NEBRASKA ADMINISTRATIVE CODE

TITLE 248, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5

RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, NEB. REV. STAT. §§ 60-3,113.01 THROUGH 60-3,113.08.

Last filing date: June 24, 2013

Draft: 05/01/2017 showing changes

RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, NEB. REV. STAT. §§ 60-3,113.01 through 60-3,113.08.

NUMERICAL TABLE OF CONTENTS

Subject of Title	Statutory Authority	Code Section
Scope	18-1742, 60-3,113.01 through 60-3,113.08	001
Definitions	18-1736 through 18-1741	002
Permits	18-1739, 60-3,113.02	003
Electronic Application	60-3,113.02	004
Application for A Personal Permit	60-3,113.02	005
Application for A Motor Vehicle Permit	60-3,113.03	006
Permit Issuance	60-3,113.02	007
Placard	23 CFR 1235, 60-3,113.04	008
Identification Card	60-3,113.02, 60-3,113.03	009
Use of Permit; Notice	60-3,113.02, 60-3113.03 60-3,113.06 (2)	010
Fraud	60-3,113.07	011
Duplicate Permits	60-3,113.04(4)	012

Expiration of Permit	60-3,113.05	013
Renewal of Permit	60-3,113.05	014
Handicapped or Disabled Person Criterion	60-3,113.02	015
Attachments	23 CFR 1235 appendix A, B	

RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, NEB. REV. STAT. §§ 60-3,113.01 through 60-3,113.08.

001 SCOPE. These rules and regulations govern the Nebraska Department of Motor Vehicles procedures for the issuance of parking permits for handicapped persons, disabled persons and motor vehicles used for transporting handicapped and/or disabled persons pursuant to Neb. Rev. Stat. §§ 60-3,113.01 through 60-3,113.08.

002 DEFINITIONS.

002.01 Application means providing information to the Department to request a new, renewal, duplicate, permanent or temporary handicapped or disabled permit.

002.02 Department means the Nebraska Department of Motor Vehicles.

002.03 Director means the Director of the Nebraska Department of Motor Vehicles.

002.04 Designated parking space means those parking spaces and access aisles designated for the exclusive use of handicapped or disabled person(s) by Neb. Rev. Stat. §§ 18-1736 to 18-1741.

002.05 Health care provider means a physician, physician assistant or advanced practice registered nurse, or his or her designee.

002.06 Permit means a handicapped or disabled or temporary handicapped or disabled parking permit issued by the Department which allows motor vehicles to be parked in designated parking spaces. It consists of an ID card and a placard.

002.07 Placard means a durable plastic hang tag identifying the motor vehicle as one used to transport a handicapped or disabled person and constructed in accordance with the provisions of section 008 of these rules and regulations.

003 PERMITS.

003.01 Personal Permit. Any handicapped or disabled person, his or her parent, legal guardian or foster parent, or health care provider may apply for up to two personal permits which will entitle the handicapped or disabled person or his or her driver to park in designated parking spaces when the handicapped or disabled person will exit or enter the motor vehicle at that parking space.

003.01A Non-transferable. Personal permits are issued for a specific individual and are non-transferable between persons.

003.01B Separate personal permits must be obtained for each handicapped or disabled individual who may use a motor vehicle in the absence of the other.

003.01C Permanent permit. A permanently handicapped or disabled person may apply for a personal permit which is valid for six years and may be renewed.

003.01D Temporary Permit. A person who is expected to be handicapped or disabled for less than one year may apply for a temporary personal permit which will expire as set forth in statute.

003.02 Motor Vehicle Permit. Any person may apply for a motor vehicle parking permit for each motor vehicle that is used primarily for the transportation of handicapped or disabled person(s). The permit will entitle the holder or operator of a specific motor vehicle to park in designated parking spaces when a handicapped or disabled person(s) will exit or enter the motor vehicle at that parking space.

003.02A Motor vehicle permits are issued for a specific motor vehicle and are nontransferable between motor vehicles.

003.02B Separate motor vehicle permits must be obtained for each motor vehicle used to transport handicapped or disabled person(s).

003.03 Number of Permits. A person may hold either personal permits or motor vehicle permits, but not both.

004 ELECTRONIC APPLICATION. A handicapped or disabled person, his or her parent, legal guardian, foster parent, or certifying health care provider may apply for a permit through the health care provider. Application is made using a secure online process, except as provided in 004.01, below. The health care provider will be able to import the secure online application into the provider's files.

