

39:4-204 - 39:4-207.1

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-204 - 39:4-207.1 (Handicapped--Motor vehicle ID cards--to be issued by Div. of Motor Vehicles)

LAWS 1981 CHAPTER 36

Bill No. A1395

Sponsor(s) McManimon and others

Date Introduced April 14, 1980

Committee: Assembly Institutions, Health and Welfare, Transportation and Communication

Senate Law, Public Safety and Defense

Amended during passage Yes No Amendments during passage denoted by asterisks

Date of Passage: Assembly July 28, 1980

Senate Nov. 24, 1980

Date of approval Feb. 12, 1981

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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ASSEMBLY, No. 1395

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblymen McMANIMON, STOCKMAN, ZANGARI
and McENROE

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act concerning motor vehicles, and supplementing Title 39 of the Revised Statutes," approved May 28, 1949 (P. L. 1949, c. 280).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 1 of P. L. 1949, c. 280 (C. 39:4-204) is amended to read
2 as follows:

3 1. The [word "amputee"] term "handicapped person" as em-
4 ployed herein shall include any person[, male or female,] who has
5 [sustained an amputation of either or both legs, or of parts of
6 either or both legs, or of either or both arms, or parts of either or
7 both arms, or who has been otherwise disabled in any manner
8 rendering it difficult and burdensome for him to walk] *lost the use*
9 *of one or more limbs as a consequence of paralysis, amputation, or*
10 *other permanent disability or who is permanently disabled as to be*
11 *unable to ambulate without the aid of an assisting device or whose*
12 *mobility is otherwise limited as certified by a physician with a*
13 *plenary license to practice medicine and surgery in this State or*
14 *bordering state.*

1 2. Section 2 of P. L. 1949, c. 280 (C. 39:4-205) is amended to read
2 as follows:

3 2. The Director of the Division of Motor Vehicles in the Depart-
4 ment of Law and Public Safety shall issue, at the expense of the
5 State of New Jersey, [special vehicle] *handicapped person* identifi-
6 cation cards upon the application of qualifying [amputees] *handi-*
7 *capped persons*, as heretofore defined, and after due investigation
8 of the qualifying status of each applicant. Said card shall, amongst
9 other things, identify the [amputee] *handicapped person* and the
10 *registration number of the vehicle [owned or operated by him,]*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11 *for which any wheelchair symbol license plates have been issued*
 12 *under the provisions of section 3 of this act and shall state that*
 13 *he is [an amputee] a handicapped person validly qualified here-*
 14 *under to receive such card, [that the card shall be returned to the*
 15 *Director of the Division of Motor Vehicles upon the surrender of*
 16 *State vehicle registration plates,] that said card is for the exclusive*
 17 *use of the person to whom it has been duly issued, is nontransferable*
 18 *and will be forfeited if presented by any other person, and that any*
 19 *abuse of any privilege, benefit, precedence or consideration granted*
 20 *to any person to whom such card may be issued will be sufficient*
 21 *cause for revocation of said card, corresponding windshield placard*
 22 *and wheelchair symbol license plates, and the same may be forfeited*
 23 *or revoked accordingly, and in the absence of any such forfeiture or*
 24 *revocation said card shall be [renewable annually by the Director*
 25 *of the Division of Motor Vehicles at the time fixed for the annual*
 26 *registration of vehicles] valid indefinitely.*

1 3. Section 3 of P. L. 1949, c. 280 (C. 39:4-206) is amended to
 2 read as follows:

3 3. The director shall issue to such applicant, also, a [certificate]
 4 placard of such size and design as shall be determined by the
 5 director *in consultation with the Division of Vocational Rehabilita-*
 6 *tion Services in the Department of Labor and Industry, indicating*
 7 *that a [special vehicle] handicapped person identification card has*
 8 *been issued [for] to the [motor vehicle] person designated therein,*
 9 *which shall be [pasted] displayed in such manner as the director*
 10 *shall determine on [the lower right-hand corner of the windshield*
 11 *of] the motor vehicle [for which it is issued, and metal insignia or*
 12 *marker or both of such design as shall be determined by the*
 13 *director which shall be attached to the license plate or plates of the*
 14 *motor vehicle for which such identification card and certificate have*
 15 *been issued] used to transport the handicapped person when the*
 16 *vehicle is parked overtime or in special parking places established*
 17 *for use by handicapped persons.*

