

---

**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

---

**Bill No:** SB 611 **Hearing Date:** 9/14/17  
**Author:** Hill  
**Version:** 9/5/2017 Amended Assembly  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Erin Riches

**SUBJECT:** Vehicles.

**DIGEST:** This bill reforms the Department of Motor Vehicles' (DMV) disabled person parking placard and license plate program and makes technical cleanup changes relating to the ignition interlock device program.

**ANALYSIS:**

*Existing law:*

- 1) Authorizes DMV to issue special license plates and parking placards to disabled individuals and veterans, as specified.
- 2) Authorizes DMV to conduct an annual random audit of applications for disabled person placards.
- 3) Requires DMV, prior to issuing a special license plate to a disabled person or disabled veteran, to obtain from the applicant a certificate signed by a physician and surgeon, nurse practitioner, certified nurse midwife, physician assistant, licensed chiropractor, or optometrist, depending upon the disability.
- 4) Requires, in the event of the death of an individual who holds a disabled person special license plate, the plate to be returned to DMV within 60 days of the holder's death or upon the expiration of vehicle registration, whichever occurs first.
- 5) Requires DMV to annually compare its record of disabled placards against the records of the Office of Vital Records of the State Department of Public Health and withhold any renewal notices for a placard holder identified as deceased.
- 6) Provides for automatic renewal of permanent placards.

- 7) Provides that an applicant shall not be eligible for more than one placard at a time, except for an agency that transports disabled persons or disabled veterans.
- 8) Provides that an individual who is issued a placard may apply for a substitute placard without recertification of eligibility if the placard is lost or stolen.
- 9) Creates a pilot project from January 1, 2019 to January 1, 2026, which requires offenders convicted of driving while under the influence (DUI) to install an ignition interlock device on his or her vehicle for a specified period in order to get a restricted license or to reinstate his or her license and to remove the required suspension time before he or she can get a restricted license.

This bill:

- 1) Requires DMV to conduct a quarterly random audit of applications for disabled person placards, with the cooperation of the Medical Board of California or the appropriate regulatory boards.
- 2) Provides that a disability certification for a disabled person special license plate or disabled person placard may be provided by a licensed podiatrist if the disability is related to the foot or ankle.
- 3) Requires an applicant for a disabled person special license plate or placard to provide proof of his or her true full name and date of birth, as specified.
- 4) Requires DMV to annually compare its record of disabled placards against the Social Security Administration's Death Master File (in addition to the records of the Office of Vital Records of the State Department of Public Health).
- 5) Requires permanent placard holders to renew their placard every six years.
- 6) Prohibits DMV from issuing replacement placards to the same individual more than four times in a two-year renewal period. Requires an individual who applies more than four times in two years to submit a new certificate of disability.
- 7) Makes a number of technical cleanup changes to provisions of law establishing the ignition interlock device pilot program.

**COMMENTS:**

- 1) *Purpose.* The author states that this bill will help DMV block scofflaws and fraudsters from taking advantage of the disabled placard and license plate program to help preserve its important benefits, such as parking in specially marked disabled parking spots, for those drivers who rely on the program. This bill also contains technical cleanup provisions to the author's SB 1046 of last year, which extended and expanded the state's pilot program requiring DUI offenders statewide to install ignition interlock devices.
- 2) *Background.* The state has recognized the need to accommodate disabled individuals by providing specially designated license plates and placards that allow them to park in preferential parking stalls and to park free for unlimited time periods at metered parking spaces. Unfortunately, more and more non-disabled people are abusing disabled parking privileges, despite civil penalties ranging from \$250-\$1,000 or criminal misdemeanor penalties including fines ranging from \$250-\$1,000, up to one month in county jail, or both. While the actual magnitude of the problem is difficult to verify, reports in metropolitan areas indicate that the majority of metered spaces are taken by vehicles bearing disabled placards. For example, a survey conducted by the City of Sacramento found that 73% of metered parking spaces in certain areas of the city were occupied by cars bearing placards and that most of these cars were parked in the spaces for most of the day, suggesting that the occupants worked nearby.

