

[§§ 3772 to 3775. Renumbered §§ 2051 to 2054]

CHAPTER 39—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

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CODIFICATION

This chapter as added by Pub. L. 91-666, §2(a), Jan. 11, 1971, 84 Stat. 1998, constitutes a general revision of the provisions of a prior chapter 39, as enacted by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1215, and amended thereafter. The analysis in the original consisted of the following provisions:

“Automobiles For Disabled Veterans” in the chapter heading.

“Veterans eligible for assistance” in item 1901.

“Limitation on types of assistance furnished and veterans otherwise entitled” in item 1902.

“Limitation on amounts paid by United States” in item 1903.

“Prohibition against duplication of benefits” in item 1904.

“Applications” in item 1905.

AMENDMENTS

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1901 to 1904 as 3901 to 3904, respectively.

1976—Pub. L. 94-581, title II, §205(b)(1), Oct. 21, 1976, 90 Stat. 2858, struck out “; coordination with other Federal programs” in item 1904.

1974—Pub. L. 93-538, §§4(c), 5(b), Dec. 22, 1974, 88 Stat. 1737, inserted “; special training courses” in item 1903, and added item 1904.

§ 3901. Definitions

For purposes of this chapter:

(1) The term “eligible person” means the following:

(A) Any veteran entitled to compensation under chapter 11 of this title for any of the following disabilities, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service:

(i) The loss or permanent loss of use of one or both feet.

(ii) The loss or permanent loss of use of one or both hands.

(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

(B) Any member of the Armed Forces serving on active duty who is suffering from any disability described in clause (i), (ii), (iii), or

(iv) of subparagraph (A) if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service.

(2) The term “adaptive equipment” includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

(Added Pub. L. 91-666, §2(a), Jan. 11, 1971, 84 Stat. 1998, §1901; amended Pub. L. 93-538, §2, Dec. 22, 1974, 88 Stat. 1736; Pub. L. 94-433, title III, §303, Sept. 30, 1976, 90 Stat. 1377; Pub. L. 95-116, §1(a), Oct. 3, 1977, 91 Stat. 1062; renumbered §3901, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-275, title VIII, §803(a), (b), Oct. 13, 2010, 124 Stat. 2889.)

AMENDMENTS

2010—Pub. L. 111-275, §803(b)(1), substituted “chapter:” for “chapter—” in introductory provisions.

Par. (1). Pub. L. 111-275, §803(b)(2)(A), substituted “means the following:” for “means—” in introductory provisions.

Par. (1)(A). Pub. L. 111-275, §803(a)(1)(A), (b)(2)(B)(i), in introductory provisions, substituted “Any veteran” for “any veteran” and “the following disabilities” for “the disabilities described in subclause (i), (ii), or (iii) below”.

Par. (1)(A)(i), (ii). Pub. L. 111-275, §803(b)(2)(B)(ii), substituted period for semicolon at end.

Par. (1)(A)(iii). Pub. L. 111-275, §803(b)(2)(B)(iii), substituted period for “; or” at end.

Par. (1)(A)(iv). Pub. L. 111-275, §803(a)(1)(B), added cl. (iv).

Par. (1)(B). Pub. L. 111-275, §803(a)(2), (b)(2)(C), substituted “Any member” for “any member” and “clause (i), (ii), (iii), or (iv) of subparagraph (A)” for “subclause (i), (ii), or (iii) of clause (A) of this paragraph”.

1991—Pub. L. 102-83 renumbered section 1901 of this title as this section.

1977—Par. (1). Pub. L. 95-116 struck out “on or after September 16, 1940” after “or air service” in cls. (A) and (B).

1976—Par. (1). Pub. L. 94-433, §303(1), (2), substituted “on or after September 16, 1940” for “during World War II or thereafter” in cls. (A) and (B).

1974—Par. (1)(A). Pub. L. 93-538, §2(1), substituted “World War II or thereafter” for “World War II, or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.”

Par. (1)(B). Pub. L. 93-538, §2(2), substituted “World War II or thereafter” for “World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.”