18 ****[The fee for the issuance of such placard shall be \$2.00.]****

19 *Notwithstanding any provision of this act to the contrary, the*
 20 *chief of police of each municipality in this State **[may]***
 21 ***shall** issue to any person who has temporarily lost the use of*
 22 *one or more limbs or is temporarily disabled as to be unable to*
 23-24 *ambulate without the aid of an assisting device or whose mobility*
 25 *is otherwise temporarily limited as certified by a physician with a*
 26 *plenary license to practice medicine and surgery in this State or a*
 27 *bordering state, a temporary placard of not more than 6 months*
 28 *duration. The placard may, however, be renewed *one time* at*

29 *the discretion of the issuing authority *for a period of not more*
 30 *than 6 months duration*. The placard shall be displayed on the*
 31 *motor vehicle used by the temporarily handicapped person within*
 32 *the respective municipality, when the vehicle is parked overtime*
 33 *or in special parking places established for use by handicapped*
 33A *persons.*

33B *The fee for the issuance of such **temporary or permanent***
 33C *placard **issued pursuant to this section** shall be **[\$5.00]***
 33D ***\$4.00** and payable to the *[chief of police of each]* **[*issu-*
 33E *ing* municipality]** **Director of the Division of Motor*
 33F *Vehicles**.*

34 **[In lieu of the metal insignia or marker, the]** *The director may,*
 35 *in addition, issue license plates bearing the national wheelchair*
 36 *symbol [which shall be attached to the motor vehicle for which such*
 37 *identification card and certificate have been issued] for not more*
 38 *than two motor vehicles owned, operated or leased by a handicapped*
 39 *person or by any person furnishing transportation on his behalf.*

40 *The fee for the issuance of such plates shall be \$10.00 for each*
 41 *vehicle.*

1 4. Section 4 of P. L. 1949, c. 280 (C. 39:4-207) is amended to
 2 read as follows:

3 4. No penalty shall be imposed for the parking overtime of any
 4 motor vehicle [for which a special vehicle identification card has
 5 been issued under this act and] which [bears upon its windshield
 6 a certificate] *has displayed thereon a placard or wheelchair symbol*
 7 *license plates issued pursuant to the provisions of this act under any*
 8 *law or municipal ordinance now in effect or hereafter enacted*
 9 *unless such vehicle shall have been parked in one location for more*
 10 *than 24 hours.*

1 5. ****(New section)**** The Director of the Division of Motor
 2 Vehicles shall promulgate rules and regulations necessary to effec-
 3 tuate the purposes of this act.

1 6. ****[For the fiscal year ending June 30, 1981, the]**** ****(New**
 2 *section) The*** fees established hereinabove****[** except where
 3 otherwise noted,**]**** are appropriated to the Division of Motor
 4 Vehicles to fund the additional costs incurred in making such plates
 5 available.

1 7. This act shall take effect on the one hundred eightieth day
 2 following enactment.

ASSEMBLY, No. 1395

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblymen McMANIMON, STOCKMAN, ZANGARI
and McENROE

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act concerning motor vehicles, and supplementing Title 39 of the Revised Statutes," approved May 28, 1949 (P. L. 1949, c. 280).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 1 of P. L. 1949, c. 280 (C. 39:4-204) is amended to read
2 as follows:

3 1. The **[word "amputee"]** term "*handicapped person*" as em-
4 ployed herein shall include any person **[, male or female,]** who has
5 **[sustained an amputation of either or both legs, or of parts of**
6 **either or both legs, or of either or both arms, or parts of either or**
7 **both arms, or who has been otherwise disabled in any manner**
8 **rendering it difficult and burdensome for him to walk]** *lost the use*
9 *of one or more limbs as a consequence of paralysis, amputation, or*
10 *other permanent disability or who is permanently disabled as to be*
11 *unable to ambulate without the aid of an assisting device or whose*
12 *mobility is otherwise limited as certified by a physician with a*
13 *plenary license to practice medicine and surgery in this State or*
14 *bordering state.*

1 2. Section 2 of P. L. 1949, c. 280 (C. 39:4-205) is amended to read
2 as follows:

