



Senate

General Assembly

File No. 295

February Session, 2024

Substitute Senate Bill No. 279

Senate, April 8, 2024

The Committee on Transportation reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CERTIFICATION FOR REMOVABLE WINDSHIELD PLACARDS FOR PERSONS WHO ARE BLIND AND PERSONS WITH DISABILITIES AND THE MEMBERSHIP OF THE ACCESSIBLE PARKING ADVISORY COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-253a of the 2024 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

4 (b) The Commissioner of Motor Vehicles shall accept applications
5 and renewal applications for removable windshield placards from (1)
6 any person who is blind, as defined in section 1-1f; (2) any person with
7 disabilities; (3) any parent or guardian of any person who is blind or any
8 person with disabilities, if such person is under eighteen years of age at
9 the time of application; (4) any parent or guardian of any person who is
10 blind or any person with disabilities, if such person is unable to request
11 or complete an application; and (5) any organization which meets
12 criteria established by the commissioner and which certifies to the

13 commissioner's satisfaction that the vehicle for which a placard is
14 requested is primarily used to transport persons who are blind or
15 persons with disabilities. Except as provided in subsection (c) of this
16 section, on and after October 1, 2011, the commissioner shall not accept
17 applications for special license plates, but shall accept renewal
18 applications for such plates that were issued prior to October 1, 2011.
19 No person shall be issued a placard in accordance with this section
20 unless such person is the holder of a valid motor vehicle operator's
21 license, or identification card issued in accordance with the provisions
22 of section 1-1h. The commissioner [~~is authorized to~~] may adopt
23 regulations, in accordance with the provisions of chapter 54, for the
24 issuance of placards to persons who, by reason of hardship, do not hold
25 or cannot obtain an operator's license or identification card. The
26 commissioner shall maintain a record of each placard issued to any such
27 person. Such applications and renewal applications shall be on a form
28 prescribed by the commissioner. The application and renewal
29 application shall include: (A) Certification by a licensed physician, a
30 physician assistant, an advanced practice registered nurse, licensed in
31 accordance with the provisions of chapter 378, or a member of the driver
32 training unit for persons with disabilities established pursuant to
33 section 14-11b, that the applicant meets the definition of a person with a
34 disability which limits or impairs the ability to walk, as defined in 23
35 CFR [Section] 1235.2, as amended from time to time; or (B) certification
36 by a psychiatrist who is employed by, or under contract with, the United
37 States Department of Veterans Affairs that the applicant (i) is a veteran,
38 as defined in subsection (a) of section 27-103, who has post-traumatic
39 stress disorder certified as service-connected by the United States
40 Department of Veterans Affairs, and (ii) meets the definition of a person
41 with a disability which limits or impairs the ability to walk, as defined
42 in 23 CFR [Section] 1235.2, as amended from time to time. In the case of
43 persons who are blind, the application or renewal application shall
44 include certification of legal blindness made by the Department of
45 Aging and Disability Services, an ophthalmologist or an optometrist.
46 Any certification issued by a health care professional, as defined in
47 section 2 of this act, pursuant to this section shall be based upon such

48 person's professional opinion after having completed a medically
49 reasonable assessment of the applicant's medical history and current
50 medical condition made in the course of a bona fide health care
51 professional-patient relationship. Any person who makes a certification
52 required by this subsection shall sign the application or renewal
53 application under penalty of false statement pursuant to section 53a-
54 157b. The commissioner, in said commissioner's discretion, may accept
55 the discharge papers of a disabled veteran, as defined in section 14-254,
56 in lieu of such certification. The Commissioner of Motor Vehicles may
57 require additional certification at the time of the original application or
58 at any time thereafter. If a person who has been requested to submit
59 additional certification fails to do so within thirty days of the request, or
60 if such additional certification is deemed by the Commissioner of Motor
61 Vehicles to be unfavorable to the applicant, the commissioner may
62 refuse to issue or, if already issued, suspend or revoke such special
63 license plate or placard. The commissioner shall not issue more than one
64 placard per applicant, except the commissioner shall issue one placard
65 to each applicant who is a parent or guardian of any person who is blind
66 or any person with disabilities, provided no more than two such
67 placards shall be issued on behalf of such person. The fee for the
68 issuance of a temporary removable windshield placard shall be five
69 dollars. Any person whose application has been denied or whose special
70 license plate or placard has been suspended or revoked shall be afforded
71 an opportunity for a hearing in accordance with the provisions of
72 chapter 54.

73 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) As used in this section, (1)
74 "health care professional" means a licensed physician, physician
75 assistant, advanced practice registered nurse licensed in accordance
76 with the provisions of chapter 378 of the general statutes, psychiatrist
77 who is employed by, or under contract with, the United States
78 Department of Veterans Affairs, ophthalmologist or optometrist, (2)
79 "person" has the same meaning as provided in section 14-1 of the general
80 statutes, and (3) "removable windshield placard" has the same meaning
81 as provided in section 14-253a of the general statutes, as amended by
82 this act.

83 (b) No health care professional shall charge a fee for the provision of
84 services to an applicant for a removable windshield placard that is
85 contingent on such health care professional certifying that such
86 applicant meets the definition of a person with a disability which limits
87 or impairs the ability to walk, as defined in 23 CFR 1235.2, as amended
88 from time to time.

