



South Dakota's Laws on Reserved Parking for Individuals with Disabilities: *Rights and Responsibilities*

SD Department of Revenue & Regulation
Division of Motor Vehicles
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*"Taking an oxygen tank with me
wherever I go isn't easy...
but my disability's not
keeping me at home!"*



Advancements in technology, medical breakthroughs, and a desire to stay active are keeping South Dakotans with physical disabilities behind the wheel of their own vehicles. With more drivers with disabilities on the road comes a need to ensure that accessible parking is available for them wherever they go.

To limit potential abuse and misuse of reserved parking spaces, placards, and license plates for individuals with disabilities, the 2002 South Dakota Legislature passed HB 1273 (now codified in SDCL 32-30 and 32-5). The law better defines who is eligible for these reserved parking privileges and provides stiffer penalties for those who misuse those privileges. The new law went into effect July 1, 2002. This publication explains the new eligibility requirements, application procedures, and penalties.

Who's Eligible for Reserved Parking for Individuals with Disabilities?

To qualify for reserved parking placards and license plates, an individual must have a physical disability that limits or impairs their ability to walk. A licensed physician must certify that the person meets one or more of the following criteria:

1. Cannot walk 200 feet without stopping to rest;
2. Cannot walk without the use of or assistance from a brace, cane, crutch, another person, a prosthetic device, wheelchair, or another assistive device;
3. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second (when measured by spirometry) is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;



"After the accident, they said I might not walk again let alone drive...my freedom is so important to me!"

4. Uses portable oxygen;
5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the American Heart Association leaflet "The Functional and Therapeutic Classifications of Patients with Diseases of the Heart" (printed June 1, 1990); or
6. Is severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

Blindness or impaired vision by itself is not a valid criterion to receive disabled reserved parking privileges.

Applying for Permits and License Plates

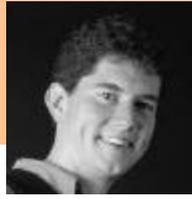
Applications for Physically Disabled Parking Permits and License Plates are available from your local county treasurer's office or from the Department of Revenue & Regulation, Division of Motor Vehicles. The application asks for the type of permit being applied for, personal information from the individual with a disability, whether or not the individual wants disabled parking license plates and/or a portable permit, and certification from a licensed physician that the person medically fulfills the eligibility requirements.

Types of Permits

There are two types of disabled reserved parking permits - permanent portable permits and temporary portable permits.

Permanent portable permits are issued for periods of more than one year not to exceed five years. They must be renewed (without a physician's certification) every five years if the person's disability

"I blew out my knee in football last year...MAJOR surgery. With a temp disabled parking permit, I still made it to class every day!"



was certified as permanent on the original application. Permanent permits may be used in a vehicle driven by the individual with a disability or any vehicle used to transport the disabled individual. Under the new law, nursing facilities, nonprofit organizations, hospitals, retirement homes and educational institutions who care for people with disabilities may obtain a permit to transport such individuals but may only park in a disabled reserved parking space long enough to load or unload passengers.

Temporary portable permits are issued for periods of less than one year. When applying for a temporary permit, the physician's certification must include when the disability occurred and an expected date of recovery for the applicant.

Recipients of both types of permits get a removable windshield placard containing an identification number, expiration date, and some type of identification proving it was issued by the Department of Revenue & Regulation. There is no cost for either type of disabled reserved parking permit; an individual can request two permanent portable permits if they have more than one vehicle.

Individuals with disabilities can also request **disabled reserved parking license plates**. To apply for these special plates, the vehicle must be titled in the name of the person with a disability. While the criteria to obtain the plates is the same as that for a permit, there is a \$4 fee for each set of license plates that are mailed to the individual.



"You wouldn't believe the looks I get when I pull into a disabled accessible parking space! Most people don't even realize I have a heart condition."

Physician Certification

For a permit or license plate application to be valid, the applicant's physician must certify that the individual meets at least one of the six eligibility criteria. The physician is required to complete and sign the back page of the application before the Division of Motor Vehicles will consider it for approval.