3 2. The Director of the Division of Motor Vehicles in the Depart-
4 ment of Law and Public Safety shall issue, at the expense of the
5 State of New Jersey, **[special vehicle]** *handicapped person* identifi-
6 cation cards upon the application of qualifying **[amputees]** *handi-*
7 *capped persons*, as heretofore defined, and after due investigation
8 of the qualifying status of each applicant. Said card shall, amongst
9 other things, identify the **[amputee]** *handicapped person* and the
10 *registration number of the vehicle [owned or operated by him,]*
11 *for which any wheelchair symbol license plates have been issued*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 *under the provisions of section 3 of this act and shall state that*
 13 *he is [an amputee] a handicapped person validly qualified here-*
 14 *under to receive such card, [that the card shall be returned to the*
 15 *Director of the Division of Motor Vehicles upon the surrender of*
 16 *State vehicle registration plates,] that said card is for the exclusive*
 17 *use of the person to whom it has been duly issued, is nontransferable*
 18 *and will be forfeited if presented by any other person, and that any*
 19 *abuse of any privilege, benefit, precedence or consideration granted*
 20 *to any person to whom such card may be issued will be sufficient*
 21 *cause for revocation of said card, corresponding windshield placard*
 22 *and wheelchair symbol license plates, and the same may be forfeited*
 23 *or revoked accordingly, and in the absence of any such forfeiture or*
 24 *revocation said card shall be [renewable annually by the Director*
 25 *of the Division of Motor Vehicles at the time fixed for the annual*
 26 *registration of vehicles] valid indefinitely.*

1 3. Section 3 of P. L. 1949, c. 280 (C. 39:4-206) is amended to
 2 read as follows:

3 3. The director shall issue to such applicant, also, a [certificate]
 4 placard of such size and design as shall be determined by the
 5 director *in consultation with the Division of Vocational Rehabilita-*
 6 *tion Services in the Department of Labor and Industry, indicating*
 7 *that a [special vehicle] handicapped person identification card has*
 8 *been issued [for] to the [motor vehicle] person designated therein,*
 9 *which shall be [pasted] displayed in such manner as the director*
 10 *shall determine on [the lower right-hand corner of the windshield*
 11 *of] the motor vehicle [for which it is issued, and metal insignia or*
 12 *marker or both of such design as shall be determined by the*
 13 *director which shall be attached to the license plate or plates of the*
 14 *motor vehicle for which such identification card and certificate have*
 15 *been issued] used to transport the handicapped person when the*
 16 *vehicle is parked overtime or in special parking places established*
 17 *for use by handicapped persons.*

18 *The fee for the issuance of such placard shall be \$2.00.*

19 *Notwithstanding any provision of this act to the contrary, the*
 20 *chief of police of each municipality in this State may issue to any*
 21 *person who has temporarily lost the use of one or more limbs or is*
 22 *temporarily disabled as to be unable to ambulate without the aid*
 23 *of an assisting device or whose mobility is otherwise temporarily*
 24 *limited as certified by a physician with a plenary license to practice*
 25 *medicine and surgery in this State or a bordering state, a temporary*
 26 *placard of not more than 6 months duration. The placard may, how-*
 27 *ever, be renewed at the discretion of the issuing authority. The*
 28 *placard shall be displayed on the motor vehicle used by the tem-*

29 *porarily handicapped person within the respective municipality,*
 30 *when the vehicle is parked overtime or in special parking places*
 31 *established for use by handicapped persons.*

32 *The fee for the issuance of such placard shall be \$5.00 and*
 33 *payable to the chief of police of each municipality.*

34 **[In lieu of the metal insignia or marker, the]** *The director may,*
 35 *in addition, issue license plates bearing the national wheelchair*
 36 *symbol [which shall be attached to the motor vehicle for which such*
 37 *identification card and certificate have been issued] for not more*
 38 *than two motor vehicles owned, operated or leased by a handicapped*
 39 *person or by any person furnishing transportation on his behalf.*

40 *The fee for the issuance of such plates shall be \$10.00 for each*
 41 *vehicle.*

1 4. Section 4 of P. L. 1949, c. 280 (C. 39:4-207) is amended to
 2 read as follows:

3 4. No penalty shall be imposed for the parking overtime of any
 4 motor vehicle **[for which a special vehicle identification card has**
 5 **been issued under this act and]** which **[bears upon its windshield**
 6 **a certificate]** *has displayed thereon a placard or wheelchair symbol*
 7 *license plates issued pursuant to the provisions of this act under any*
 8 *law or municipal ordinance now in effect or hereafter enacted*
 9 *unless such vehicle shall have been parked in one location for more*
 10 *than 24 hours.*

1 5. The Director of the Division of Motor Vehicles shall promul-
 2 gate rules and regulations necessary to effectuate the purposes of
 3 this act.