89 (c) No health care professional shall enter into any written or oral
90 agreement or understanding with a person who utilizes the services of
91 such health care professional that makes or has the effect of making the
92 amount of the health care professional's commissions, fees or charges
93 contingent upon the health care professional certifying an application or
94 renewal application for a removable windshield placard that an
95 applicant meets the definition of a person with a disability which limits
96 or impairs the ability to walk, as defined in 23 CFR 1235.2, as amended
97 from time to time.

98 (d) Any person who violates any provision of this section may be
99 assessed a civil penalty of not more than one thousand dollars. The
100 Attorney General, upon complaint of the Commissioner of Motor
101 Vehicles, shall institute a civil action to recover such penalty in the
102 superior court for the judicial district of Hartford.

103 Sec. 3. Subsection (b) of section 14-253c of the 2024 supplement to the
104 general statutes is repealed and the following is substituted in lieu
105 thereof (*Effective from passage*):

106 (b) The advisory council shall consist of (1) the Commissioner of
107 Motor Vehicles or the commissioner's designee, (2) the Commissioner of
108 Aging and Disability Services or the commissioner's designee, (3) two
109 members appointed by the Commissioner of Motor Vehicles, who are
110 licensed physicians, physician assistants or advanced practice registered
111 nurses who certify applications for removable windshield placards
112 while in the course of employment, (4) one member appointed by the
113 Commissioner of Aging and Disability Services who represents an
114 organization that advocates on behalf of persons with physical
115 disabilities, (5) one appointed by the House chairperson of the joint

116 standing committee of the General Assembly having cognizance of
 117 matters relating to transportation, [who is a municipality planner,] (6)
 118 one appointed by the Senate chairperson of the joint standing committee
 119 of the General Assembly having cognizance of matters relating to
 120 transportation, who uses accessible parking or advocates on behalf of
 121 such users, [of accessible parking,] (7) one appointed by the House
 122 ranking member of the joint standing committee of the General
 123 Assembly having cognizance of matters relating to transportation, who
 124 uses accessible parking or advocates on behalf of such users, [of
 125 accessible parking,] (8) one appointed by the Senate ranking member of
 126 the joint standing committee of the General Assembly having
 127 cognizance of matters relating to transportation, who is a sworn
 128 member of a municipal police department, and (9) and such other
 129 members as the advisory council may prescribe. All initial
 130 appointments to the advisory council shall be made not later than
 131 September 1, 2023. Each member appointed pursuant to subdivisions (3)
 132 to (9), inclusive, of this subsection shall serve for a term of two years and
 133 may serve until such member's successor is appointed. Any vacancy
 134 shall be filled by the appointing authority. The Commissioner of Motor
 135 Vehicles, or the commissioner's designee, shall serve as chairperson of
 136 the advisory council. The advisory council shall meet at such times as it
 137 deems necessary and may establish rules governing its internal
 138 procedures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	14-253a(b)
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>from passage</i>	14-253c(b)

Statement of Legislative Commissioners:

In Section 1(b) and Section 2, references to "medical professional" were changed to "health care professional" for consistency and in Section 1(b) "as defined in section 2 of this act" was added for clarity.

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits contingent fees related to accessible placard certifications and imposes a \$1,000 penalty for violations, resulting in a potential revenue gain from fines.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sSB 279*****AN ACT CONCERNING CERTIFICATION FOR REMOVABLE WINDSHIELD PLACARDS FOR PERSONS WHO ARE BLIND AND PERSONS WITH DISABILITIES AND THE MEMBERSHIP OF THE ACCESSIBLE PARKING ADVISORY COUNCIL.***

This bill makes changes to laws related to health care professionals' certification of eligibility for an accessible parking removable windshield placard. By law, applicants for windshield placards must submit a certification from specified health care professionals (or certain government officials), signed under penalty of false statement, stating that the applicant has a disability which limits or impairs the ability to walk, as defined under federal regulations, or is blind.

The bill requires health care professionals who certify placard applicants' eligibility to do so based on their professional opinion after completing a medically reasonable assessment of the applicant's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship. It also prohibits health care professionals from making fees they charge to placard applicants contingent on certifying the applicant's eligibility and imposes a civil penalty of up to \$1,000 for violations.

Under the bill, a "health care professional" is a licensed physician, physician assistant, advanced practice registered nurse, psychiatrist employed by or under contract with the Department of Veterans Affairs, ophthalmologist, or optometrist. This definition corresponds to the health care professionals who are already authorized to certify eligibility for placards under existing law.

The bill also eliminates the requirement that the Transportation Committee House chairperson's appointment to the Accessible Parking

Advisory Council be a municipal planner.

Lastly, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2024, except that the advisory council provision is effective upon passage.

PENALTY FOR CONTINGENT FEES

The bill prohibits health care professionals from charging a fee for services provided to a placard applicant that is contingent on the professional certifying the applicant as eligible for a placard. It also prohibits healthcare professionals from entering into a written or oral agreement or understanding with a person or entity using their services that makes or effectively makes the professional’s commissions, fees, or charges contingent on certifying the applicant’s eligibility.

Under the bill, violators face a civil penalty of up to \$1,000, and the attorney general, after receiving a complaint from the Department of Motor Vehicles commissioner, must institute a civil action to recover the penalty in the Superior Court for the Hartford judicial district.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 35 Nay 0 (03/20/2024)