

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 248, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5**

**NEBRASKA DEPARTMENT OF MOTOR VEHICLES**

**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. §§ 18-  
1736 THROUGH 18-1742.**

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**NEBRASKA ADMINISTRATIVE CODE**  
**Nebraska Department of Motor Vehicles**

**248 NAC 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. §§ 18-1736 THROUGH 18-1742.**

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**NEBRASKA ADMINISTRATIVE CODE**  
**Nebraska Department of Motor Vehicles**

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**LAST EFFECTIVE DATE: September 3, 2002.**

**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. §§ 18-1736 THROUGH 18-1742.**

**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. §§ 18-1736 through 18-1742.

**001.01 Forms.** All forms needed for processes pertaining to these regulations are available on the Department of Motor Vehicles web page, [www.dmv.ne.gov](http://www.dmv.ne.gov), or may be obtained by calling (402) 471-3918.

**002 DEFINITIONS.**

**002.01 Application** means an application blank for a new, renewal, duplicate, permanent or temporary handicapped or disabled permit.

**002.02 Clerk** means a village clerk, city clerk, or county clerk.

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

**002.04 Director** means the Director of the Nebraska Department of Motor Vehicles.

**002.05 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.

**002.06 Handicapped or disabled person** means:

**002.06A 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 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device;

**002.06B Respiratory Problems.** Any individual whose personal mobility is limited as a result of respiratory problems;

**002.06C 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; and

**002.06D Loss of Use of Limbs.** Any individual who has permanently lost all or substantially all the use of one or more limbs.

**002.07 Holder** means:

**002.07A Personal Permit.** The handicapped or disabled person for whom the personal permit is issued pursuant to Neb. Rev. Stat. § 18-1738.

**002.07B Motor Vehicle Permit.** The registered owner of the motor vehicle for which a motor vehicle permit was issued pursuant to Neb. Rev. Stat. § 18-1738.01.

**002.08 Permanently handicapped or disabled person** means any handicapped or disabled person whose personal mobility is expected to be limited as stated in subsection 002.05 of these rules and regulations for more than one year.

**002.09 Permit** means receipt and placard issued by the Department which allows motor vehicles to be parked in designated parking spaces.

**002.09A Personal permit** means a permit issued for the personal benefit of the holder obtained pursuant to Neb. Rev. Stat. § 18-1738.

**002.09B Motor vehicle permit** means a permit issued for a specific motor vehicle pursuant to Neb. Rev. Stat. § 18-1738.01.

**002.09C Permanent permit** means a permit that is issued to a permanently handicapped or disabled person for a three-year period calculated pursuant to subsection 007.01 of these rules and regulations.

**002.09D Temporary permit** means a permit issued to a person described in subsection 002.11 of these rules and regulations which expires within six months from its date of issuance. A temporary permit may be renewed one time. (See section 008 of these rules and regulations.)

**002.10 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 006 of these rules and regulations.

**002.11 Receipt** means a receipt from the Department which contains all of the information submitted on the application along with the rights and responsibilities of the holder. It must be carried with the placard for the placard to be valid.

**002.12 Temporarily handicapped or disabled person** means any handicapped or disabled person whose personal mobility is expected to be limited as described in subsection 002.05 of these rules and regulations for no longer than one year.

**003 APPLICATION FOR PERMITS.**

**003.01 Personal Permit.** Any handicapped or disabled person may apply for a personal permit which will entitle the holder or the holder's driver to park in designated parking spaces.

**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.

**003.02 Motor Vehicle Permit.** A person, business entity or non-profit corporation 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 and enter the motor vehicle at that parking space.

**003.02A Motor vehicle permits** are issued for a specific motor vehicle and are non-transferable 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 a personal permit or a motor vehicle permit, but not both.

**003.03A** Because motor vehicle permits are issued for specific motor vehicles and are non-transferable, a motor vehicle permit may be held for each motor vehicle used to transport handicapped or disabled person(s).

**003.04 Who May Apply:**

**003.04A Personal Permit.** A handicapped or disabled person, his or her parent, legal guardian, or foster parent, or agent may apply for a personal permit.

**003.04B Motor Vehicle Permit.** A person, business entity or non-profit corporation with one or more motor vehicles that are used primarily for the transportation of handicapped or disabled person(s) may apply for a motor vehicle permit.

**003.05 Where to Apply.** Village clerks, city clerks and the Department will accept applications; designated county officials and county clerks may accept applications for personal or motor vehicle permits.