1 6. For the fiscal year ending June 30, 1981, the fees established
 2 hereinabove, except where otherwise noted, are appropriated to the
 3 Division of Motor Vehicles to fund the additional costs incurred in
 4 making such plates available.

1 7. This act shall take effect on the one hundred eightieth day
 2 following enactment.

STATEMENT

This bill amends P. L. 1949, c. 280 to provide a definition of handicapped person as someone who has lost the use of one or more limbs, or who is permanently disabled so as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise limited as certified by a licensed physician. In addition, the bill provides that the Director of the Division of Motor Vehicles shall issue, at the expense of the State of New Jersey,

A1395 (1981)

handicapped person identification cards for qualified persons applying for such cards.

The bill amends existing law by eliminating any possible use of metal insignias or markers on license plates and replaces them with placards. It provides that the director shall issue to a qualified person a placard indicating that a handicapped person identification card has been issued to the person designated therein. The placard is to be displayed in a manner determined by the director on a motor vehicle used to transport the handicapped person when the vehicle is parked overtime or in special parking spaces established for use by handicapped persons. The fee for the issuance of a placard by the director shall be \$2.00.

Furthermore, the bill provides that the director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf.

This bill also permits a municipality to issue a temporary placard for persons who are temporarily handicapped.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1395

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

This bill amends P. L. 1949, c. 280 by removing the definition of "amputee" and by providing a definition of handicapped person as someone who has lost the use of one or more limbs, or who is permanently disabled so as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise limited as certified by a licensed physician.

Assembly Bill No. 1395 provides that the Director of the Division of Motor Vehicles shall issue, at the expense of the State of New Jersey, handicapped person identification cards for qualified persons applying for such cards. These new cards will be issued to handicapped persons, identifying the person and a particular vehicle which is owned, operated or leased by a handicapped person or a person furnishing transportation to that handicapped person. These cards are to replace the special vehicle identification cards presently issued only to those persons defined as "amputees" that are renewed on a annual basis. As provided in this legislation, the handicapped person identification cards are to be valid indefinitely.

The bill amends existing law by eliminating any possible use of metal insignias or markers on license plates and replaces them with placards. It provides that the director shall issue to a qualified person a windshield placard indicating that a handicapped person identification card has been issued to the person designated therein. The placard is to be displayed in a manner determined by the director on a motor vehicle used to transport the handicapped person when the vehicle is parked overtime or in special parking spaces established for use by handicapped persons. The fee for the issuance of a placard by the director shall be \$2.00.

Whereas use of the metal insignia or marker is limited to the single particular motor vehicle on which such insignia or marker is displayed, the placard can be utilized by any qualified handicapped person when the placard is displayed in such manner as the director determines on a motor vehicle used to transport this individual.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Furthermore, the bill amends existing law to provide that the director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf. At present, only one set of license plates bearing the national wheelchair symbol are issued and then only for a vehicle owned or operated by a disabled person.

This bill also permits a municipality to issue a temporary placard for persons who are temporarily handicapped for a period up to 6 months which may be used within the respective municipality for parking overtime or in special parking places established for use by handicapped persons. As amended by the committee, the bill provides that the placard may be renewed one time at the discretion of the issuing authority for a period not exceeding an additional 6 month period.

The Division of Motor Vehicles supports this bill.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1395

STATE OF NEW JERSEY

ADOPTED JUNE 23, 1980

Amend page 2, section 3, line 27, after "renewed", insert "one time"; after "authority", insert "for a period of not more than 6 months duration".

Amend page 3, section 3, line 33, omit "chief of police of each", insert "issuing".

