

From: Valenta, Val
To: Devlin, Lotte <Lotte.Devlin@SCDMV.net>
CC: Adams, Marcia S <Marcia.Adams@SCDMV.net>
Earley, Jr., Jimmy E. <Jimmy.Earley@SCDMV.net>
Date: 7/6/2007 2:15:28 PM
Subject: RE: Disabled veteran and purple heart plates

Lotte,

See my informal opinions, below in red.

Let me know if you want a memo.

Val

-----Original Message-----

From: Devlin, Lotte
Sent: Tuesday, July 03, 2007 1:56 PM
To: Valenta, Val
Cc: Adams, Marcia S; Earley, Jr., Jimmy E.
Subject: Disabled veteran and purple heart plates
Importance: High

Val,

Marcia would like a written legal opinion on the following issues by the end of the week:

Articles 33 Purple Heart, 7 Disabled Veteran and 17 and 18 (Handicapped plates and placards) deal with who is authorized to receive a Purple Heart or Disabled Veteran Plate AND is also authorized to park in a HC spot.

Here are the specific questions:

1) If a person is entitled to a Purple Heart plate, must s/he also provide all the required documentation from a certified physician in order to obtain the HC decal on their PH plate? **Yes. [Otherwise, the Legislature would not have used the word "if" at the beginning of subsection (B).]**

2a) If a person is entitled to a Disabled Veteran plate, must s/he also provide all the required documentation from a certified physician in order to obtain the HC decal on his/her DV plate. **Yes. [Otherwise, the Legislature would not have used the word "if" at the beginning of subsection (B).]**

OR

2b) Since 56-3-1950 includes in definition of "handicapped" the phrase **(e) is determined by the Social Security Administration or the Veterans Administration to be totally and permanently disabled,**

Can we automatically issue a HC decal for the DV plate at the time the DV plate is issued, as long as the disabled veteran qualifies for the DV plate (provides us with the statement of permanent disability from the VA in the name of the applying DV), or do we ALSO need to require a physician's statement for the DV attesting to the permanent disability. **Yes, if the SSA or VA provides documentation to certify that the person is totally and permanently disabled, 56-3-1950(2) says that a physician "shall certify that the total and permanent disability substantially impairs the ability to walk."**

We assume that when the surviving spouse of a DV makes application for the DV plate, if s/he qualifies for the DV plate, s/he will be required to submit a physician's statement in order to get the HC decal. Is this correct? **Yes.**

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