004.01 Exception. If the certifying health care provider is certified outside the State of Nebraska, or prefers not to use the secure online process, the information stated at 005 may be used to apply for a permit to the Department.

005 APPLICATION FOR A PERSONAL PERMIT. The application is made through the health care provider for the handicapped or disabled person. No applicant shall be required to provide his or her social security number. The application shall include the following information:

005.01 Holder information, including the handicapped or disabled person's name, date of birth, address, gender, telephone number, and email if applicable.

005.02 Verification of the proof of identity for the holder. Proof of identity must be a valid driver's license, state identification card, certified birth certificate, passport, or other reliable form of identification with date of birth, or a combination of reliable forms with name and date of birth.

005.03 Certification by the health care provider that the holder has a severe visual or physical impairment as set forth in paragraph 015, below.

005.04 Health Care Provider information, including the provider's name, company, telephone number, complete address, Department of Health and Human Services license number and DEA number if available.

005.04A In the case of a temporarily handicapped or disabled person, the health care provider will estimate the date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

005.04B Whether the application is for a new, renewal, or duplicate permit.

006 APPLICATION FOR A MOTOR VEHICLE PERMIT. Any person may apply for a motor vehicle permit. The application shall include the following information:

006.01 Holder information, including the business name, address, telephone number, contact information and email if applicable.

006.02 A complete description of the vehicle.

006.03 A demonstration that the each motor vehicle is used primarily for the transportation of handicapped or disabled persons.

007 PERMIT ISSUANCE.

007.01 Personal permit; health care provider. The Department, upon receipt of an application with complete information for a handicapped or disabled personal permit, shall confirm that the applicant qualifies for a permit.

007.02 Motor vehicle permit. The Department, upon receipt of an application with complete information for a motor vehicle permit, will confirm the applicant is qualified as a transporter of handicapped or disabled persons.

007.03 The Department will assign a permit number and deliver the permit to the applicant. The permit consists of an ID card (found at 009), and a placard (found at 008). The permit will be accompanied by a notice (found at 010).

008 PLACARD.

008.01 Placard's Construction. The placard shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 CFR part 1235. 23 CFR part 1235 Appendix A and Appendix B are attached.

008.01A Material. The placard shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance.

008.01B Dimensions. The placard shall be 9½ inches by 3 inches.

008.01C Numbering. The placard shall be serially numbered on both sides.

008.01D Color.

008.01D1 Permanent Permits. Permanent permits shall have a blue background with white lettering.

008.01D2 Temporary Permits. Temporary permits shall have a red background with white lettering.

008.01E Placard Design.

008.01E1 Use and Non-use Requirements. The placard shall be designed to hang from the rearview mirror while the motor vehicle is parked and to be removed while the motor vehicle is moving.

008.01E2 Wheelchair Symbol. The placard shall display the wheelchair symbol adopted by Rehabilitation International in 1969.

008.01E3 Expiration Date. The placard shall display the parking permit's expiration date.

008.01E4 Issuing Authority. The placard shall list the Department as the issuing authority and display its name.

008.01F Expiration. All permits will have an expiration date.

008.02 Display of Placard. When using a designated parking space, a placard shall be displayed by attaching the placard to the motor vehicle's rearview mirror so as to be clearly visible and unobstructed through the front and side windshields.

008.02A No Rearview Mirror. When the motor vehicle has no rearview mirror, the placard shall be displayed on the motor vehicle's dashboard.

008.02B Removal of Placard. The placard shall be removed from the rearview mirror or dashboard when the motor vehicle is operated.

009 IDENTIFICATION CARD. The department will include an identification card with each permit.

009.01 Personal Permit. The identification card will state the permit's expiration date, a Personal Identification Number, and the following identifying information about the holder:

1) his or her name

2) his or her gender

3) his or her date of birth

009.02 Motor Vehicle Permit. The identification card shall state the permit's expiration date, a Personal Identification Number, and identify the motor vehicle for which the permit is issued.

010 USE OF PERMIT; NOTICE. The Department shall include a notice with each permit. It will contain information as follows:

010.01 Personal Permits. Personal parking permits shall be used only when the permit holder will enter or exit the motor vehicle while it is parked in a designated parking space.

010.02 Motor Vehicle Permits. Motor vehicle permits shall be used only when the motor vehicle is used to transport handicapped or disabled persons and they will enter or exit the motor vehicle while it is parked in a designated parking space.

