

HOUSE BILL 429

By Hill

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 21 and Title 55, Chapter 4, relative to registration plates for disabled persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-21-103, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a)

(1) The department shall, upon application accompanied by a physician's statement or an affidavit from a Christian Science practitioner listed in The Christian Science Journal, provide and issue registration and license plates of distinctive design to disabled drivers and placards of distinctive design to disabled passengers. No physician or Christian Science practitioner shall provide a statement for use under this chapter unless the applicant therefor is disabled by one (1) or more of the conditions set out in § 55-21-102, and the nature of the disability shall be set forth in the statement. Placards shall be personal to the disabled driver or passenger, and shall only be used by that person. Any other person using a placard commits a misdemeanor and shall be punished as provided for in § 55-21-108. The cost of any such registration and license plates shall be paid by the disabled driver or disabled passenger.

(2) Notwithstanding the above, one (1) registration and license plate per family shall be provided free to those disabled persons who are permanently and totally confined to a wheelchair, when so certified by a physician's statement.

(3) More than one (1) registration and license plate per family shall be provided free if more than one (1) member of the family is permanently and totally confined to a wheelchair and is the owner or lessee of a motor vehicle.

(4) Any person qualifying under subdivisions (a)(2) and (3) is the titled owner or lessee of the vehicle.

(5) Notwithstanding any provision of this subsection (a) to the contrary, an owner or lessee of a motor vehicle who is a resident of this state and is the parent or legal guardian of an individual who is permanently disabled, whose permanent disability is certified by the physician's statement, and who does not own and is incapable of operating a motor vehicle, shall receive a disabled plate upon payment of any applicable fees. The certificate of title and registration shall remain in the name of the parent or legal guardian. In order to receive a disabled plate under this subdivision (a)(5), the parent or legal guardian shall verify under penalty of perjury upon a form prescribed by the department that the parent or guardian is the parent or legal guardian of the permanently disabled individual.

(6) Notwithstanding the above, the department shall provide any person qualifying for a registration and license plate under subdivision (1) who applies for and receives a new specialty earmarked license plate pursuant to chapter 4, part 2, of this title, a decal of distinctive design to disabled drivers to affix to such new specialty earmarked license plate. New specialty earmarked license plates having such a decal properly affixed shall be a recognized symbol for the purposes of this part.

SECTION 2. The commissioner of revenue is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.