

A Report to the Maryland General Assembly

Regarding

Task Force on Parking for Individuals with Disabilities
(SB 368, Chapter 268 Acts of 2004)

Maryland Department of Transportation

December 2004

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Executive Summary

The Task Force on Parking for Individuals with Disabilities (Task Force), was established by Senate Bill 368 enacted during the Maryland General Assembly's 2004 session. This legislation directed the Task Force to study current laws on parking privileges for persons with disabilities as they related to parking spaces reserved for multipurpose vehicles, and to make specific recommendations for needed legislation and regulations on issues related to the use of disabled parking placards and license plates. The Task Force was comprised of citizen members from all regions of the state, and representatives from a broad cross section of government and private interests. Task Force membership included representatives of the disabled community, law enforcement officials, Maryland General Assembly, retail industry, medical community, and various governmental agencies regulating or enforcing issues related to the disabled or disabled parking issues. The Task Force met six times from September through early December and developed a variety of recommendations to enhance and improve parking for persons with disabilities in the State of Maryland.

Among their recommendations are five that tighten the eligibility requirements for individuals applying for the disabled parking privilege, two that strengthen the enforcement of the disabled parking privilege, and one that deals with disabled parking accessibility issues. Also included is a recommendation emphasizing the importance of enhancing public awareness and educational efforts to make all Marylanders more aware of disability parking laws and their responsibility for respecting the needs of disabled individuals.

Through the course of their meetings, the Task Force heard from a variety of experts who testified on the engineering and accessibility codes, medical, enforcement and other related issues. Task Force members also heard from a representative of the U.S. Department of Transportation who explained how the Federal regulations establishing a national uniform system of parking for persons with disabilities were developed and what the Federal regulations required each state to do to comply with these requirements. A Motor Vehicle Administration (MVA) staff member reviewed Maryland's disabled parking program, comparing it with the Federal requirements. The Task Force also reviewed how disabled parking programs in other states operate, particularly those surrounding Maryland.

Discussion on the issues was lively and thoughtful. Task Force members provided insightful observations on the issue based on their professional experiences and particular situation as a public official or private citizen member. With all perspectives participating in the discussions, the problems associated with disabled parking were thoroughly evaluated by the disabled themselves as well as those responsible for maintaining parking facilities and enforcing disabled parking restrictions.

What follows is background information on the Task Force and the issues that they studied. The recommendations made by the Task Force are presented in this report for consideration by the Maryland Legislature during the 2005 legislative session.

Origin and Charge of the Task Force

The Task Force was created by Senate Bill 368, enacted by the General Assembly during the 2004 legislative session. Senate Bill 368 established a diverse base of representation both geographically as well as from legislators, impacted state agencies and private associations. The following Task Force members were appointed:

Chairman

David H. Hugel	Administrator	Motor Vehicle Administration
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Members:

Lt. Laurence S. Gyger	Cumberland Police Dept.	Western Maryland
Sylvia L. Hackett	Attorney	Eastern Shore
The Hon. Frederick E. Davis	Sheriff, Charles County	Southern Maryland
Dianna Lynn Soltys	Citizen Member	Anne Arundel Co.
Evangeline Diggs	Citizen Member	Baltimore City
C. William Clark	Attorney	Baltimore County
The Hon. Joseph I. Cassilly	State's Attorney For Harford County	Harford County
Michael E. Hylton	Policy Manager, Maryland Works	Howard County
The Hon. Howard A. Denis	President, Montgomery County Council	Montgomery Co.
Ruth Buell	Citizen Member	Prince George's County
The Hon. James E. DeGrange, Sr.	Legislator	Maryland Senate
The Hon. Nancy Jacobs	Legislator	Maryland Senate
The Hon. Mary A. Conroy	Legislator	House of Delegates
The Hon. Karen S. Montgomery	Legislator	House of Delegates
John Gaver	Director, Special Projects, ADA Compliance	Md. Dept. of Transportation
Wiley Finch	Senior Center Program Manager	Md. Dept. of Aging
DeWayne Phillips	Frederick Co. Commission on Disabilities	Md. Dept. of Disabilities
Jaqueline Phillips	Director, Office of External Affairs	Md. Dept. of Housing and Community Development
Capt. Tara Nelson	Howard Co. Police Dept.	Maryland Chiefs of Police Association

