

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 standards 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), Pub. L. 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.

Subsecs. (a), (b)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(2). Pub. L. 102–83, § 5(c)(1), substituted “3903” for “1903”.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Subsecs. (c), (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsec. (a). Pub. L. 100–322 substituted “\$5,500” for “\$5,000”.

1984—Subsec. (a). Pub. L. 98–543 substituted “\$5,000” for “\$4,400”.

1981—Subsec. (a). Pub. L. 97–66, §§ 301, 303, substituted “which the Administrator shall prescribe” for “which he shall prescribe” and “\$4,400” for “\$3,800”.

Subsec. (b). Pub. L. 97–66, §§ 302, 303, designated existing provisions as par. (1), substituted “which the Administrator shall prescribe” for “which he shall prescribe” and “such person’s” for “his” in two places, and added par. (2).

Subsec. (c). Pub. L. 97–66, § 303, substituted “which the Administrator shall prescribe” for “which he shall prescribe”.

1978—Subsec. (a). Pub. L. 95–479 substituted “\$3,800” for “\$3,300”.

1974—Subsec. (a). Pub. L. 93–538, § 3(1), (2), substituted “automobile or other conveyance (including all State, local, and other taxes) or \$3,300” for “automobile or other conveyance or \$2,800”.

Subsec. (c). Pub. L. 93–538, § 3(3), substituted “person may previously or subsequently have acquired” for “person may subsequently have acquired”.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–275, title VIII, § 804(c), Oct. 13, 2010, 124 Stat. 2890, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 2011.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–183 applicable with respect to assistance furnished on or after Dec. 16, 2003, see section 402(c) of Pub. L. 108–183, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–178, title VIII, § 8205(b), June 9, 1998, 112 Stat. 494, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to assistance furnished under section 3902 of such title on or after October 1, 1998.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–322 effective Apr. 1, 1988, see section 304 of Pub. L. 100–322, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–543 effective Jan. 1, 1985, see section 305(c) of Pub. L. 98–543, set out as a note under section 3903 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by section 3(1), (2) of Pub. L. 93–538 effective first day of second calendar month following Dec. 22, 1974, and amendment by section 3(3) of Pub. L. 93–538 effective Jan. 11, 1971, see section 6 of Pub. L. 93–538, set out as a note under section 3901 of this title.

COMPREHENSIVE POLICY FOR THE AUTOMOBILE ADAPTIVE EQUIPMENT PROGRAM

Pub. L. 114–256, § 3, Dec. 14, 2016, 130 Stat. 1345, provided that:

“(a) COMPREHENSIVE POLICY.—The Secretary of Veterans Affairs shall develop a comprehensive policy regarding quality standards for providers who provide modification services to veterans under the automobile adaptive equipment program.

“(b) SCOPE.—The policy developed under subsection (a) shall cover each of the following:

“(1) The Department of Veterans Affairs-wide management of the automobile adaptive equipment program.

“(2) The development of standards for safety and quality of equipment and installation of equipment through the automobile adaptive equipment program, including with respect to the defined differentiations in levels of modification complexity.

“(3) The consistent application of standards for safety and quality of both equipment and installation throughout the Department.

“(4) In accordance with subsection (c)(1), the certification of a provider by a manufacturer if the Secretary designates the quality standards of such manufacturer as meeting or exceeding the standards developed under this section.

“(5) In accordance with subsection (c)(2), the certification of a provider by a third party, nonprofit organization if the Secretary designates the quality standards of such organization as meeting or exceeding the standards developed under this section.

“(6) The education and training of personnel of the Department who administer the automobile adaptive equipment program.

“(7) The compliance of the provider with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) when furnishing automobile adaptive equipment at the facility of the provider.

“(8) The allowance, where technically appropriate, for veterans to receive modifications at their residence or location of choice, including standards that ensure such receipt and notification to veterans of the availability of such receipt.

“(c) CERTIFICATION OF MANUFACTURERS AND THIRD PARTY, NONPROFIT ORGANIZATIONS.—

“(1) CERTIFICATION OF MANUFACTURERS.—The Secretary shall approve a manufacturer as a certifying manufacturer for purposes of subsection (b)(4), if the manufacturer demonstrates that its certification standards meet or exceed the quality standards developed under this section.

