



SENATE BILL 61: Handicapped & Various Other License Plates.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	July 23, 2019
Introduced by:	Sens. J. Davis, McInnis, J. Jackson	Prepared by:	Wendy Ray
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 61 would authorize the Division of Motor Vehicles to issue a handicapped license plate to a vehicle owner who is the parent or legal guardian of a handicapped person. The bill also includes the contents of House Bill 449,¹ as passed by the House on April 16, which authorizes the Division of Motor Vehicles to produce four new special registration plates for which the organizations requesting the plates have completed the statutory plate development process.*

SECTIONS 1& 2: GUARDIAN/PARENT AUTHORIZED PLATE

CURRENT LAW: G.S. 20-37.6 provides for parking privileges for handicapped² drivers and passengers who have applied for and obtained from the Division of Motor Vehicles a handicapped windshield placard or registration plate. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a handicapped placard or plate is authorized to park in spaces designated as handicapped spaces.

If the handicapped person is a registered owner of a vehicle, he or she may apply for a distinguishing plate. A handicapped person who is not the owner of a vehicle may apply for a removable windshield placard. An initial application for a plate or a placard must be accompanied by certification from a medical professional that the applicant is handicapped.

Handicapped plates must be renewed annually but do not require medical recertification. Placards must be renewed every five years and require medical recertification that the applicant is handicapped, unless the applicant has been certified as totally and permanently disabled or is over the age of 80 at the time of the placard's expiration.

BILL ANALYSIS: Sections 1 and 2 of the bill would authorize the Division of Motor Vehicles to issue a handicapped plate to a vehicle owner who is the parent or legal guardian of a handicapped person. Currently, an owner who is not handicapped but regularly cares for a handicapped person would only have the option of applying for a removable placard for that individual.

These sections would allow a vehicle owner to apply for the plate by certifying that he or she is the parent or guardian of a handicapped person, as well as providing medical certification for the handicapped individual. Guardian is defined in the bill as a person who has been awarded legal custody of a juvenile by a court under Chapter 7B, or a guardian appointed for the purpose of performing duties related to the care, custody, and control of a ward under Chapter 35A.

¹ The Senate removed 3 of the 4 plates from House Bill 449, and the House did not concur in the Senate Committee Substitute.

² The statutory definition of "handicapped" appears at the end of this Bill Analysis.

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A plate issued to the parent or guardian of a handicapped person would be renewed annually, and recertification would be required every five years.

These sections would also make clear that a person operating a vehicle with a handicapped plate is not entitled to park in a handicapped space when a handicapped person is not a driver or passenger in the vehicle.

SECTIONS 3-7: AUTHORIZE NEW SPECIAL REGISTRATION PLATES

CURRENT LAW: North Carolina offers a number of special registration plates. Upon application and payment of the required registration fees, a person may obtain from the Division of Motor Vehicles a special registration plate for a motor vehicle registered in that person's name if the person qualifies for the plate. The issuance of most authorized plates is contingent upon the receipt by the Division of at least 300 applications for the particular plate, or 500 applications for full-color background plates.

As a general rule, the fee for a special registration plate is the regular vehicle registration fee plus a \$10 special registration plate fee. The \$10 special registration plate fee is credited to the Special Registration Plate Account. After deducting the cost of the plates from this account, \$1.3 million is appropriated to provide operating assistance for Visitor Centers. The remaining revenue in the account is transferred quarterly to the Department of Transportation for highway beautification (50%) and the Highway Fund for the Roadside Vegetation Management Program (50%). The cost of some special plates includes a fee in addition to the \$10 special registration plate fee. In those instances, the first \$10 goes to the special registration plate fund and the remainder is transferred quarterly to designated beneficiaries.

In 2014, the General Assembly enacted legislation creating a [development process for special registration plates](#), which requires the organization desiring the plate to submit the required number of paid applications to the Division before legislation is introduced to authorize the plate. Once legislation has passed, the organization must submit the final artwork and list of paid applicants to the Division within 60 days, or the authorization expires.

BILL ANALYSIS: Sections 3-7 of the bill would authorize the Division to produce four new special registration plates as follows:

- ALS Research - A First in Flight plate with a picture of a baseball and the phrase "Cure ALS". The fee would be \$30, with \$20 going to The ALS Association of North Carolina Chapter to support ALS research.
- A Pet Is Family – A First in Flight plate with a picture of a paw print and the phrase "My Pet Is Family". The fee would be \$15, with \$5 going to The Sergei Foundation, Inc. to further its mission of saving companion pets' lives by coordinating care for sick and injured dogs and cats and providing families with resources to obtain life-saving veterinary care.
- Keeping The Lights On – A full color background plate with a background of mountains to the coast and a picture of a line worker on a utility pole and the phrase "Keeping The Lights On". The fee would be \$30, with \$20 going to the UNC Jaycee Burn Center.
- Wrightsville Beach – A First in Flight plate with the Town of Wrightsville Beach logo and the suffix WB after the assigned characters. The fee would be \$20, with \$10 going to the Town of Wrightsville Beach to help fund the Town's continuing efforts to maintain and improve recreational opportunities for residents and visitors of Wrightsville Beach.

Each of the organizations requesting these plates has completed the requirements of the plate development process, including submitting the required number of paid applications for the plate, as reported by the Division of Motor Vehicles.

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EFFECTIVE DATE: The act would become effective March 1, 2020.

Trina Griffin, counsel to House Finance, contributed to this summary.

§ 20-37.5. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Article to the defined words and phrases and their cognates:

- ...
- (2) "Handicapped" shall mean a person with a mobility impairment who, as determined by a licensed physician:
- a. Cannot walk 200 feet without stopping to rest;
 - b. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
 - c. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume of one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
 - d. Uses portable oxygen;
 - e. Has 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 set by the American Heart Association;
 - f. Is severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition; or
 - g. Is totally blind or whose vision with glasses is so defective as to prevent the performance of ordinary activity for which eyesight is essential, as certified by a licensed ophthalmologist, optometrist, or the Division of Services for the Blind.
- ...