Jeff Zellmer	Legislative Director	Maryland Retailers' Association
Carl Soderstrom, M.D.	MVA Medical Advisory Board	Medical and Chirurgical Faculty of Maryland
Rick Siebert	Director, Montgomery Co. Parking Authority	Maryland Assn. of Counties
<u>Staff:</u>		
Mary Elizabeth Peitersen	Executive Associate to the Administrator	Motor Vehicle Administration

Summary of Task Force Activities

The Task Force met six times between September 28, 2004 and December 7, 2004 at the Maryland Department of Transportation Headquarters near BWI Airport. During the course of these meetings the Task Force heard from the following speakers:

- Judith Kaleta, Esq., Office of General Counsel of the United States Department of Transportation, served as staff support for the Federal Disabled Parking Regulatory Rulemaking; she provided an overview of the Federal disabled parking legislation and rulemaking.
- Deborah Rogers, Director of Vehicle Services, Maryland Motor Vehicle Administration (MVA), briefed the Task Force on the process for obtaining disabled parking placards and special registration plates, and compared Maryland's requirements to those of neighboring states.
- Carl Soderstrom, M.D., MVA Medical Advisory Board, addressed the medical eligibility criteria for disabled parking license plates and placards.
- Steven Shen, Sr., Engineer Maryland Department of Housing and Community Development, spoke on disabled parking space and signage requirements.
- Mary Elizabeth Peitersen, Executive Associate, Motor Vehicle Administration, addressed the experience the State of Florida has had with universal design parking spaces.
- Capt. Tara Nelson, Howard County Police Department, addressed law enforcement issues concerning disabled parking.
- Ronald Lipps, Assistant Director, Traffic and Safety, State Highway Administration (SHA), described SHA's role as it relates to accessible parking for individuals with disabilities.
- Edward Harris, Principal Counsel, SHA, addressed law enforcement and violation fee issues in Maryland.

Background

As noted in the Executive Summary to this Report, the language in Senate Bill 368 creating the Task Force on Parking for Individuals with Disabilities (Task Force) directed the Task Force to study the current laws regarding parking privileges for individuals with disabilities. The Task Force was to focus on laws governing parking spaces designated for Class M (multipurpose) vehicles and for the use of individuals with disabilities, and to make specific recommendations, including developing draft legislation and regulations, on issues relating to parking placards and special registration plates for individuals with disabilities and parking spaces designated for use by individuals with disabilities.

The Task Force soon realized that the van accessible parking issue was varied and diverse, with some disabled individuals using manual wheelchairs, while others using motorized ones. The Task Force learned from individuals using motorized wheelchairs that they did not mind parking in the back of a lot, but no disabled parking spots had ever been designated at the back of lots. Another issue involved the manner in which a wheelchair bound person exits his or her vehicle. Some have side doors on their vans, others can exit the back of their vans, while still others, prop the wheelchair behind their driver's seat in the car. The access alley for the disabled spot quickly became a viable point of interest. Some vehicles park in it, or block some of the space, and leave those in wheelchairs with no room to maneuver their chairs.

From the issue of wheelchair accessible vans, the Task Force turned to the broader scope of the disabled parking dilemma, that of enforcing the parking restrictions and preventing the fraudulent use of the parking privilege. It was apparent that the Task Force would need to review the entire disabled parking program and make recommendations that they hoped would improve it, including the issue of the van accessible parking. With a well rounded roster of members that encompassed all interested parties, from law enforcement, community organizations, commercial interests, government and the disabled themselves, the Task Force was able to fully discuss the issue and come up with viable recommendations.