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ASSEMBLY, No. 1395

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblymen McMANIMON, STOCKMAN, ZANGARI
and McENROE

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act concerning motor vehicles, and supplementing Title 39 of the Revised Statutes," approved May 28, 1949 (P. L. 1949, c. 280).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
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4 ployed herein shall include any person**[, male or female,]** who has
5 **[sustained an amputation of either or both legs, or of parts of**
6 **either or both legs, or of either or both arms, or parts of either or**
7 **both arms, or who has been otherwise disabled in any manner**
8 **rendering it difficult and burdensome for him to walk]** *lost the use*
9 *of one or more limbs as a consequence of paralysis, amputation, or*
10 *other permanent disability or who is permanently disabled as to be*
11 *unable to ambulate without the aid of an assisting device or whose*
12 *mobility is otherwise limited as certified by a physician with a*
13 *plenary license to practice medicine and surgery in this State or*
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1 2. Section 2 of P. L. 1949, c. 280 (C. 39:4-205) is amended to read
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3 2. The Director of the Division of Motor Vehicles in the Depart-
4 ment of Law and Public Safety shall issue, at the expense of the
5 State of New Jersey, **[special vehicle]** *handicapped person* identifi-
6 cation cards upon the application of qualifying **[amputees]** *handi-*
7 *capped persons*, as heretofore defined, and after due investigation
8 of the qualifying status of each applicant. Said card shall, amongst
9 other things, identify the **[amputee]** *handicapped person* and the
10 *registration number of the vehicle* **[owned or operated by him,]**
11 *for which any wheelchair symbol license plates have been issued*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 *under the provisions of section 3 of this act* and shall state that
 13 he is **[an amputee]** *a handicapped person* validly qualified here-
 14 under to receive such card, **[that the card shall be returned to the**
 15 **Director of the Division of Motor Vehicles upon the surrender of**
 16 **State vehicle registration plates,]** that said card is for the exclusive
 17 use of the person to whom it has been duly issued, is nontransferable
 18 and will be forfeited if presented by any other person, and that any
 19 abuse of any privilege, benefit, precedence or consideration granted
 20 to any person to whom such card may be issued will be sufficient
 21 cause for revocation of said card, corresponding windshield placard
 22 and wheelchair symbol license plates, and the same may be forfeited
 23 or revoked accordingly, and in the absence of any such forfeiture or
 24 revocation said card shall be **[renewable annually by the Director**
 25 **of the Division of Motor Vehicles at the time fixed for the annual**
 26 **registration of vehicles]** *valid indefinitely.*

1 3. Section 3 of P. L. 1949, c. 280 (C. 39:4-206) is amended to
 2 read as follows:

3 3. The director shall issue to such applicant, also, a **[certificate]**
 4 *placard* of such *size and design* as shall be determined by the
 5 director *in consultation with the Division of Vocational Rehabilita-*
 6 *tion Services in the Department of Labor and Industry*, indicating
 7 that a **[special vehicle]** *handicapped person* identification card has
 8 been issued **[for]** *to the [motor vehicle] person* designated therein,
 9 which shall be **[pasted]** *displayed in such manner as the director*
 10 *shall determine* on **[the lower right-hand corner of the windshield**
 11 **of]** the motor vehicle **[for which it is issued, and metal insignia or**
 12 **marker or both of such design as shall be determined by the**
 13 **director which shall be attached to the license plate or plates of the**
 14 **motor vehicle for which such identification card and certificate have**
 15 **been issued]** *used to transport the handicapped person when the*
 16 *vehicle is parked overtime or in special parking places established*
 17 *for use by handicapped persons.*

18 *The fee for the issuance of such placard shall be \$2.00.*

19 *Notwithstanding any provision of this act to the contrary, the*
 20 *chief of police of each municipality in this State may issue to any*
 21 *person who has temporarily lost the use of one or more limbs or is*
 22 *temporarily disabled as to be unable to ambulate without the aid*
 23 *of an assisting device or whose mobility is otherwise temporarily*
 24 *limited as certified by a physician with a plenary license to practice*
 25 *medicine and surgery in this State or a bordering state, a temporary*
 26 *placard of not more than 6 months duration. The placard may, how-*
 27 *ever, be renewed *one time* at the discretion of the issuing author-*

28 *ity *for a period of not more than 6 months duration*. The placard*
 29 *shall be displayed on the motor vehicle used by the temporarily*
 30 *handicapped person within the respective municipality, when the*
 31 *vehicle is parked overtime or in special parking places established*
 31A *for use by handicapped persons.*

32 *The fee for the issuance of such placard shall be \$5.00 and*
 33 *payable to the ***[chief of police of each]*** *issuing* municipality.*

34 ***[In lieu of the metal insignia or marker, the]** The director may,*
 35 *in addition, issue license plates bearing the national wheelchair*
 36 *symbol **[which shall be attached to the motor vehicle for which such***
 37 *identification card and certificate have been issued] for not more*
 38 *than two motor vehicles owned, operated or leased by a handicapped*
 39 *person or by any person furnishing transportation on his behalf.*

