

§521. Registration; disability registration plates

1. Definition. "Person with a disability" means a person whose disability limits or impairs the ability to walk, as determined and certified by a licensed physician, physician assistant, nurse practitioner or registered nurse, to the extent that the person:

- A. Can not walk 200 feet without stopping to rest; [PL 1995, c. 482, Pt. A, §4 (NEW).]
- B. Can not walk without assistance from another person or the use of a brace, cane, crutch, prosthetic device, wheelchair or other assistive device; [PL 1995, c. 482, Pt. A, §4 (NEW).]
- C. Is restricted by lung disease to such an extent that the person's forced expiratory volume for one second when measured by spirometry is less than 1 liter or when the arterial oxygen tension is less than 60mm/hg on room air at rest; [PL 1995, c. 482, Pt. A, §4 (NEW).]
- D. Uses portable oxygen; [PL 1995, c. 482, Pt. A, §4 (NEW).]
- E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association; [PL 2003, c. 431, §1 (AMD).]
- F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition; or [PL 2003, c. 431, §2 (AMD).]
- G. Is recovering from childbirth. [PL 2003, c. 431, §3 (NEW).]
[PL 2007, c. 703, §12 (AMD).]

2. Disability registration plates. Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue disability registration plates to the following:

- A. A person with a disability; [PL 1995, c. 482, Pt. A, §4 (NEW).]
- B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or [PL 1995, c. 482, Pt. A, §4 (NEW).]
- C. An organization or agency in this State that transports persons with disabilities. [PL 1995, c. 482, Pt. A, §4 (NEW).]
[PL 1999, c. 544, §1 (AMD).]

3. Removable windshield placards. The Secretary of State may issue a removable windshield placard to a person with a disability or an organization or agency in this State that transports persons with disabilities. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to placards.

- A. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is using a parking space for a person with a disability. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The windshield placard must be removed from the rearview mirror when the vehicle is in motion. [PL 1995, c. 482, Pt. A, §4 (RPR).]
- B. The placard must be blue with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date and the seal of the Secretary of State. In the case of an organization or agency, the placard must be green with white print and contain the same information, except that the name of the organization must appear along with the expiration date that must be determined by the Secretary of State. [PL 2015, c. 473, §10 (AMD).]

C. A windshield placard may be displayed on any properly registered motor vehicle only when the person with a disability is a passenger or the operator or when the driver of the vehicle is waiting for a service to be rendered to the person with a disability. [PL 1995, c. 482, Pt. A, §4 (RPR).] [PL 2015, c. 473, §10 (AMD).]

4. Motorcycle. A person with a disability who has registered a motorcycle may be issued a disability plate as a registration plate. The registration plate must bear the International Symbol of Access, which must be in a color that contrasts with the background and must be the same size as the letters or numbers on the plate. [PL 1995, c. 482, Pt. A, §4 (RPR).]

5. Application; issuance. The following provisions apply to an application for and the issuance of a disability plate or placard.

A. An application for a disability plate or placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1. The physician, physician assistant, nurse practitioner or registered nurse shall designate the duration of the applicant's disability not to exceed 6 years or designate the applicant's disability as permanent. The Secretary of State shall issue to an eligible applicant disability plates and windshield placards upon request. A disability plate or placard issued to a person for whom the duration of the person's disability has been designated as not exceeding 6 years expires upon the expiration of the duration of the disability as designated by the physician, physician assistant, nurse practitioner or registered nurse. [PL 2013, c. 496, §10 (NEW).]

B. When the Secretary of State determines the disability to be permanent from the application, the applicant is not required to continue to provide proof of disability upon renewal of the applicant's disability plate or placard. A disability plate or placard issued with a determination pursuant to this paragraph may be renewed for a period not to exceed 6 years. The Secretary of State may adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 533, §1 (AMD).]

C. When the applicant's need for the disability plate or placard terminates or the applicant dies, the disability plate or placard must be returned to the Secretary of State. Notwithstanding subsection 2, paragraphs B and C, the provisions of this subsection, as regards the issuance of a disability plate or placard for a person with a permanent disability, apply only to that person. [PL 2013, c. 496, §10 (NEW).] [PL 2021, c. 533, §1 (AMD).]

6. Temporary placards. The Secretary of State may issue a temporary placard to a person who is temporarily disabled. A temporary placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to temporary placards.

A. An application for a temporary placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1 and the period of time that the physician, physician assistant, nurse practitioner or registered nurse determines the applicant will have the disability. A temporary placard is not valid for a period of more than 6 months. The Secretary of State shall give priority consideration to requests for temporary placards.

A temporary placard issued pursuant to subsection 1, paragraph G is valid, after the birth of a child, for a period of not more than:

- (1) One week after cesarean section delivery; or
- (2) A time to be determined by the patient's physician after the birth of a preterm infant. [PL 2007, c. 703, §14 (AMD).]

B. The placard must be red with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date specified by the physician and the seal of the Secretary of State. [PL 1995, c. 645, Pt. A, §5 (AMD).]

C. During the period for which it is valid, a temporary placard carries the same privileges as a disability windshield placard and has the same use restrictions specified in subsection 3. [PL 1995, c. 482, Pt. A, §4 (RPR).]