**003.06 How to Apply.** An applicant must complete an **APPLICATION FOR HANDICAPPED PARKING PERMIT** or an **APPLICATION FOR HANDICAPPED LICENSE PLATES**. Refer to 001.01 of these rules and regulations for form availability.

**003.06A Physician's Signature.** The medical portion of the application for a personal permit must be signed by a physician, physician assistant, or an advanced practice registered nurse who certifies the applicant meets the definition of handicapped or disabled person set forth in Neb. Rev. Stat. § 18-1738(2).

**003.06B Temporary Personal Permit Application.** The temporary personal permit application requires the certifying physician, physician assistant, or an advanced practice registered nurse to indicate the estimated date of recovery or that the temporary handicap/disability will continue for a period of six months, whichever is less.

**003.06C Motor Vehicle Permit Application.** The motor vehicle permit application requires a demonstration to the clerk, designated county official, or Department that each motor vehicle is used primarily to transport handicapped or disabled person(s). The medical portion of the application need not be completed.

**003.06D Proof of Identity.** The applicant for a permit is required to provide proof of identity. It 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.

**003.06D1 No Social Security Number.** The application will not require the applicant's social security number.

**003.06D2 Rights and Responsibilities.** The applicant will be required to sign a statement that he or she is aware of his or her rights, duties and responsibilities regarding: a) the possession and use of the permit; b) the penalties provided for parking infractions; and c) that those convicted of parking infractions shall be subject to suspension of the permit for six months.

**003.06E Copy to Applicant.** A copy of the completed application form shall be provided to each applicant upon request.

#### **004 PERMIT ISSUANCE.**

**004.01 Submission and Review of Application.** The official who receives the application shall immediately submit it to the Department. Upon receipt of a completed application, the Department shall verify that the applicant qualifies for a permit.

**004.02 Issuance of Permit and Receipt.** The Department shall issue a permit to a qualified applicant and generate a receipt which contains information submitted by the applicant along with the rights and responsibilities of the holder.

**004.03 Provision of Permit and Receipt.** The permit and receipt will be provided to the holder as follows:

**004.03A Hand-delivery.** The permit and receipt may be hand-delivered to the holder.

**004.03B Mailing.** The permit and receipt may be sent by first-class United States mail, postage prepaid, as circumstances permit. The Department shall use the address provided on the application for the holder.

**004.04 Copies of Applications Are Available Upon Request.** The applicant may request a copy of his or her application from the Department.

**004.05 Permit List and Data.** The Department shall provide a list of all permit applications and basic issuing data to a clerk or designated official of the county where the application was originally accepted or where the holder resides.

**005 PLACARD.**

**005.01 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 1235.2. See also 23 CFR 1235 Appendix A and B. A copy of this regulation, Appendix A and B are attached.

**005.01A 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.

**005.01B Dimensions.** The placard shall be 9-1/4 inches by 3-1/2 inches.

**005.01C Numbering.** The placard shall be serially numbered on both sides.

**005.01D Color.**

**005.01D1 Permanent Permits.** Permanent permits shall have a blue background with white lettering.

**005.01D2 Temporary Permits.** Temporary permits shall have a red background with white lettering.

**005.01E Placard Design.**

**005.01E1 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.

**005.01E2 Wheelchair Symbol.** The placard shall display the wheelchair symbol adopted by Rehabilitation International in 1969.

**005.01E3 Expiration Date.** The placard shall display the parking permit's expiration date.

**005.01E4 Issuing Authority.** The placard shall list the Department as the issuing authority and display its name.

**005.01F Label.** A label will be placed on the lower portion of the placard to indicate the age and gender of the permit holder.

**005.01G Expiration.** All permits will have an expiration date. Each year of expiration shall be indicated by a different color.

**005.02 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.

**005.02A No Rearview Mirror.** When the motor vehicle has no rearview mirror, the placard shall be displayed on the motor vehicle's dashboard.

**005.02B Removal of Placard.** The placard shall be removed from the rearview mirror or dashboard when the motor vehicle is operated.

## **006 USE OF PERMIT.**

**006.01 Placard and Receipt.** The permit consists of the placard and receipt provided in subsection 004.02 of these rules and regulations. Both must be carried for the permit to be valid. The receipt does not need to be displayed.

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

**006.03 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 and exit the motor vehicle while it is parked in a designated parking space.