40 *The fee for the issuance of such plates shall be \$10.00 for each*
 41 *vehicle.*

1 4. Section 4 of P. L. 1949, c. 280 (C. 39:4-207) is amended to
 2 read as follows:

3 4. No penalty shall be imposed for the parking overtime of any
 4 motor vehicle **[for which a special vehicle identification card has**
 5 **been issued under this act and]** which **[bears upon its windshield**
 6 **a certificate]** *has displayed thereon a placard or wheelchair symbol*
 7 *license plates issued pursuant to the provisions of this act under any*
 8 *law or municipal ordinance now in effect or hereafter enacted*
 9 *unless such vehicle shall have been parked in one location for more*
 10 *than 24 hours.*

1 5. The Director of the Division of Motor Vehicles shall promul-
 2 gate rules and regulations necessary to effectuate the purposes of
 3 this act.

1 6. For the fiscal year ending June 30, 1981, the fees established
 2 hereinabove, except where otherwise noted, are appropriated to the
 3 Division of Motor Vehicles to fund the additional costs incurred in
 4 making such plates available.

1 7. This act shall take effect on the one hundred eightieth day
 2 following enactment.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1395

with Assembly committee amendments

and Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 9, 1980

This bill amends P. L. 1949, c. 280 by eliminating the definition of "amputee" and instead substitutes a definition of handicapped person as someone who has lost the use of one or more limbs through paralysis, amputation or disability, or who is permanently disabled so as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise limited as certified by a licensed physician.

The bill requires the Director of the Division of Motor Vehicles to issue, at the expense of the State of New Jersey, handicapped person identification cards to qualified applicants. The cards would identify the person and a particular vehicle which is owned, operated, or leased by the handicapped person or a person furnishing transportation to that handicapped person. These cards are to replace the special vehicle identification cards presently issued annually to those persons defined as "amputees." As provided in this legislation, the handicapped person identification cards are to be valid indefinitely.

The bill amends existing law by eliminating any possible use of metal insignias or markers on license plates and replaces them with placards. It provides that the director shall issue to a qualified person a wind-shield placard indicating that a handicapped person identification card has been issued to the person designated therein. The placard is to be displayed in a manner determined by the director on a motor vehicle used to transport the handicapped person when the vehicle is parked overtime or in a special parking space established for use by handicapped persons. The fee for the issuance of a placard by the director, as provided by amendment of the Senate committee, is \$4.00.

Whereas use of the metal insignia or marker is limited to the single particular motor vehicle on which such insignia or marker is displayed, the placard can be utilized by any qualified handicapped person when the placard is displayed in such manner as the director determines, on a motor vehicle used to transport this individual.

Furthermore, the bill amends existing law to provide that the director may, in addition, issue license plates bearing the national wheelchair symbol for not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf. At present, only one set of license plates bearing the national wheelchair symbol are issued and then only for a vehicle owned or operated by a disabled person.

This bill also permits a municipality to issue a temporary placard for persons who are temporarily handicapped for a period up to 6 months which may be used within the respective municipality for parking overtime or in special parking places established for use by handicapped persons. As amended by the Assembly committee, the bill provides that the placard may be renewed one time at the discretion of the issuing authority for a period not exceeding an additional 6-month period. The fee for the temporary card would also be \$4.00.

The fees for both temporary and permanent placards would be payable to the Division of Motor Vehicles, as provided by Senate committee amendment.

The Division of Motor Vehicles supports this bill.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1395
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STATE OF NEW JERSEY

ADOPTED OCTOBER 9, 1980

Amend page 2, section 3, line 18, omit.

Amend page 2, section 3, line 20, omit "may", insert "shall".

Amend page 3, section 3, line 32, after "such", insert "temporary or permanent"; after "placard", insert "issued pursuant to this section"; omit "\$5.00", insert "\$4.00".

Amend page 3, section 3, line 3, omit "issuing municipality", insert "Director of the Division of Motor Vehicles".

Amend page 3, section 5, line 1, after "5.", insert "(New section)".

Amend page 3, section 6, line 1, omit "For the fiscal year ending June 30, 1981, the", insert "(New section) The".

Amend page 3, section 6, line 2, omit ", except where otherwise noted,".