D. [PL 1995, c. 482, Pt. A, §4 (RP).]
[PL 2007, c. 703, §14 (AMD).]

6-A. Parking permit. The Secretary of State shall create a 21-day parking permit for a person with a disability to be used while a person is waiting to receive a disability registration plate or placard and may appoint a licensed physician, physician assistant, nurse practitioner or registered nurse as an agent authorized solely to issue such a permit. The Secretary of State shall determine by rule qualifications and requirements for an agent authorized under this subsection. The 21-day parking permit must be in a form prescribed by the Secretary of State by rule and convey the privileges and restrictions authorized under this section. The 21-day parking permit must be displayed in a manner so that it may be viewed from the front of the vehicle whenever the vehicle is parked in a parking space for a person with a disability. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Agents appointed pursuant to this subsection may not charge a fee for issuing a 21-day parking permit for a person with a disability.

[PL 2011, c. 117, §1 (NEW).]

7. Registration and placard fees. There is no additional registration fee for disability plates or placards.

[PL 2001, c. 361, §11 (AMD).]

8. Violation.

[PL 1997, c. 673, §1 (RP).]

9. Compliance. Any person or organization issued a placard or plates pursuant to former Title 29, section 252 or 252-C must reapply, according to the procedures set forth in this section, by January 1, 2001. In the case of individuals or organizations currently in possession of disability plates or a placard who successfully reapply, the placard or plates expire on the date specified by the placard or plates.

[PL 1997, c. 776, §18 (AMD).]

9-A. Enforcement of disability parking restrictions. A law enforcement officer may enforce disability parking restrictions. The State Police shall enforce disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state. A person commits a traffic infraction if that person parks in an access aisle, regardless of whether the person has been issued a disability registration plate or removable placard. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this subsection, "person with a disability" has the same meaning as in subsection 1.

[PL 2015, c. 52, §1 (AMD).]

9-B. Registered owner's liability for vehicle illegally parked in disability parking space or access aisle. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. Anyone who observes a violation of subsection 9-A may report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this paragraph, "person with a disability" has the same meaning as in subsection 1. [PL 2015, c. 52, §2 (AMD).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [PL 2005, c. 528, §2 (NEW).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [PL 2005, c. 528, §2 (NEW).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is found to be operating the vehicle at the time of the violation and is adjudicated of violating subsection 9-A, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection. [PL 2005, c. 528, §2 (NEW).]

E. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500. [PL 2013, c. 381, Pt. C, §2 (AMD).]
[PL 2015, c. 52, §2 (AMD).]

10. Effective date.

[PL 1997, c. 776, §19 (RP).]

11. Violation. A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a penalty of not less than \$100 nor more than \$500. The disability registration plates or removable windshield placard may be suspended for improper use. A 2nd or subsequent violation of this subsection is a Class E crime for which the fine under this subsection may be doubled.

[PL 2009, c. 143, §2 (AMD).]

12. Parking without charge. A vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate may park at a parking area that is not a parking facility as defined in Title 30-A, section 5401, subsection 5 without a charge and may park a length of time that does not exceed twice the limit otherwise allowed.

[PL 2019, c. 648, §1 (AMD).]

13. Altering placard. A person who alters or causes to be altered the expiration date of a disability placard issued pursuant to this section commits a traffic infraction and is subject to a penalty of not less than \$100 nor more than \$500.

[PL 2007, c. 383, §13 (NEW).]

14. Disabled veterans parking. A person qualifying for special designation plates pursuant to section 523, subsection 1 or 2 may request disabled veterans parking registration plates.

Disabled veterans parking registration plates must bear the words "Disabled Veteran," the American flag and the International Symbol of Access in compliance with subsection 2.

[PL 2009, c. 598, §5 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A4 (RPR). PL 1995, c. 645, §§A4,5 (AMD). PL 1997, c. 673, §§1,2 (AMD). PL 1997, c. 776, §§18,19 (AMD). PL 1999, c. 470, §6 (AMD). PL 1999, c. 544, §1 (AMD). PL 2001, c. 35, §§1-3 (AMD). PL 2001, c. 77, §1 (AMD). PL 2001, c. 151, §1 (AMD). PL 2001, c. 361, §11 (AMD). PL 2003, c. 431, §§1-4 (AMD). PL 2003, c. 633, §2 (AMD). PL 2005, c. 433, §7 (AMD). PL 2005, c. 433, §28 (AFF). PL 2005, c. 528, §§1,2 (AMD). PL 2007, c. 383, §13 (AMD). PL 2007, c. 703, §§12-14 (AMD). PL 2009, c. 143, §§1, 2 (AMD). PL 2009, c. 598, §5 (AMD). PL 2011, c. 23, §1 (AMD). PL 2011, c. 117, §1 (AMD). PL 2013, c. 381, Pt. C, §§1, 2 (AMD). PL 2013, c. 496, §10 (AMD). PL 2015, c. 52, §§1, 2 (AMD). PL 2015, c. 473, §10 (AMD). PL 2019, c. 648, §1 (AMD). PL 2021, c. 533, §1 (AMD).

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