessible parking spots provided in the nationally recognized code adopted by this State, one in every six accessible spaces, but not less than one, shall be reserved for holders of a ‘Wheelchair User’ placard or decal issued by the Department of Motor Vehicles pursuant to Section 56‑3‑1910 and Section 56‑3‑1960.

(2) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access, and shall read ‘Wheelchair User Only’ to indicate that the spaces are reserved for persons with a ‘Wheelchair User’ placard or decal.

(C) Accessible parking spaces reserved for ‘Wheelchair User Only’ shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.”

SECTION 4. This act takes effect upon approval by the Governor.

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