General Discussion of Findings

When the Task Force discussed the recommendations they would make, the issues of enforcement and eligibility were thoroughly explored. Several key factors were discovered when the Task Force discussed the enforcement of the disabled parking privilege. Three layers of requirements, federal, state and local, complicate the enforcement of the disabled parking laws. In addition, many counties and municipalities have adopted ordinances that specifically address enforcement for their local jurisdictions even though the Maryland Transportation Article provides statewide provisions for the enforcement of disabled parking violations. Local jurisdictions prefer to enforce disabled parking violations through local ordinance (as opposed to state law) so that the revenues generated from disabled parking citations go to the local government, not the state. In addition, local ordinances vary from jurisdiction to jurisdiction and account for a wide range of fines and enforcement activities throughout the state.

The Task Force heard that violations of the disabled parking privilege are most often reported to law enforcement officials by private citizens, and that it is difficult to determine with a parked vehicle whether the driver is entitled to the disabled parking privilege. Citations are also issued to the vehicle and not the driver, and many are simply never issued to violations that occur on private property.

Since the enforcement of the disabled parking privilege is so varied and diverse, the Task Force opted to concentrate on the eligibility requirements for the privilege and indeed the majority of the recommendations deal with eligibility issues. In comparing Maryland's disability parking laws with Federal disability parking regulation establishing minimum national standards on this issue, it became apparent that the state statutory scheme is far more generous than Federal regulations require.

One glaring example of this point is the fact that the Federal regulations do not require a disabled parking plate to be issued to non-disabled individuals who transport disabled persons (transporters), but Maryland does. The MVA estimates that roughly 30,000 of approximately 89,000 disabled parking plates currently on Maryland vehicles are issued to transporters. The Task Force agreed with the approach of the Federal regulatory provisions, which limit transporter plates to institutions or organizations that regularly transport disabled individuals, and provide the remedy of portable disabled parking placards, issued in the names of the disabled applicants, for use when disabled individuals are being transported in vehicles owned by others.

Another area where Maryland law has gone beyond the minimum Federal requirements is by allowing more physical ailments, including blindness, as disabilities making an individual eligible for the disabled parking privilege. The Federal regulations specify that a person's mobility or disabilities that affect their ambulatory ability should be the determining factor in determining whether or not an individual is eligible for the disabled parking privilege. This results in a larger pool of eligible applicants for disabled parking privileges than anticipated under the Federal regulatory scheme; however, Maryland follows the Federal criteria exactly with respect to total number of disabled parking spaces are required in a given parking lot.

During the course of a discussion of the MVA's role in issuing disabled parking privileges, it became clear that the MVA has the authority to withdraw the certification of a disabled parking privilege where it has been determined that (1) the privilege was obtained fraudulently or (2) the individual had legitimately obtained the privilege but was no longer entitled to it. To address this situation, the MVA has advised the Task Force that it is in the process of promulgating regulations to implement a process for the withdrawal of disabled parking privileges from individuals it determines are not eligible or are no longer eligible.

The Task Force also realized the importance of public awareness in the effort to curb abuses of the disabled parking privilege. While the MVA has advised the Task Force that it will increase its outreach efforts to illustrate the vital issues involved with the disabled parking privilege, the Task Force strongly recommends that the General Assembly should encourage and support all public outreach efforts, regardless of what public agency or organization is involved, to better educate law enforcement, businesses, medical practitioners and the general public concerning disabled parking laws in Maryland.

With proposals for enhanced public outreach efforts, tightening of the eligibility and issuance requirements, stronger enforcement and parking accessibility standards, the Task Force has recommended some clear and viable solutions to address the disabled parking issues set forth in Senate Bill 368.