**006.04 Invalid If Suspended.** If any parking permit has been suspended pursuant to Neb. Rev. Stat. § 18-1741, no additional permits shall be issued until the expiration of the suspension period.

**006.05 Duplicates.** A duplicate permit may be provided at no cost if the original permit is destroyed, lost, or stolen. It shall be issued in the same manner as the original permit and shall be valid for the remainder of the period for which the original permit was issued. The medical portion of the application is not required on an application for a duplicate permit.

**006.06 Parking Permits Are Not Reproducible and Non-transferable.** No person shall alter or reproduce a permit. If a permit is transferred or altered or duplicated, a court may take all handicapped parking permits issued to or in the possession of the offender.

**006.07 Universal.** All states and Canadian provinces honor the others' permits.

**007 EXPIRATION OF PERMIT.**

**007.01 Permanent Permit.** Permanent permits expire as follows:

**007.01A** If issued prior to August 1, 2005, the permanent permit expires on September 30 of the third year.

**007.01B** If issued after August 1, 2005, the permanent permit expires on the last day of the holder's month of birth in the third year.

**007.02 Temporary Permit.** Temporary permits expire six months after the date of issuance.

**008 RENEWAL OF PERMIT.**

**008.01 Renewal of Permanent Permits.** Applications for renewal of a permanent permit will be accepted no more than 30 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.

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

**008.02A Additional Application Required.** Applicants seeking renewal of a temporary permit shall submit an additional application with the medical portion completed as required in subsection 003.06 of these rules and regulations.

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

**008.04 Hand-delivery or Mail.** The Department shall deliver each renewed permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit.

**008.05 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(1).

**Attachments: CFR 1235.2 and CFR 1235 Appendix A and B**

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person with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a *per se* offense of driving while intoxicated or an equivalent *per se* offense. The law must:

- (a) Apply to all persons;
- (b) Set a blood alcohol concentration of not higher than 0.08 percent as the legal limit;
- (c) Make operating a motor vehicle by an individual at or above the legal limit a *per se* offense;
- (d) Provide for primary enforcement;
- (e) Apply the 0.08 BAC legal limit to the State's criminal code and, if the State has an administrative license suspension or revocation (ALR) law, to its ALR law; and
- (f) Be deemed to be or be equivalent to the standard driving while intoxicated offense in the State.

§ 1225.6 Award procedures.

(a) In each Federal fiscal year, grant funds will be apportioned to eligible States upon submission and approval of the documentation required by § 1225.4(a) and subject to the limitations in § 1225.4(b). The obligation authority associated with these funds is subject to the limitation on obligations pursuant to section 1102 of TEA 21.

(b) As soon as practicable after the apportionment in a fiscal year, but in no event later than September 30 of the fiscal year, the Governor's Representative for Highway Safety and the Secretary of the State's Department of Transportation for each State that receives an apportionment shall jointly identify, in writing to the appropriate NHTSA Regional Administrator and FHWA Division Administrator, the amounts of the State's apportionment that will be obligated to highway safety program areas and to Federal-aid highway projects.

[64 FR 35573, July 1, 1999]

**PART 1235—UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES**

- Sec.
- 1235.1 Purpose.
- 1235.2 Definitions.
- 1235.3 Special license plates.

- 1235.4 Removable windshield placards.
- 1235.5 Temporary removable windshield placards.
- 1235.6 Parking.
- 1235.7 Parking space design, construction, and designation.
- 1235.8 Reciprocity.

APPENDIX A TO PART 1235—SAMPLE REMOVABLE WINDSHIELD PLACARD

APPENDIX B TO PART 1235—SAMPLE TEMPORARY REMOVABLE WINDSHIELD PLACARD

AUTHORITY: Pub. L. 100-641, 102 Stat. 3335 (1988); 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32 and 1204.4; and 49 CFR 1.48(b).

SOURCE: 56 FR 10329, Mar. 11, 1991, unless otherwise noted.

§ 1235.1 Purpose.

The purpose of this part is to provide guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities to enhance access and the safety of persons with disabilities which limit or impair the ability to walk.

§ 1235.2 Definitions.

