

BILL NO. 29-0298

Twenty-Ninth Legislature Of The Virgin Islands

February 27, 2012

An Act amending title 3, chapter 14, of the Virgin Islands Code by requiring the Bureau of Motor Vehicles to issue Virgin Islands Disabled Person Identification Cards

PROPOSED BY: Senator Sammuel Sanes

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3, chapter 14 of the Virgin Islands Code is amended by adding a new section
3 233 to read as follows:

4 “§ 233. **Disabled Person Identification Card**

5 (a) The Director of the Bureau of Motor Vehicles shall issue a special Virgin Islands
6 Identification Card, which shall be known as a “Virgin Islands Disabled Person Identification Card”, to
7 any natural person who is a resident of the Virgin Islands, who is determined by the Department of
8 Health to be a disabled person as defined in subsection (d) of this section, who applies for such card, or
9 renewal thereof. The Director of the Bureau of Motor Vehicles shall charge no fee to issue such card.

10 The card shall be prepared and supplied by the Bureau of Motor Vehicles and shall include a photograph

1 and signature or mark of the applicant, a designation indicating that the card is a Virgin Islands Disabled
2 Person Identification Card, and shall include a comprehensible designation of the type of the applicant's
3 disability as set out in subsection (d) of this section. If the applicant so requests, approves and consents,
4 the card shall include a description of the applicant's disability and any information about the
5 applicant's disability or medical history which the Director of the Bureau of Motor Vehicles determines
6 would be helpful to the applicant in securing emergency medical care. The Virgin Islands Disabled
7 Person Identification Card may be used for identification purposes in any lawful situation by the person
8 to whom it was issued.

9 (b) The Virgin Islands Disabled Person Identification Card may be used as adequate
10 documentation of disability in lieu of a physician's determination of disability, a determination of
11 disability from a physician assistant who has been delegated the authority to make this determination by
12 his or her supervising physician, a determination of disability from an advance practice nurse who has a
13 written collaborative agreement with a collaborating physician that authorizes the advanced practice
14 nurse to make this determination, or any other documentation of disability whenever any local law
15 requires that a disabled person provide such documentation of disability, however, a Virgin Islands
16 Disabled Person Identification Card shall not qualify the cardholder to participate in any program or to
17 receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other
18 provisions of law, a Virgin Islands Disabled Person Identification Card, or evidence that the Director of
19 the Bureau of Motor Vehicles has issued such a Virgin Islands Disabled Person Identification Card, shall
20 not be used by any person other than the person named on such card to prove that the person named on
21 such card is a disabled person, or for any other purpose, unless the card is used for the benefit of the
22 person named on such card, and the person named on such card consents to such use at the time the card
23 is so used.

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1 (c) When medical information is contained on a Virgin Islands Disabled Person Identification
2 Card, the Bureau of Motor Vehicles and the Government of the Virgin Islands shall not be liable for any
3 actions taken based upon that medical information.

4 (d) “Disabled person” as used in this section means any person who is, and who is expected to
5 indefinitely continue to be, subject to any of the following five types of disabilities:

6 (1) *Physical disability.* A physical disability is a physical impairment, disease, or loss,
7 which is of a permanent nature, and which substantially impairs normal physical ability or motor
8 skills. The Director of the Bureau of Motor Vehicles in cooperation with the Commissioner of
9 Health shall establish standards not inconsistent with this provision necessary to determine the
10 presence of a physical disability.

11 (2) *Developmental disability.* A developmental disability is a disability which originates
12 before the age of 18 years, and results in or has resulted in impairment similar to that caused by a
13 mental disability, and which requires services similar to those required by mentally disabled
14 persons, and which is attributable to a mental disability, cerebral palsy, epilepsy, autism, or other
15 conditions or similar disorders. The Director of the Bureau of Motor Vehicles in cooperation
16 with the Commissioner of Health shall establish standards not inconsistent with this provision
17 necessary to determine the presence of a developmental disability.

18 (3) *Visual disability.* A visual disability is a disability resulting in complete absence of
19 vision, or vision that with corrective glasses is so defective as to prevent performance of tasks or
20 activities for which eyesight is essential. The Director of the Bureau of Motor Vehicles in
21 cooperation with the Commissioner of Health shall establish standards not inconsistent with this
22 provision necessary to determine the presence of a visual disability.

23 (4) *Hearing disability.* A hearing disability is a disability resulting in complete absence
24 of hearing, or hearing that with sound enhancing or magnifying equipment is so impaired as to

1 require the use of sensory input other than hearing as the principal means of receiving spoken
2 language. The Director of the Bureau of Motor Vehicles in cooperation with the Commissioner
3 of Health shall establish standards not inconsistent with this provision necessary to determine the
4 presence of a hearing disability.

5 (5) *Mental Disability.* A mental disability is an emotional or psychological impairment
6 or disease, which substantially impairs the ability to meet individual or societal needs. The
7 Director of the Bureau of Motor Vehicles in cooperation with the Commissioner of Health shall
8 establish standards not inconsistent with this provision necessary to determine the presence of a
9 mental disability.

10 (e) A Virgin Islands Disabled Person Identification Card is valid for ten (10) years and expires
11 on the person's birthday in the tenth year after issuance, except that Virgin Islands Disabled Person
12 Identification Cards issued to persons who have reached their 55th birthday shall be permanent and need
13 not be renewed.

14 (f) The Director of the Bureau of Motor Vehicles shall promulgate rules for the application for
15 and renewal of a Virgin Islands Disabled Person Identification Card.”

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17 **BILL SUMMARY**

18 This bill seeks to amend title 3, chapter 14 of the Virgin Islands Code by adding a new section
19 233 to require the Department of Motor Vehicles to issue Virgin Islands Disabled Person Identification
20 Cards.
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22 BR11-0550/January 12, 2012/EEM/Reviewed by TF
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