010.03 Suspension. Those convicted of handicapped parking infractions are subject to suspension of the permit for six months.

010.04 Parking Permits Are Not Reproducible and Non-transferable. No person shall transfer, alter or reproduce a permit.

010.05 Display. The permit shall be clearly displayed by hanging it from the motor vehicle's rearview mirror. It may be displayed on the dashboard only when there is no rearview mirror.

010.06 Number of Permits. No person shall knowingly hold more than the allowed number of permits.

011 FRAUD. No person shall knowingly provide false information on an application for a handicapped or disabled parking permit. If the Director discovers evidence of fraud, the Director may summarily cancel such permit or license plate and send notice of cancellation to the applicant. Fraud may also lead to criminal penalties.

012 DUPLICATE PERMITS. A duplicate handicapped or disabled permit may be provided up to two times during any single permit period if a permit is destroyed, lost, or stolen.

012.01 Application for a duplicate Placard. The duplicate placard may be applied for through the secure online process using the Personal Identification Number provided on the original identification card, or by direct application to the Department.

012.02 Application for duplicate identification card and notice. A permit holder may request a duplicate identification card or notice by informing the Department in writing.

012.03 Expiration A duplicate permit is valid for the remainder of the period for which the original permit was issued.

012.04 Original invalidated. The issuance of a duplicate will invalidate the original permit.

013 EXPIRATION OF PERMIT. The permits expire as follows:

013.01 Permanently issued permits issued are valid through the last day of the month of the applicant's birthday in the sixth year after issuance. ~~**Permanent permits issued prior to October 1, 2011:** Permanently issued permits issued prior to October 1, 2011, are valid through the last day of the month of the applicant's birthday in the third year after issuance~~.

013.02 **Temporary Permits** All permits for temporarily handicapped or disabled persons expire not more than six months after the date of issuance. ~~**Permanent permits issued on or after October 1, 2011:** Permanently issued permits issued on or after October 1, 2011, are valid through the last day of the month of the applicant's birthday in the sixth year after issuance.~~

~~**013.03 Temporary Permits** All permits for temporarily handicapped or disabled persons expire not more than six months after the date of issuance.~~

014 RENEWAL OF PERMIT.

014.01 Renewal of Permanent Permits. Applications for renewal of a permanent permit may be submitted within one hundred eighty days prior to the expiration of the permit. The renewed permit will be issued by the Department no more than ten days prior to the expiration of the old permit.

014.02 Renewal of Temporary Permits. Temporary permits may be renewed one time for a period not to exceed six months.

014.02A Additional Application Required. Applicants seeking renewal of a temporary permit shall submit an additional application in conformance with section 5 of these rules and regulations.

014.03 Old Permit Invalid. An existing permit becomes invalid upon receipt of the new permit.

014.04 Hand-delivery or Mail. The Department shall deliver each renewed permit to the applicant in person or by United States mail, as circumstances permit.

014.05 Use of Suspended, Invalid or Expired Permit. Use of a suspended, invalid or expired permit may be deemed a handicapped parking infraction pursuant to Neb. Rev. Stat. § 18-1741.01.

015 HANDICAPPED OR DISABLED PERSON CRITERION. To be eligible for a permit, the application information must show that the applicant has at least one of the following conditions:

015.01 Severe Visual or Physical Impairment Any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel ~~unassisted~~ more than two hundred (200) feet without stopping or without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device.

015.02 Respiratory Problems Any individual whose personal mobility is limited as a result of respiratory problems.

015.03 Cardiac Condition Any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being a Class III or Class IV, according to standards set by the American Heart Association.

015.04 Loss of Use of Limbs Any individual who has permanently lost all or substantially all the use of one or more limbs.

015.05 Permanently handicapped or disabled person. A permanently handicapped or disabled person is expected to have limited mobility, as stated above, for more than one (1) year.

015.06 Temporarily handicapped or disabled person. Any handicapped or disabled person whose personal mobility is expected to be limited as described above for no longer than one (1) year.

APPENDIX A TO PART 1235—SAMPLE REMOVABLE WINDSHIELD PLACARD

COLORS
SYMBOL & LEGEND — WHITE
BACKGROUND — BLUE

APPENDIX B TO PART 1235—SAMPLE TEMPORARY REMOVABLE WINDSHIELD PLACARD

COLORS
SYMBOL & LEGEND—WHITE
BACKGROUND—RED