Recommendations of the Task Force

Recommendation #1

The Task Force believes that current eligibility criteria for disabled parking privileges are too broad. Currently, Transportation Article §13-616(b)(1) provides eligibility for permanent disabled parking placards and plates for any individual who:

has a permanent disability which is so severe that the person would endure a hardship or be subject to a risk or injury if the privileges accorded a person for whom a vehicle is specially registered be denied.

The Task Force recommends that eligibility for permanent disability placards and plates under the "hardship/risk of injury" provisions of Transportation Article §13-616(b)(1) (ix) be restricted to those applicants whose permanent disability adversely impacts the applicant's ambulatory ability.

Rationale:

In comparing this criteria with those contained in the minimum standards required by Federal regulation the Task Force noted that Maryland is more generous than the Federal standards, which focus on ambulatory disabilities. The Task Force was particularly concerned that "Disability Code 8" (TR §13-616(b)(1)(ix)) creates a subjective catchall category of individuals eligible for the disabled parking privilege. Because of the potential for abuse with such broad

language, the Task Force recommends that this section be limited to those disabilities which impact ambulatory ability, consistent with the intent of the Federal regulatory scheme.

Recommendation #2

The Task Force recommends that the total number of permanent disability placards and plates an individual can receive be limited to: (i) one set of plates and one (1) placard or (ii) two placards if the individual does not request a disability plate.

Rationale:

Another area where the Task Force compared Maryland law to the Federal regulatory scheme was the issue of the total number of disabled parking plates and placards an individual could receive. Again, the Task Force discovered that current Maryland law is more generous in this area than the Federal standards require. Federal standards set down a requirement of one plate (or set of plates) and one placard, or two placards in the event the applicant does not request a disabled parking plate. Maryland law allows an individual applicant to obtain up to two placards in addition to a disabled parking plate.

The Task Force concluded that the additional placards presented a significant potential for abuse. Unlike disabled parking plates, which are issued to a particular vehicle, the disabled parking placards are issued to the individual applicants and are designed to be portable. If a disabled person needs to drive or ride in a vehicle that does not have disabled parking plates, the person merely needs to hang the disabled parking placard from the vehicle's rear view mirror for the vehicle to be entitled to park in a disabled parking space. This flexibility was designed in the Federal regulatory scheme to accommodate situations such as the use of a rental car or having another individual provide transportation to the disabled person.

The Task Force concluded that the additional placards allowed under Maryland law presented a significant potential for abuse. MVA statistics provided to the Task Force indicate there are currently outstanding approximately 336,000 disabled parking placards for approximately 250,000 disabled parking privilege holders. Since Maryland law requires that the disabled parking placard be used only if the qualified placard holder is in the vehicle, the Task Force concluded that allowing an applicant to obtain more placards than required under the Federal regulations opened the door to potential abuse of the additional placards by non-disabled family members and friends. The Task Force members believed that scaling back the Maryland provisions to match the Federal requirements would remove from circulation the placards most likely to be abused without jeopardizing the needs of the disabled community.

Recommendation #3

The Task Force recommends that disabled parking plates for individual applicants be limited to disabled applicants who are either owners or co-owners of the vehicle.

Rationale:

Another area in which the Task Force discovered that Maryland was more generous than the Federal regulatory scheme was in the scope of individuals eligible to apply for disabled parking plates. Federal regulations anticipate that disabled parking plates be issued only to a qualified disabled vehicle owner/co-owner or an organization that transports disabled people. The Federal regulations anticipated that family or friends transporting disabled individuals could utilize the parking placard when doing so. Current Maryland law, however, allows disabled parking plates to be issued not only to disabled vehicle owners but also to non-disabled vehicle owners (transporter tags) who submit a certificate of dependency that a person deemed eligible by the MVA for disabled parking privileges relies on the vehicle owner for transportation.

Data supplied to the Task Force indicated that of the approximately 89,000 currently issued disabled parking plates, an estimated 30,000 of these plates are issued to non-disabled transporters.

