

No. 1986-51

AN ACT

SB 336

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing requirements for handicapped plates and placards; changing handicapped parking provisions; further regulating ambulance warning systems; providing for costs to municipalities for an Accelerated Rehabilitative Disposition; and adding penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1338, 1342, 3105(c), 3354, 3731(e)(6) and (8) and 4571(e) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1338. Handicapped plate and placard.

(a) Handicapped plate.—On the application of any person who:

(1) does not have full use of a leg or both legs **[or an arm or both arms]**, *as evidenced by the use of a wheelchair, walker, crutches, quad cane or other such device;*

(2) is blind;

(3) **[is in loco parentis of a person specified in paragraph (1) or (2); or**

(4)] is physically limited by a cardiopulmonary condition, *such as severe emphysema or chronic bronchitis*, restricting substantially his movements; or

(4) is a parent or a person in loco parentis of a person specified in paragraph (1), (2) or (3);

the department shall issue a special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a handicapped person. Special plates for handicapped persons may also be issued for vehicles operated exclusively for the use and benefit of handicapped persons.

(b) Handicapped parking placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a handicapped person. Such placard shall be prominently displayed on the right front dash of the vehicle when it is in use for the transportation of such person. *Placards may also be issued for use in vehicles when operated for the use and benefit of handicapped persons.*

(c) *Physician's statement.*—

(1) Any person applying for a special plate or parking placard for handicapped persons must present a statement, certified by a physician licensed to practice in this Commonwealth, that the handicapped person is handicapped as provided in subsection (a).

(2) *Any person applying for a renewal of registration of a special plate for handicapped persons must comply with this subsection. Once a handicapped person has been duly certified by a physician as being handicapped, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for handicapped persons. A person who was issued a handicapped plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.*

(3) *In lieu of a physician's statement, a person applying for a special plate or parking placard may present a statement from a police officer certifying that the person does not have full use of a leg, or both legs, or is blind.*

(4) *The department shall phase out existing handicapped placards as soon as practicable and issue a new series to persons who comply with this section.*

(d) *Penalty.—Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.*

§ 1342. Veteran plates and placard.

(a) **[Disabled]** *Severely disabled* veteran plate.—On the application of a **[totally disabled]** veteran[,], whose *service-connected* disability is certified at 100% by the United States Veterans' Administration **[as service-connected]** or who has a *service-connected disability of the type enumerated in section 1338 (relating to handicapped plate and placard)*, the department shall issue a special registration plate designating the vehicle as belonging to a **[totally disabled]** *severely disabled* veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, **[and]** shall have the words, "disabled veteran," in at least ten-point bold type, inscribed in red at the bottom of the plate, *and shall include the international symbol for handicapped access.* **[The]** *Only one* special registration plate *shall be issued to a veteran under this section.* It may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

(b) **[Disabled]** *Severely disabled* veteran placard.—On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a **[disabled]** *severely disabled* veteran. Such placard shall be prominently displayed on the right front dash of the vehicle when it is in use for the transportation of such **[disabled]** *severely disabled* veteran.

(c) *Disabled veteran plates.—On the application of any veteran having a disability certified by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department*

may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to a veteran under this section. It may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

[(c)] (d) Prisoner of war plate.—On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. The special registration plate may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.

(e) Documentation of eligibility.—*The department may require current holders of disabled veteran registration plates and placards to provide documentation of their eligibility under this section where current documentation is not sufficient.*

§ 3105. Drivers of emergency vehicles.

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(c) Audible and visual signals required.—The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals. *An ambulance which is transporting a patient may use either the lights or the audible warning system, or both, as determined by the driver of the ambulance.*

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§ 3354. Additional parking regulations.

(a) Two-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.—Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking.—Local authorities may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering

with the free movement of traffic, except that on a State-designated highway prior approval of the department shall also be obtained.

(d) Handicapped persons and disabled veterans.—

(1) When a motor vehicle bearing **[registration plates or displaying a placard issued to handicapped persons or disabled veterans as prescribed in this title is being operated by or for the transportation of the handicapped person or disabled veteran,]** *a handicapped or severely disabled veteran plate or displaying a handicapped or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the handicapped person or severely disabled veteran,* the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of any handicapped person or **[disabled]** *severely disabled* veteran, local authorities may erect on the highway as close as possible to their place of residence a sign or signs indicating that that place is reserved for **[a]** *the* handicapped person or **[disabled]** *severely disabled* veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine.

(3) **[Except for persons parking vehicles lawfully bearing registration plates or parking placards issued to handicapped persons or disabled veterans]** *Except for persons parking vehicles lawfully bearing a handicapped or severely disabled veteran registration plate or displaying a handicapped or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a handicapped person or a severely disabled veteran,* no person shall park a vehicle on public or private property reserved for a handicapped person or **[disabled]** *severely disabled* veteran which property has been so posted in accordance with departmental regulations.

(e) Unauthorized use.—*An operator of a vehicle bearing a handicapped or severely disabled veteran plate or displaying a handicapped or severely disabled veteran parking placard shall not make use of the parking privileges accorded to handicapped persons and severely disabled veterans under subsection (d)(3) unless the operator is handicapped or a severely disabled veteran or unless the vehicle is being operated for the transportation of a handicapped person or severely disabled veteran.*

[(e)] (f) Penalty.—Any person violating subsection (a), (b) or **[(d)] (d)(1)** is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. *Any person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$15 nor more than \$50.*

§ 3731. Driving under influence of alcohol or controlled substance.

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(e) Penalty.—

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(6) Any person who accepts Accelerated Rehabilitative Disposition of any charge brought under this section shall accept as conditions the imposition of and the judge shall impose in addition to any other conditions all of the following:

- (i) A fee to cover the costs referred to in section 1548(e) (relating to costs).
- (ii) A mandatory suspension of operating privilege for a period of not less than one month but not more than 12 months.
- (iii) A condition that the defendant, as a condition to entering the program, make restitution to any person who incurred determinable financial loss as a result of the defendant's actions which resulted in a charge of violating this section.
- (iv) Court supervision for any defendant required to make restitution or submit to counseling or treatment.
- (v) Court supervision for a period of not less than six months when the Court Reporting Network indicates that counseling or treatment is not necessary and not less than 12 months when the Court Reporting Network indicates that counseling or treatment is in order.
- (vi) *A fee to cover the reasonable costs, if any, of a municipal corporation in connection with a charge brought under this section which results in Accelerated Rehabilitative Disposition.*

* * *

(8) With the exception of program costs referred to in section 1548(e) or any restitution referred to in this section, *and with the exception of any fees imposed pursuant to paragraph (6)(vi) which shall be distributed to the affected municipal corporation*, any fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this section shall be distributed as provided for in 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.).

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§ 4571. Visual and audible signals on emergency vehicles.

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(e) Authorized period of use.—The lights and warning systems specified by this section may be used only during an emergency or in the interest of public safety and by police officers in enforcement of the law. *An ambulance which is transporting a patient may use either the lights or the audible warning system, or both, as determined by the driver of the ambulance.*

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Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of May, A. D. 1986.

DICK THORNBURGH