Renewals and Replacement of Permits/Plates

Both types of disabled reserved parking permits can be renewed. Permanent portable permits must be renewed every five years and can be renewed up to 90 days prior to the expiration date printed on the permit. Temporary portable permits may be renewed if a physician certifies that the person's disability is not permanent but will last longer than the one-year issuance limit allowed on the temporary permit.

For disabled reserved parking license plates, the same rules apply for replacing disabled plates as for regular plates. The individual requesting the replacement plates must pay a \$10.00 duplicate plate fee along with a \$4.00 mailing fee and present an affidavit for replacement plates.

Displaying Portable Permits

If parked in a disabled reserved parking space, the permit holder should make sure their portable placard can be seen in the vehicle's front windshield. If the placard isn't visible while the vehicle is parked in a disabled reserved space and the vehicle gets ticketed,

"So it takes me a little longer to get around these days...I'm not ready to give up my independence."



failing to display the placard will not be accepted as an excuse and the individual will be required to pay the fine.

Violations and Penalties

South Dakota's new disabled accessible parking law contains stronger penalties for a variety of violations, from submitting false information on the application to illegally parking in a disabled reserved parking space. Following is a list of the violations and their penalties.

Failure to Surrender Disabled Reserved Parking Permits/Plates

Under state law, permit or plate holders have 30 days to surrender their plates or permits to their county treasurer's office if one of the following circumstances occurs:

1. The applicant no longer has a physical disability;
2. The applicant is deceased; or
3. The applicant no longer transports people with physical disabilities.

Failing to surrender the plates or permits within 30 days is a Class 2 misdemeanor, punishable by a maximum sentence of 30 days in jail and/or a \$200 fine.

Illegally Parking in a Reserved Parking Space Designated for Individuals with Disabilities

It is considered illegal to park in a reserved parking space designated for individuals with disabilities in any of the following situations:



Famous last words: "I'll just be a minute...the disabled reserved parking space was the only one open!"

1. If any person (other than the veteran or individual to whom the permit was issued) uses a disabled veteran's or physically disabled individual's license or portable parking permit to park in a disabled reserved space;
2. When any person who does not have a physical disability uses the privileges granted a person with a physical disability;
3. When the owner of any vehicle not displaying a permit or special plate parks or stops in a disabled reserved parking space, or blocks a disabled reserved parking space on public or private property; or
4. When the owner of a vehicle parks, stops, or stands in an access aisle or lane immediately adjacent to reserved disabled parking spaces, or in front of a ramp or curb-cut, blocking access to a person who uses a wheelchair.

If found guilty of any of these violations, it's a Class 2 misdemeanor and the minimum fine that could be levied is \$100.

False or Fraudulent Application

It's a Class 1 misdemeanor to submit a false or fraudulent application for a disabled reserved parking permit or license plates. The same charge applies if an individual alters a portable permit once it's been issued to them. People convicted of either offense face a maximum sentence of one year in jail and/or a \$1,000 fine.

In any of the situations noted in this section, local law enforcement are required to notify the Department of Revenue & Regulation, Division of Motor Vehicles of all violations of special license plates or permits. The Department, in turn, will revoke the privilege of displaying plates or permits that are improperly used.



Disabled Reserved Parking Signs

Under South Dakota's new accessible parking laws, any new disabled reserved parking sign, access aisle sign, or one that replaces an existing sign after July 1, 2002 must state the penalties for illegal use of the parking space. For more information on how to obtain these signs, contact the South Dakota Coalition of Citizens with Disabilities, at 1-800-210-0143.

For more information

If you have questions about South Dakota's accessible parking laws or want more information on obtaining reserved parking privileges for individuals with disabilities, contact the South Dakota Department of Revenue & Regulation, Division of Motor Vehicles at 445 East Capitol Avenue, Pierre, SD 57501-3185, 605-773-3541, or the South Dakota Coalition of Citizens with Disabilities at 221 S. Central, Pierre, SD 57501, 1-800-210-0143.