

**DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES**

Statutory Authority: 21 Delaware Code, Sections 302 and 303; 29 Delaware Code, Section 8404
(21 Del.C. §§302 & 303; 29 Del.C. §8404)

FINAL

ORDER

2288 Special Group or Organization Registration Plates for Persons With Disabilities

Comment Period for Draft Regulations

Proposed Administrative Code 2288 allows DMV to make any specialty plate with the international wheelchair symbol. Under Subchapter 2 of Chapter 21 of Title 21 of the Delaware Code, the DMV is authorized to issue special license plates to organizations and groups. The DMV is also authorized under Section 2134 of the same Title to issue special license plates for persons with disabilities which limit or impair the ability to walk. These plates feature the international person with disability wheelchair symbol. Some of these persons with disabilities may also wish to display their affiliation or support for an organization or group, while retaining their rights to consideration as a person with disabilities. The draft regulations would authorize the DMV to design and issue special registration plates for groups and organizations that also include the international person with disability wheelchair symbol.

The proposed regulation was published in the Delaware *Register of Regulations* on February 1, 2015. The comment period remained open until March 4, 2015. There was no public hearing on proposed Regulation 2288.

Summary of the Evidence and Information Submitted

The Department received no public comments on the proposed regulation.

Findings of Fact

Based on Delaware law and the record in this docket, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law.
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority.

Decision and Effective Date

Based on the provisions of 21 Del.C. §§302 & 303; 29 Del.C. §8404, and the record in this docket, I hereby adopt Administrative Code 2288 and as may more fully and at large appear in the version attached hereto to be effective on June 11, 2015.

Text and Citation

IT IS SO ORDERED THIS 15th day of April, 2015.

Jennifer Cohan, Secretary of Transportation

2288 Special Group or Organization Registration Plates for Persons with Disabilities

1.0 Design and Issue

The Division of Motor Vehicles may design and issue special registration plates for groups or organizations as defined in Delaware Code Title 21, Chapter 21, Subchapter 2, to include the international person with disability wheelchair symbol.

2.0 Special Plate Qualification

To qualify for a special registration plate under this Regulation, the applicant or a household member shall have 1 or more of the disabilities that are permanent with no prognosis for improvement as defined in 21 Del.C. §2134.

3.0 Specialty Plate Issuance

The person for whom a specialty plate is issued under this Regulation must be the driver of or a passenger in the vehicle bearing the special plate issued under this Regulation, whenever the vehicle parks in a parking space or zone

restricted for use only by vehicles with a special license plate or placard for persons with disabilities which limit or impair the ability to walk.

4.0 Parking Access

A vehicle with a special plate issued under this Regulation may park in parking spaces or zones restricted for use by persons with disabilities which limit or impair the ability to walk.

5.0 Display Restrictions

Only passenger cars, station wagons, pickup trucks, motorcycles, panel van trucks and other motor vehicles that are reasonably used by persons with disabilities which limit or impair the ability to walk and that have a gross registered weight which does not exceed 10,000 lbs. may display a special plate issued under this Regulation.

18 DE Reg. 1001 (06/01/15) (Final)