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D.C. LAW 4-94

DISABLED PARKING PRIVILEGES ACT OF 1981

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 3, 1982

To amend Title 18 of the District of Columbia Municipal Regulations to authorize the Mayor to issue special parking permits which would give disabled residents who are unable to drive a motor vehicle the same parking privileges as disabled drivers presently have, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Disabled Parking Privileges Act of 1981".

Sec. 2. Section 2410 of Title 18 of the District of Columbia Municipal Regulations is amended to read as follows:

"2410.1 A disabled resident of the District of Columbia may apply to the Director to obtain the privileges granted under this section if the individual:

"(a) Has permanently lost the use of one or both legs;

"(b) Is so severely disabled as to be unable to walk without the aid of a mechanical device or is confined to a wheelchair;

"(c) Suffers from any respiratory disease or ailment to the extent that either the individual's Forced (Respiratory) Expiratory Volume in one second (EFV 1.0) or the individual's Forced Vital Capacity (FVC), or both, when measured in liters by a spirometer, are less than fifty-five percent (55%) of the predicted normal values for the individual's sex, age, and height, as set forth in tables 2-5 on pages 69-72 of the American Medical Association Committee on Rating of Mental and Physical Impairment 'Guides to the Evaluation of Permanent Impairment,' Ch 4 (1971 ed.);

"(d) Has a physical disability, as certified by a licensed physician and determined by the Director, which is permanent, which substantially impairs the individual's mobility, and which is so severe that the applicant would endure a hardship or be subject to a risk of injury if the privileges granted under this section were denied; or

"(e) Has a physical disability, as certified by a licensed physician and determined by the Director, which is not permanent, but which substantially impairs the individual's mobility for no less than five (5) weeks, and which is so severe that the individual would endure a hardship or be subject to a risk of injury if the privileges granted under this section were denied.

"2410.2 The Director shall issue to an operator and owner of a motor vehicle who satisfies the requirements in paragraphs (a), (b), (c), and (d) of subsection 2410.1 a special license tag which displays the universal handicap symbol.

"2410.3 The Director shall issue to an individual who does not drive and who satisfies the requirements in subsection 2410.1 a special parking permit. The special parking permit shall be displayed in the lower right hand portion of the windshield of the motor vehicle which is transporting the permit holder so that the special permit is clearly visible from outside the motor vehicle.

"2410.4 Individuals issued special license tags or special parking permits pursuant to this section may park, without cost, a motor vehicle for unlimited time periods in parking zones which are restricted as to the length of time parking is permitted.

"2410.5 This privilege shall not apply to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited, or which are reserved for special types of vehicles.

"2410.6 As a condition to this privilege, the disabled individual must be in the motor vehicle displaying a special license tag or special parking permit when that motor vehicle is driven into or out of the parking space.

"2410.7 The special parking permit or special license tag shall be renewed annually by the disabled individual.

"2410.8 The special parking permit or special license tag shall be issued by the Mayor or his designated agent upon presentation of a valid written application accompanied by medical certification confirming that the applicant's physical handicap qualifies the applicant to receive the special privileges granted under provisions of this section.

"2410.9 The issuance of the permit shall involve no fee over and above the annual fee required to maintain a driver's license and motor vehicle registration.

"2410.10 Loss or theft of the permit or tag shall be reported to the Director and to the police precinct in which the loss or theft occurred. The disabled individual shall give similar notice if the permit is recovered.

"2410.11 Any driver holding a valid special parking permit for the physically disabled, or its equivalent, issued by any State, Territory, or Possession of the United States may be granted the special parking privilege established by this section; Provided, that the respective jurisdiction extends special parking privileges to residents of the District of Columbia who have been issued special parking permits or special license tags under this section which are deemed equivalent by the Director.

"2410.12 Any person who willfully and falsely commits any of the following acts shall be considered in violation of this section.

"(a) Represents himself or any other person as having the physical handicap necessary to qualify for a special parking permit or special license tag;

"(b) Certifies another person as having the physical handicap necessary to qualify for a special parking permit or special license tag; or

"(c) Utilizes a special parking permit or special license tag not issued to that person to obtain the special parking privileges enumerated in subsection 2410.1, or allows another to use his or her permit or tag for such purpose when the disabled individual is not in the motor vehicle when the motor vehicle is driven into or out of the parking space.

"2410.13 The Director is authorized to revoke the special parking permit or special license tag of any individual found to be in violation of this section, and, upon written notification of such revocation, the individual shall surrender the special permit or special license tag to the Director pursuant to the provisions of the District of Columbia Traffic Adjudication Act.

"2410.14 Failure, when so requested, to surrender a special parking permit or special license tag so revoked shall constitute a violation of this section.

"2410.15 Any person who shall violate any provision of this section shall, upon determination of liability for the violation, be subject to a fine of one hundred (100) dollars pursuant to the procedures of the District of Columbia Traffic Adjudication Act."

Sec. 3. The District of Columbia government shall set aside at least one off-street or on-street parking space for the exclusive use of individuals issued special license tags or special parking permits pursuant to section 2 at each building owned or operated by the District of Columbia government.

Sec. 4. This act shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

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Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-298 on first and second readings, December 8, 1981 and January 12, 1982, respectively. Following the signature of the Mayor on February 9, 1982, this legislation was assigned Act No. 4-152, published in the February 19, 1982 edition of the D.C. Register, (Vol. 29 page 751) and transmitted to Congress on February 16, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-94, effective April 3, 1982.