[SENATE REPRINT]

ASSEMBLY, No. 1395

[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted October 9, 1980

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblymen McMANIMON, STOCKMAN, ZANGARI
and McENROE

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act concerning motor vehicles, and supplementing Title 39 of the Revised Statutes," approved May 28, 1949 (P. L. 1949, c. 280).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1949, c. 280 (C. 39:4-204) is amended to read
2 as follows:

3 1. The **[word "amputee"]** *term "handicapped person"* as em-
4 ployed herein shall include any person**[, male or female,]** who has
5 **[sustained an amputation of either or both legs, or of parts of**
6 **either or both legs, or of either or both arms, or parts of either or**
7 **both arms, or who has been otherwise disabled in any manner**
8 **rendering it difficult and burdensome for him to walk]** *lost the use*
9 *of one or more limbs as a consequence of paralysis, amputation, or*
10 *other permanent disability or who is permanently disabled as to be*
11 *unable to ambulate without the aid of an assisting device or whose*
12 *mobility is otherwise limited as certified by a physician with a*
13 *plenary license to practice medicine and surgery in this State or*
14 *bordering state.*

1 2. Section 2 of P. L. 1949, c. 280 (C. 39:4-205) is amended to read
2 as follows:

3 2. The Director of the Division of Motor Vehicles in the Depart-
4 ment of Law and Public Safety shall issue, at the expense of the
5 State of New Jersey, **[special vehicle]** *handicapped person* identi-
6 cation cards upon the application of qualifying **[amputees]** *handi-*
7 *capped persons*, as heretofore defined, and after due investigation
8 of the qualifying status of each applicant. Said card shall, amongst
9 other things, identify the **[amputee]** *handicapped person* and the
10 *registration number of the vehicle* **[owned or operated by him,]**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11 *for which any wheelchair symbol license plates have been issued*
 12 *under the provisions of section 3 of this act and shall state that*
 13 *he is [an amputee] a handicapped person validly qualified here-*
 14 *under to receive such card, [that the card shall be returned to the*
 15 *Director of the Division of Motor Vehicles upon the surrender of*
 16 *State vehicle registration plates,] that said card is for the exclusive*
 17 *use of the person to whom it has been duly issued, is nontransferable*
 18 *and will be forfeited if presented by any other person, and that any*
 19 *abuse of any privilege, benefit, precedence or consideration granted*
 20 *to any person to whom such card may be issued will be sufficient*
 21 *cause for revocation of said card, corresponding windshield placard*
 22 *and wheelchair symbol license plates, and the same may be forfeited*
 23 *or revoked accordingly, and in the absence of any such forfeiture or*
 24 *revocation said card shall be [renewable annually by the Director*
 25 *of the Division of Motor Vehicles at the time fixed for the annual*
 26 *registration of vehicles] valid indefinitely.*

1 3. Section 3 of P. L. 1949, c. 280 (C. 39:4-206) is amended to
 2 read as follows:

3 3. The director shall issue to such applicant, also, a [certificate]
 4 placard of such size and design as shall be determined by the
 5 director *in consultation with the Division of Vocational Rehabilita-*
 6 *tion Services in the Department of Labor and Industry, indicating*
 7 *that a [special vehicle] handicapped person identification card has*
 8 *been issued [for] to the [motor vehicle] person designated therein,*
 9 *which shall be [pasted] displayed in such manner as the director*
 10 *shall determine on [the lower right-hand corner of the windshield*
 11 *of] the motor vehicle [for which it is issued, and metal insignia or*
 12 *marker or both of such design as shall be determined by the*
 13 *director which shall be attached to the license plate or plates of the*
 14 *motor vehicle for which such identification card and certificate have*
 15 *been issued] used to transport the handicapped person when the*
 16 *vehicle is parked overtime or in special parking places established*
 17 *for use by handicapped persons.*

18 ***[The fee for the issuance of such placard shall be \$2.00.]***

19 *Notwithstanding any provision of this act to the contrary, the*
 20 *chief of police of each municipality in this State **[may]***
 21 ***shall** issue to any person who has temporarily lost the use of*
 22 *one or more limbs or is temporarily disabled as to be unable to*
 23-24 *ambulate without the aid of an assisting device or whose mobility*
 25 *is otherwise temporarily limited as certified by a physician with a*
 26 *plenary license to practice medicine and surgery in this State or a*
 27 *bordering state, a temporary placard of not more than 6 months*
 28 *duration. The placard may, however, be renewed *one time* at*