The Task Force members recognized that “transporter tags” present another avenue of opportunity for abuse of disabled parking privileges, since legally transporters are only entitled to use disabled parking spaces when the qualified disabled person is being transported in the vehicle. The Task Force believes that elimination of “transporter tags” is an important component of any scheme to reduce the abuse of disabled parking privileges by non-disabled vehicle operators.

It should be noted that the Task Force is not recommending that any changes be made to existing Maryland law that allows organizations such as nursing homes that transport the disabled to have facilities plates that provide disabled parking privileges. MVA statistics provided to the Task Force indicate that less than 200 facilities plates are outstanding. No evidence or other indication was given to the Task Force that there is any abuse of facilities license plates.

Recommendation #4

The Task Force recommends that the General Assembly clarify that an applicant for a disabled parking placard or license plates must be a Maryland resident.

The Federal regulatory scheme for disabled parking assumed that each state would issue disabled parking plates and placards only to eligible residents of their state and required that each state recognize disabled parking plates and placards issued by any other state.

When Maryland’s disabled parking laws were enacted, no express reference to a residency requirement was included. While residency is implied with respect to disabled plates, since

Maryland residency is a prerequisite to registering a vehicle in Maryland, there is no specific reference to Maryland residency requirements in those provisions of law governing the issuance of disabled parking plates or disabled parking placards. This appears to be an unintentional omission.

In comparing Maryland's disabled parking eligibility requirements to those of its neighboring states, including the District of Columbia, the Task Force noted that other states incorporate explicit residency requirements into their criteria for disabled parking placard and plate eligibility. The Task Force concluded that a lack of an explicit Maryland residency requirement, especially in the case of disabled parking placards, leaves Maryland vulnerable to "forum shopping" by out-of-state applicants who may not be eligible for placards under the standards of their home jurisdiction but may be eligible under Maryland's standards. To avoid this potential outcome, the Task Force recommends that only Maryland residents be eligible to apply for disabled parking license plates and placards.

Recommendation #5

The Task Force recommends that Maryland's current requirement that a physician re-certify an individual with permanent disabilities every 4 years be eliminated so that once certified as permanently disabled would no longer be required to obtain a physician's re-certification.

Rationale:

Contrary to Federal regulations, which do not require individuals with a permanent disability to be re-certified, current Maryland law requires that a physician re-certify permanent disabilities every 4 years. The Task Force has learned that significant criticism has been raised by this requirement, especially by disabled parking privilege holders whose disabilities are unquestionably of a permanent nature. The Task Force proposes no change in the requirement that persons with a permanent disability be required to renew their placards periodically. However, physician's re-certification would no longer be required.

Both Maryland law and the Federal regulatory scheme provide disabled parking privileges for two classes of applicants: (i) those with permanent disabilities who are provided the choice of disabled parking plates or a permanent placard and (ii) those whose disabilities are not permanent who receive a temporary placard, which is valid for a time period not to exceed 6 months. The temporary placards may be renewed if the temporary disability lasts longer than 6 months.

Recommendation #6

In order to address the concerns raised concerning adequate availability of van-accessible parking spaces, the Task Force recommends:

- **That the General Assembly modify the provisions of Transportation Article §21-1006(a) to establish October 1, 2010 as a date by which all existing parking lots must come into compliance with the Maryland Accessibility Code;**
- **That the General Assembly encourage the Department of Housing and Community Development to amend the provisions of the Maryland Accessibility Code to specifically provide that restriping or repaving of an existing parking lot be considered an “alteration” for purposes of triggering compliance with the Maryland Accessibility Code; and**
- **That the General Assembly encourage local zoning boards to permit exceptions when meeting the additional Maryland requirement of the 1:4 van accessible disabled parking ratio in the Maryland Accessibility Code would result in having the parking lot becoming noncompliant with local zoning requirements concerning the total number of required parking spaces.**

Rationale:

One of the central charges of the Task Force was to provide recommendations on what has become known as the “van space issue”.