“(2) CERTIFICATION OF THIRD PARTY, NONPROFIT ORGANIZATIONS.—

“(A) IN GENERAL.—The Secretary may approve two or more private, nonprofit organizations as

third party, nonprofit certifying organizations for purposes of subsection (b)(5).

“(B) LIMITATION.—If at any time there is only one third party, nonprofit certifying organization approved by the Secretary for purposes of subsection (b)(5), such organization shall not be permitted to provide certifications under such subsection until such time as the Secretary approves a second third party, nonprofit certifying organization for purposes of such subsection.

“(d) UPDATES.—

“(1) INITIAL UPDATES.—Not later than 1 year after the date of the enactment of this Act [Dec. 14, 2016], the Secretary shall update Veterans Health Administration Handbook 1173.4, or any successor handbook or directive, in accordance with the policy developed under subsection (a).

“(2) SUBSEQUENT UPDATES.—Not less frequently than once every 6 years thereafter, the Secretary shall update such handbook, or any successor handbook or directive.

“(e) CONSULTATION.—The Secretary shall develop the policy under subsection (a), and revise such policy under subsection (d), in consultation with veterans service organizations, the National Highway Transportation Administration, industry representatives, manufacturers of automobile adaptive equipment, and other entities with expertise in installing, repairing, replacing, or manufacturing mobility equipment or developing mobility accreditation standards for automobile adaptive equipment.

“(f) CONFLICTS.—In developing and implementing the policy under subsection (a), the Secretary shall—

“(1) minimize the possibility of conflicts of interest, to the extent practicable; and

“(2) establish procedures that ensure against the use of a certifying organization referred to in subsection (b)(5) that has a financial conflict of interest regarding the certification of an eligible provider.

“(g) BIENNIAL REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary updates Veterans Health Administration Handbook 1173.4, or any successor handbook or directive, under subsection (d), and not less frequently than once every other year thereafter through 2022, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation and facility compliance with the policy developed under subsection (a).

“(2) CONTENTS.—The report required by paragraph (1) shall include the following:

“(A) A description of the implementation plan for the policy developed under subsection (a) and any revisions to such policy under subsection (d).

“(B) A description of the performance measures used to determine the effectiveness of such policy in ensuring the safety of veterans enrolled in the automobile adaptive equipment program.

“(C) An assessment of safety issues due to improper installations based on a survey of recipients of adaptive equipment from the Department.

“(D) An assessment of the adequacy of the adaptive equipment services of the Department based on a survey of recipients of adaptive equipment from the Department.

“(E) An assessment of the training provided to the personnel of the Department with respect to administering the program.

“(F) An assessment of the certified providers of the Department of adaptive equipment with respect to meeting the minimum standards developed under subsection (b)(2).

“(h) DEFINITIONS.—In this section:

“(1) AUTOMOBILE ADAPTIVE EQUIPMENT PROGRAM.—The term ‘automobile adaptive equipment program’ means the program administered by the Secretary of Veterans Affairs pursuant to chapter 39 of title 38, United States Code.

“(2) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.”

§ 3903. Limitations on assistance; special training courses

(a)(1) Except as provided in paragraph (2), no eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

(2) The Secretary may provide or assist in providing an eligible person with a second automobile or other conveyance under this chapter if—

(A) the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under this chapter was destroyed—

(i) as a result of a natural or other disaster, as determined by the Secretary; and

(ii) through no fault of the eligible person; and

(B) the eligible person does not otherwise receive from a property insurer compensation for the loss.

(b)(1) Except as provided in subsection (d) of section 3902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Secretary, in accordance with regulations the Secretary shall prescribe, 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 will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of such person's residency or other proper licensing authority.

(2) The Secretary shall ensure that to the extent practicable an eligible person who is provided an automobile or other conveyance under this chapter is given the opportunity to make personal selections relating to such automobile or other conveyance.

(c)(1) An eligible person shall not be entitled to adaptive equipment under this chapter for more than two automobiles or other conveyances at any one time or (except as provided in paragraph (2) of this subsection) during any four-year period.

(2) In a case in which the four-year limitation in paragraph (1) of this subsection precludes an eligible person from being entitled to adaptive equipment under this chapter, if the Secretary determines that, due to circumstances beyond the control of such person, one of the automobiles or other conveyances for which adaptive equipment was provided to such person during the applicable four-year period is no longer available for the use of such person, the Secretary may provide adaptive equipment to such person for an additional automobile or other conveyance during such period. Provision of adaptive equipment under this paragraph is