Terms used in this part are defined as follows:

(a) *International Symbol of Access* means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

(b) *Persons with disabilities which limit or impair the ability to walk* means persons who, as determined by a licensed physician:

- (1) Cannot walk two hundred feet without stopping to rest; or
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- (3) Are 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 sixty mm/hg on room air at rest; or
- (4) Use portable oxygen; or
- (5) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to

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standards set by the American Heart Association; or

(6) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

(c) *Special license plate* means a license plate that displays the International Symbol of Access:

(1) In a color that contrasts to the background, and

(2) In the same size as the letters and/or numbers on the plate.

(d) *Removable windshield placard* means a two-sided, hanger-style placard which includes on each side:

(1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a blue shield;

(2) An identification number;

(3) A date of expiration; and

(4) The seal or other identification of the issuing authority.

(e) *Temporary removable windshield placard* means a two-sided, hanger-style placard which includes on each side:

(1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a red shield;

(2) An identification number;

(3) A date of expiration; and

(4) The seal or other identification of the issuing authority.

§ 1235.3 Special license plates.

(a) Upon application of a person with a disability which limits or impairs the ability to walk, each State shall issue special license plates for the vehicle which is registered in the applicant's name. The initial application shall be accompanied by the certification of a licensed physician that the applicant meets the §1235.2(b) definition of persons with disabilities which limit or impair the ability to walk. The issuance of a special license plate shall not preclude the issuance of a removable windshield placard.

(b) Upon application of an organization, each State shall issue special license plates for the vehicle registered in the applicant's name if the vehicle is primarily used to transport persons with disabilities which limit or impair the ability to walk. The application shall include a certification by the ap-

plicant, under criteria to be determined by the State, that the vehicle is primarily used to transport persons with disabilities which limit or impair the ability to walk.

(c) The fee for the issuance of a special license plate shall not exceed the fee charged for a similar license plate for the same class vehicle.

§ 1235.4 Removable windshield placards.

(a) The State system shall provide for the issuance and periodic renewal of a removable windshield placard, upon the application of a person with a disability which limits or impairs the ability to walk. The State system shall require that the issuing authority shall, upon request, issue one additional placard to applicants who do not have special license plates.

(b) The initial application shall be accompanied by the certification of a licensed physician that the applicant meets the §1235.2(b) definition of persons with disabilities which limit or impair the ability to walk.

(c) The State system shall require that the removable windshield placard is displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard.

§ 1235.5 Temporary removable windshield placards.

(a) The State system shall provide for the issuance of a temporary removable windshield placard, upon the application of a person with a disability which limits or impairs the ability to walk. The State system shall require that the issuing authority issue, upon request, one additional temporary removable windshield placard to applicants.

(b) The State system shall require that the application shall be accompanied by the certification of a licensed physician that the applicant meets the §1235.2(b) definition of persons with disabilities which limit or

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impair the ability to walk. The certification shall also include the period of time that the physician determines the applicant will have the disability, not to exceed six months.

(c) The State system shall require that the temporary removable windshield placard is displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard.

(d) The State system shall require that the temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

**§ 1235.6 Parking.**

Special license plates, removable windshield placards, or temporary removable windshield placards displaying the International Symbol of Access shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair the ability to walk.

**§ 1235.7 Parking space design, construction, and designation.**

(a) Each State shall establish design, construction, and designation stand-

ards for parking spaces reserved for persons with disabilities, under criteria to be determined by the State. These standards shall:

(1) Ensure that parking spaces are accessible to, and usable by, persons with disabilities which limit or impair the ability to walk;

(2) Ensure the safety of persons with disabilities which limit or impair the ability to walk who use these spaces and their accompanying accessible routes; and

(3) Ensure uniform sign standards which comply with those prescribed by the "Manual on Uniform Traffic Control Devices for Streets and Highways" (23 CFR part 655, subpart F) to designate parking spaces reserved for persons with disabilities which limit or impair the ability to walk.

(b) The design, construction, and alteration of parking spaces reserved for persons with disabilities for which Federal funds participate must meet the Uniform Federal Accessibility Standards.

**§ 1235.8 Reciprocity.**

The State system shall recognize removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other States and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair the ability to walk.

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APPENDIX A TO PART 1235—SAMPLE REMOVABLE WINDSHIELD PLACARD



COLORS  
SYMBOL & LEGEND — WHITE  
BACKGROUND — BLUE

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APPENDIX B TO PART 1235—SAMPLE TEMPORARY REMOVABLE WINDSHIELD  
PLACARD



COLORS  
SYMBOL & LEGEND—WHITE  
BACKGROUND—RED