Both Federal and Maryland regulations provide size requirements for two different types of disabled parking spaces. The standard disabled parking space requires a width of 8 feet with an access aisle of 5 feet. The van accessible space requires a width of 8 feet with an access aisle of 8 feet; the wider access aisle is designed to accommodate the operation of side mounted wheelchair lifts that some disabled citizens have installed on their vans.

The “van space issue” arose due to frustrations of disabled van operators who claim to be unable to find van accessible parking at times because disabled drivers operating regular sized vehicles park in the van accessible spaces. These disabled van operators have expressed a desire that disabled drivers operating regular sized vehicles not be allowed to legally park in the van accessible spaces. These disabled van operators cite their need for the wider access aisles adjacent to van accessible spaces in order to operate their side-mounted wheel chair lifts as the rationale for their position.

The Task Force quickly recognized that any suggestion of restricted van accessible spaces to vans only was fraught with difficulties due to the diversity of needs within the disabled community. Van accessible spaces were designed with the need in mind for side mounted wheel chair lifts, which require the wider access aisle to operate. However, some vans use rear mounted wheel chair lifts and some legitimately disabled parking privilege holders drive vans but do not require wheel chair lifts. Furthermore, in a case of a very small parking lot where only one disabled parking space is required to be provided, Federal regulations require that one

space to be van accessible but must be available to any vehicle properly displaying disabled parking plates or a placard.

Instead the Task Force's discussions focused on how to make more van-accessible spaces available. The Task Force learned that the Department of Housing and Community Development had revised its regulations (COMAR 05.02.02 -The Maryland Accessibility Code) to increase the required ratio of van accessible spaces from the Americans with Disabilities Act Accessibility Guidelines' minimum requirement of 1:8 to 1:4 in 2002. However, the new requirement only applies to parking lots constructed or altered on or after October 1, 2002 and the definition of alteration in the Maryland Accessibility Code does not include restriping or repaving. The Task Force learned that most parking lots will need to be restriped if not repaved every 5 years and this information was factored into the Task Force's recommendation. The Task Force believes that requiring all existing parking lots to eventually come into compliance with the 1:4 van accessible ratio is a major component in successfully addressing the van space issue since it will double the number of van accessible spaces available.¹

The Task Force recognizes that coming into compliance with this requirement may trigger a zoning compliance issue for some parking lots. The total number of parking spaces required is set by local zoning ordinance. Federal and state requirements dictate the number of total disabled parking spaces and how many of those disabled spaces must be van accessible. Consequently, for a parking lot originally constructed with the minimum number of total parking spaces required by local ordinance, modification of the parking lot to comply with the 1:4 ratio may result in fewer total parking spaces, given the larger size requirements of van accessible spaces, and therefore the lot may no longer meet local zoning requirements for total parking spaces. Accordingly, the Task Force has chosen to include as the third prong of this recommendation its recommendation that the General Assembly encourage local zoning boards to grant exceptions as may be needed to allow such parking lots to provide more van-accessible spaces.

Recommendation #7

That the General Assembly enact legislation mandating that all disabled parking signs erected prior to October 1, 2002 come into compliance with the Transportation Article § 21-1004(f) requirement that they display the maximum permissible fine no later than October 1, 2006.

¹ The 2002 revisions to the Maryland Accessibility Code also added a requirement that all van accessible parking space aisles have a "No Parking in Access Aisle" sign. The Task Force believes that compliance by all parking lots with this requirement is also important, as members of the general public often do not seem to understand either the significance of the access aisle next to the disabled parking space nor the importance of keeping the aisle unobstructed in order for a disabled individual to get in and out of the vehicle.

