

Subd. 2. PROCEEDS OF CONTINUED LEVY. Notwithstanding subdivision 1, if the city council elects under section 5, subdivision 2, to continue imposing the tax after \$16,000,000 has been collected for the park and recreation system and \$16,000,000 for flood control improvements, the revenues must be used to pay the city's share of the flood control project or for other flood control purposes, including additional construction or restoration, repairs, and maintenance of existing flood control improvements, or to pay the cost of cleanup and repair of flood damages.

Sec. 2. Laws 1983, chapter 342, article 19, section 5, is amended to read:

Sec. 5. **TERMINATION OF TAXES.**

Subdivision 1. MAXIMUM REVENUES. The taxes imposed pursuant to sections 1 and 2 shall terminate on the first day of the second month next succeeding a determination by the city council that sufficient funds have been received from the taxes and bond proceeds to finance capital and administrative costs of \$16,000,000 for improvements to the city park and recreation system and \$16,000,000 for flood control improvements and to prepay or retire at maturity the principal, interest, and premium due on any bonds issued for the improvements. ~~Any funds remaining after completion of the improvements and retirement or redemption of the bonds may be placed in the general fund of the city~~ If the city elects to extend the tax under subdivision 2, the funds must be allocated as provided in section 4, subdivision 2.

Subd. 2. ELECTION TO CONTINUE TAX. Upon termination of the taxes under subdivision 1, the city council may, by resolution, continue to impose the taxes. If the city elects to continue imposing the taxes, the taxes terminate on December 31, 1992.

Sec. 3. **EFFECTIVE DATE.**

This act is effective upon compliance by the city council of the city of Rochester with Minnesota Statutes, section 645.021.

Presented to the governor May 19, 1989

Signed by the governor May 22, 1989, 8:25 p.m.

CHAPTER 234—S.F.No. 169

An act relating to motor vehicles; allowing custodial parent of handicapped minor to obtain special license plates for the handicapped; allowing second set of handicapped license plates to be issued to physically handicapped person who is furnished a vehicle as part of employment; defining a handicapped person for purposes of parking privileges; allowing commissioner of public safety to waive requirement of physician's statement in certain

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circumstances; amending Minnesota Statutes 1988, sections 168.021, subdivisions 1 and 3; and 169.345, subdivisions 2, 2a, and 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 168.021, subdivision 1, is amended to read:

Subdivision 1. **SPECIAL PLATES; APPLICATION FOR ISSUANCE.** (a) When a motor vehicle registered under section 168.017, or a self-propelled recreational vehicle, is owned or primarily operated by a permanently physically handicapped person or a custodial parent or guardian of a permanently physically handicapped minor, the owner may apply for and secure from the registrar of motor vehicles two license plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for the plates must be made at the time of renewal or first application for registration. When the owner first applies for the plates, the owner must submit a physician's statement on a form developed by the commissioner under section 169.345, or proof of physical handicap provided for in that section.

(b) The owner of a motor vehicle may apply for and secure a set of special plates for a motor vehicle if:

(1) the owner employs a permanently physically handicapped person who would qualify for special plates under this section; and

(2) the owner furnishes the motor vehicle to the physically handicapped person for the exclusive use of that person in the course of employment.

Sec. 2. Minnesota Statutes 1988, section 168.021, subdivision 3, is amended to read:

Subd. 3. **PENALTIES FOR UNAUTHORIZED USE OF PLATES.** (a) A person who uses the plates provided under this section on a motor vehicle in violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle bearing the plates if:

(1) the person is the owner of the vehicle and permits its operation by a physically handicapped person; ~~or~~ ~~if~~

(2) the person operates the vehicle with the consent of the owner who is physically handicapped; or

(3) the person is the owner of the vehicle, is the custodial parent or guardian of a permanently physically handicapped minor, and operates the vehicle to transport the minor.

(b) A driver who is not handicapped is not entitled to the parking privileges provided in this section and in section 169.346 unless parking the vehicle for a physically handicapped person.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1988, section 169.345, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** For the purpose of this section, "physically handicapped person" means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot walk 200 feet without stopping to rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
- (4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;
- (5) has an arterial oxygen tension (PAO₂) of less than 60 mm/hg on room air at rest;
- (6) uses portable oxygen; ~~or~~
- (7) 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 standards set by the American Heart Association; or

(8) has lost an arm or a leg and does not have or cannot use an artificial limb.

Sec. 4. Minnesota Statutes 1988, section 169.345, subdivision 2a, is amended to read:

Subd. 2a. **PHYSICIAN'S OR CHIROPRACTOR'S STATEMENT.** (a) The commissioner shall develop a form for the physician's or chiropractor's statement. The statement must be signed by a licensed physician or chiropractor who certifies that the applicant is a physically handicapped person as defined in subdivision 2. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility. The statement that the applicant is a physically handicapped person must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician or chiropractor as to the duration of the disability. A physician or chiropractor who fraudulently certifies to the commissioner that a person is a physically handicapped person as defined in subdivision 2, and that the person is entitled to the license plates authorized by section 168.021 or to the certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

(b) The commissioner may waive the requirement of providing a statement of a licensed physician or chiropractor, if the applicant has previously filed with the commissioner a statement of a licensed physician or chiropractor certifying that the applicant has a permanent physical handicap.

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Sec. 5. Minnesota Statutes 1988, section 169.345, subdivision 3, is amended to read:

Subd. 3. **IDENTIFYING CERTIFICATE.** (a) The division of driver and vehicle services in the department of public safety shall issue a special identifying certificate for a motor vehicle when a physically handicapped applicant submits a ~~statement of a physician or chiropractor~~ proof of physical handicap under subdivision 2a. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for the duration of the person's disability, as specified in the physician's or chiropractor's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional periods of time, up to six years each, as specified in the physician's or chiropractor's statement.

(b) When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically handicapped persons, the division may issue without charge a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate has the parking privileges provided in subdivision 1 while the vehicle is in use for transporting physically handicapped persons. The certificate issued to a person transporting physically handicapped persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically handicapped persons.

(c) A certificate must be made of plastic or similar durable material, must be distinct from certificates issued before January 1, 1988, and must bear its expiration date prominently on its face. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each certificate must have printed on the back a summary of the parking privileges and restrictions that apply to each vehicle in which it is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 22, 1989

Signed by the governor May 25, 1989, 5:20 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.