In addition to taking away spaces from disabled persons who need them, fraudulent use of disabled placards diminishes parking revenues that would normally be collected. Although a number of bills have been introduced to address the problem of placard fraud, these bills tend to not get very far due to concerns from the disabled community. In a new attempt to address the issue, Assemblymembers Linder and Gatto requested an audit in May 2016 of the procedures DMV uses to prevent and combat fraud in the disabled placard program.

- 3) *State Auditor report.* In April 2017, the State Auditor released a report, "Department of Motor Vehicles: Administrative and Statutory Changes Will Improve Its Ability to Detect and Deter Misuse of Disabled Person Parking Placards." The report found that much of the fraud in the program results from insufficient program oversight by DMV. The report made a number of recommendations, with which DMV concurred, including:
  - a) Require DMV to conduct quarterly audits of disabled placard applications.

- b) Require DMV to consult additional death records to more accurately identify deceased placard or plate holders.
- c) Require applicants for disabled placards or plates to provide proof of identity.
- d) Limit the number of replacement placards DMV may issue.
- e) Direct DMV to work the health boards that license providers authorized to certify disabilities for placards or plates.
- f) Direct DMV to seek medical expert review of a sample of placard applications each quarter.
- g) Require DMV to establish a process for obtaining copies of provider signatures and routinely comparing it with signatures on applications.

This bill incorporates most of the Auditor recommendations into statute. The author has worked extensively with the disabled community to address their concerns.

- 4) *Senate Rule 29.10 referral.* This bill initially contained a number of technical cleanup provisions relating to SB 1046 of 2016, which extended and expanded California's pilot program requiring DUI offenders to install ignition interlock devices. This bill was amended in the Assembly Transportation Committee to add the disabled placard and license plate provisions. Pursuant to Senate Rule 29.10, the Senate Rules Committee referred the amended bill to the Transportation and Housing Committee to consider the Assembly amendments. Please see the Floor Analysis for more detail on the ignition interlock device provisions of this bill, which are the purview of the Public Safety Committee.

#### **RELATED LEGISLATION:**

**SB 1046 (Hill, Chapter 783, Statutes of 2016)** — requires a DUI offender to install an ignition interlock device on his or her vehicle for a specified period of time in order to get a restricted license or to reinstate his or her license and to remove the required suspension time before a person can get a restricted license.

**AB 2602 (Gatto, 2016)** — would have created a two-tiered disabled person parking system, whereby only those persons with disabilities that severely limit mobility and dexterity may qualify for free and unlimited parking at metered spaces and at parking payment centers or kiosks, and for unlimited parking in parking zones with time limits. *This bill was held on suspense in the Assembly Appropriations Committee.*

**AB 1111 (Gatto, 2015)** — would have allowed local jurisdictions to install parking meters in accessible parking spaces and to make changes in disabled placard parking requirements. *This bill was never heard in committee.*

**SB 1123 (De Leon, 2011)** — would have suspended, for 30 days, the driver's license of a person who misuses a disabled placard and would have allowed cities and counties to charge disabled persons for parking at 10-hour meters. *This bill was never heard in committee.*

**AB 1531 (De Saulnier, Chapter 313, Statutes of 2007)** — altered signage and painting requirements for disabled parking spaces, limited the number of times that temporary disability placards may be renewed, and increased fines for second and third violations related to illegal parking in disabled spaces.

**AB 327 (Runner, Chapter 555, Statutes of 2003)** — allowed local governments to impose an additional \$100 penalty for the violation of statutes related to disabled persons' parking privileges.

**AB 1314 (Havice, Chapter 640, Statutes of 2001)** — among other things, revised provisions relating to wheelchair curbside access.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS:** (Communicated to the committee by Monday, September 11, 2017.)

**SUPPORT:**

Association of California State Employees with Disabilities  
California Downtown Association  
Cities Association of Santa Clara County  
City of Walnut Creek  
City of West Hollywood  
Port of San Diego

**OPPOSITION:**

None received.