Rationale

HB 16 passed by the General Assembly during the 2002 legislative session added new subsection (f) to Transportation Article §21-1004, requiring the fine amount to be displayed on disabled parking signs. The bill, as originally introduced, would have applied the requirement to all disabled parking signs; however, it was amended during the legislative process and as finally passed, limited the requirement to signs erected on or after October 1, 2002.

The Task Force found in its review that this inconsistency has led to considerable confusion and has raised concerns among enforcement personnel as to whether a disabled parking citation is valid if the fine amount is not on the sign.

The Task Force also found that the intended benefit of the legislation as originally introduced, *i.e.*, to discourage disabled parking violators by spelling out how expensive the citation would be, had been fairly negated as a practical matter given its limited scope of applicability.

The Task Force further heard from officials of the State Highway Administration (SHA) that SHA has now provided official guidance that the signage requirements of §21-1004(f) may be met by the posting of a separate placard with the fine amount below the disabled parking sign as well as on the disabled parking sign itself. The separate placard option provides a way for parking lot owners to post the fine amount at nominal cost (Estimated cost per placard--\$15). The Task Force believes that the deterrent value of displaying the fine amount on the sign more than outweighs the nominal inconvenience and expense to parking lot owners. Accordingly, the Task Force recommends that the fine amount display requirements of Transportation Article §21-1004(f) be amended to apply to all disabled parking signs, regardless of when they were erected.

Recommendation #8

That the General Assembly encourage local jurisdictions to enact and implement any necessary local ordinances needed to allow expanded disabled parking enforcement efforts through alternative means such as the use of authorized auxiliary personnel, private security and volunteer groups.

Rationale:

Based on an extensive discussion of enforcement issues, it became readily apparent to the Task Force that resource allocation with respect to disabled parking enforcement is no small area of concern for local jurisdictions. While larger jurisdictions such as Baltimore City and Montgomery County have separate parking authorities in addition to law enforcement, smaller jurisdictions are more budgetarily constrained and must rely on law enforcement with full police powers to enforce disabled parking laws. In these jurisdictions, disabled parking enforcement necessarily is assigned a lower priority than more serious crimes affecting persons or property. Often by the time the officer arrives on the scene, the vehicle has been moved and no longer occupies a disabled parking space.

Constraints exist even in larger jurisdictions with separate parking enforcement authorities. Such parking enforcement agents (PEAs) usually patrol only public lots, and in some jurisdictions may not even have the authority to ticket on private lots used by the public in general (e.g., mall parking lots) where most of the violations may occur. While PEAs may issue citations against a vehicle parked in a disabled parking space that does not display a disabled parking plate or placard, PEAs lack arrest powers and therefore are precluded from enforcing violations of Maryland law that requires the qualified disabled person to be in the vehicle and produce the MVA-issued certification card upon request.

Transportation Article 26-301 authorizes local jurisdictions to adopt ordinances regulating the parking of vehicles. Section 26-301(a) further grants local jurisdictions flexibility in the enforcement of such ordinances by defining “officer” to mean “a police officer or a person other than a police officer who is authorized to issue a citation for a violation of a ordinance” adopted under this section. Therefore, local governments have the power to establish by local ordinance who is authorized to enforce parking violations.

The Maryland Chiefs of Police representative to the Task Force presented information concerning different approaches that were being utilized both in some Maryland jurisdictions, such as Howard County, as well as in other states, to use auxiliary personnel and citizen’s groups for disabled parking enforcement. Given the manpower constraints placed on law enforcement agencies throughout the State, the Task Force recommends that the General Assembly encourage local jurisdictions to consider these alternate means to enhance and expand their disabled parking enforcement initiatives.