Par. (2). Pub. L. 93-538, §2(2), substituted definition of "adaptive equipment" for definition of "World War II".

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title VIII, §803(c), Oct. 13, 2010, 124 Stat. 2889, provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 2011."

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-116, §1(b), Oct. 3, 1977, 91 Stat. 1062, provided that: "The amendment made by subsection (a) of this section [amending this section] shall become effective October 1, 1977."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-538, §6, Dec. 22, 1974, 88 Stat. 1737, provided that: "The provisions of this Act [enacting section 1904 [now 3904] of this title, amending this section and sections 1902 and 1903 [now 3902 and 3903] of this title, and enacting provisions set out as a note under this section] shall become effective on the first day of the second calendar month following the date of enactment [Dec. 22, 1974], except that clause (3) of section 3 [amending section 1902 [now 3902] of this title] shall take effect on January 11, 1971."

SHORT TITLE

For short title of Pub. L. 91-666, Jan. 11, 1971, 84 Stat. 1998, which enacted this chapter, as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970", see section 1 of Pub. L. 91-666, set out as a Short Title of 1971 Amendment note under section 101 of this title.

§ 3902. Assistance for providing automobile and adaptive equipment

(a) The Secretary, under regulations which the Secretary shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance (including all State, local, and other taxes) or \$18,900 (as adjusted from time to time under subsection (e)), whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

(b)(1) The Secretary, under regulations which the Secretary shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority.

(2) In the case of any veteran (other than a person eligible for assistance under paragraph (1) of this subsection) who is entitled to compensation for ankylosis of one or both knees, or one or both hips, the Secretary, under the terms and conditions set forth in subsections (a), (c), and (d) of section 3903 of this title and under regulations which the Secretary shall prescribe, shall provide such adaptive equipment to overcome the disability resulting from such ankylosis as (A) is necessary to meet the applicable stand-

ards of licensure established by the State of such veteran's residency or other proper licensing authority for the operation of such veteran's automobile or other conveyance by such veteran, and (B) is determined to be necessary by the Under Secretary for Health for the safe operation of such automobile or other conveyance by such veteran.

(c) In accordance with regulations which the Secretary shall prescribe, the Secretary shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may previously or subsequently have acquired.

(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Secretary shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

(e) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. In the event that such Consumer Price Index does not increase during such period, the Secretary shall maintain the dollar amount in effect under subsection (a) during the previous fiscal year.

(Added Pub. L. 91-666, §2(a), Jan. 11, 1971, 84 Stat. 1999, §1902; amended Pub. L. 93-538, §3, Dec. 22, 1974, 88 Stat. 1736; Pub. L. 95-479, title III, §304, Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-66, title III, §§301-303, Oct. 17, 1981, 95 Stat. 1030; Pub. L. 98-543, title III, §305(a), Oct. 24, 1984, 98 Stat. 2748; Pub. L. 100-322, title III, §302, May 20, 1988, 102 Stat. 534; renumbered §3902 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 105-178, title VIII, §8205(a), June 9, 1998, 112 Stat. 494; Pub. L. 107-103, title V, §503, Dec. 27, 2001, 115 Stat. 995; Pub. L. 108-183, title IV, §402(b), Dec. 16, 2003, 117 Stat. 2664; Pub. L. 111-275, title VIII, §804(a), (b), Oct. 13, 2010, 124 Stat. 2889.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-275, §804(a), substituted "\$18,900 (as adjusted from time to time under subsection (e))" for "\$11,000".

Subsec. (e). Pub. L. 111-275, §804(b), added subsec. (e).

2003—Subsec. (a). Pub. L. 108-183 substituted "\$11,000" for "\$9,000".

2001—Subsec. (a). Pub. L. 107-103 substituted "\$9,000" for "\$8,000".

1998—Subsec. (a). Pub. L. 105-178 substituted "\$8,000" for "\$5,500".

1992—Subsec. (b)(2). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director".

1991—Pub. L. 102-83, §5(a), renumbered section 1902 of this title as this section.