29 *the discretion of the issuing authority *for a period of not more*
 30 *than 6 months duration*. The placard shall be displayed on the*
 31 *motor vehicle used by the temporarily handicapped person within*
 32 *the respective municipality, when the vehicle is parked overtime*
 33 *or in special parking places established for use by handicapped*
 33A *persons.*

33B *The fee for the issuance of such **temporary or permanent***
 33C *placard **issued pursuant to this section** shall be **[\$5.00]***
 33D ***\$4.00** and payable to the *[chief of police of each]* **[*issu-*
 33E *ing* municipality]** **Director of the Division of Motor*
 33F *Vehicles**.*

34 *[In lieu of the metal insignia or marker, the] The director may,*
 35 *in addition, issue license plates bearing the national wheelchair*
 36 *symbol [which shall be attached to the motor vehicle for which such*
 37 *identification card and certificate have been issued] for not more*
 38 *than two motor vehicles owned, operated or leased by a handicapped*
 39 *person or by any person furnishing transportation on his behalf.*

40 *The fee for the issuance of such plates shall be \$10.00 for each*
 41 *vehicle.*

1 4. Section 4 of P. L. 1949, c. 280 (C. 39:4-207) is amended to
 2 read as follows:

3 4. No penalty shall be imposed for the parking overtime of any
 4 motor vehicle [for which a special vehicle identification card has
 5 been issued under this act and] which [bears upon its windshield
 6 a certificate] *has displayed thereon a placard or wheelchair symbol*
 7 *license plates* issued pursuant to the provisions of this act under any
 8 law or municipal ordinance now in effect or hereafter enacted
 9 unless such vehicle shall have been parked in one location for more
 10 than 24 hours.

1 5. ***(New section)*** The Director of the Division of Motor
 2 Vehicles shall promulgate rules and regulations necessary to effec-
 3 tuate the purposes of this act.

1 6. ***[For the fiscal year ending June 30, 1981, the]** ** (New*
 2 *section) The*** fees established hereinabove**[, except where
 3 otherwise noted,]** are appropriated to the Division of Motor
 4 Vehicles to fund the additional costs incurred in making such plates
 5 available.

1 7. This act shall take effect on the one hundred eightieth day
 2 following enactment.

FISCAL NOTE TO
ASSEMBLY, No. 1395
[SENATE REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 22, 1981

The Senate Reprint of Assembly Bill No. 1395 of 1980 requires the Director of the Division of Motor Vehicles to issue, at State expense, identification cards for vehicles owned or leased by handicapped persons.

The Department of Law and Public Safety estimates that enactment of this legislation will have no effect on State funds.

The bill slightly modifies an existing program, which will not affect program costs.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

FEBRUARY 13, 1981

- W -

A-86, sponsored by W. Cary Edwards (R-Bergen), which amends the Municipal Land Use Law to require every municipality to prepare a storm water management plan and to adopt a storm water control ordinance. The intent of the law is to make storm water control an integral part of a municipality's master planning and such a municipal storm water management plan would have to conform to state, county, soil conservation district and federal regulations.

A-112, sponsored by Thomas A. Gallo (D-Hudson), which permits certain undersheriffs to purchase certain prior service credit in the Police and Firemen's Retirement System.

A-274, sponsored by Vincent Ozzie Pellecchia (D-Passaic), which extends the benefits of certain county employees' pension funds to widows and widowers in certain circumstances.

S-1299, sponsored by William J. Hamilton (D-Middlesex), which permits a member of the Police and Firemen's Retirement System who is elected to public office to continue to be a member of that retirement system during his tenure and to maintain his rate of contribution at the same level prior to the contributor's election.

A-1388, sponsored by Vincent Ozzie Pellecchia (D-Passaic), which designates the Department of Community Affairs to promulgate and enforce the "barrier free" building code on behalf of the handicapped. Primary enforcement was in the Treasury Department's Division of Building, which required state inspectors to enforce codes on other than state buildings. The "barrier free" regulations will now be enforced in accordance with the State Uniform Construction Code.

A-1395, sponsored by Francis J. McManimon (D-Mercer), which amends and updates provisions of Public Law 1949, C.280 to allow the Director of the Division of Motor Vehicles to issue special identification cards to the handicapped and special placards or license plates for their autos. The primary intent of the legislation is to provide a standardized identification card, similar to the widely accepted driver's license, for handicapped persons.

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