Recommendation #9

That the General Assembly encourage and support public outreach efforts to educate law enforcement, businesses, medical practitioners and the general public as to the State law requirements for disabled parking, including but not limited to the following:

- **The authority of law enforcement officials to enter private parking lots used by the public in general for the enforcement of disabled parking**
- **A better understanding of the specific eligibility criteria to obtain disabled parking plates and placards**
- **The requirement that the disabled person must be in the vehicle either as driver or passenger in order for the vehicle to be entitled to park in a disabled parking spot, the presence of disabled parking plates or placard not withstanding**
- **The requirement that the disabled person have in their possession the MVA-issued certification card any time that disabled parking privileges are exercised**

Rationale:

A continuous theme running throughout the various meetings of the Task Force was the recognition of the need for public outreach efforts to educate law enforcement, businesses, medical practitioners and the general public as to the State law regarding disabled parking.

Early in its evaluation, Task Force members focused on the doctor certification form that must be completed certifying the qualifying disability of the applicant for disabled parking privileges. Despite information received from the Medical and Chirurgical Faculty of Maryland (Med-Chi) representative to the Task Force concerning Med-Chi's efforts to educate the medical community as to the eligibility requirements for disabled parking privileges, the Task Force concluded that many doctors are not aware of either the exact medical eligibility requirements or the repercussions on the disabled community at large when medical practitioners sign certifications for applicants who truly do not meet the criteria. The Task Force believes that further educational outreach efforts are needed.

The Task Force also believes educational outreach efforts to law enforcement are needed. Three members of the Task Force come from the law enforcement community and it became evident, not only from their information but also from experiences that other members of the Task Force have had with law enforcement officials that the Maryland law enforcement community as a whole is not well versed in the laws regarding disabled parking. For example, the Task Force found that there is a widespread lack of information among law enforcement of the requirement that the disabled person must have the MVA-issued certification card on their person whenever using disabled parking privileges, in addition to the disabled parking placard or plate on the vehicle. This requirement exists as a way for law enforcement to ascertain that the disabled person is either a driver or passenger in the vehicle, as required under Maryland law related to disabled parking privileges.

The Task Force also identified as another area where further educational outreach efforts are needed is to educate law enforcement, the business community and the public in general as to the authority of law enforcement officials to enter private parking lots used by the public in general for the enforcement of disabled parking laws. While State law granting such authority is clear, one Task Force member who is a legislator reported that she has been consistently told by her county's police department that police officers do not have the authority to enter mall and shopping center parking lots to enforce disabled parking violations because they are private property.

The Task Force believes that further educational outreach efforts are an important component in a plan to address disabled parking enforcement and recommends that the General Assembly support and encourage such efforts.

Conclusion

The nine recommendations contained in this Final Report are presented to the Maryland General Assembly for their consideration. Given the short time frame in which the Task Force had to work, this Final Report does not attempt to present a comprehensive remedy to address all aspects of the disabled parking issue, or even all aspects of the van-accessible parking issue. Nonetheless, the Task Force believes that the recommendations contained in this report, if acted upon by the General Assembly and other affected parties, will not only substantially increase the number van-accessible parking space issue but also mitigate a number of the longstanding parking problems faced by individuals with disabilities. The Task Force believes that, once these recommendations have been adopted and implemented, the General Assembly will be in a better position to evaluate what further actions may need to be taken to address any remaining issues related to disabled parking in Maryland.

The Task Force also briefly discussed issues relating to free-metered parking for holders of disabled parking privileges as well as issues related to personal reserved disabled parking spaces. Regretfully, time restraints and the fact that these issues were not included as part of the Task Force's mandate did not allow the Task Force to review these issues in depth. The Task Force does believe, however, that these subjects may be worthy of further study at some future date.

The Chairman wishes to recognize the extraordinary commitment and dedication of Task Force members whose passion and efforts contributed to the success of the Task Force recommendations. The Chairman also wishes to acknowledge the support of MVA staff members Mary Elizabeth Peitersen and Caryn Coyle who were of invaluable assistance in drafting this report under a very tight time schedule.

It is the sincere hope of the Task Force that the General Assembly will accept and act upon these recommendations which the Task Force believes would enhance the lives of all those who are disabled in Maryland.