

Introduced by Senator De León

February 17, 2012

An act to amend Section 22511.55 of the Education Code, relating to parking.

LEGISLATIVE COUNSEL'S DIGEST

SB 1123, as introduced, De León. Distinguishing placards: renewal. Existing law authorizes the Department of Motor Vehicles to issue and renew distinguishing placards to disabled persons or disabled veterans to be used for parking purposes, as described. Prior to issuing an original distinguishing placard, existing law requires the submission of a certificate, signed by an authorized health care professional, providing a full description substantiating the applicant's disability, unless the disability is readily observable and uncontested.

This bill would additionally require that submission prior to renewing a distinguishing placard.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22511.55 of the Vehicle Code is amended
- 2 to read:
- 3 22511.55. (a) (1) A disabled person or disabled veteran may
- 4 apply to the department for the issuance of a distinguishing placard.
- 5 The placard may be used in lieu of the special license plate or
- 6 plates issued under Section 5007 for parking purposes described
- 7 in Section 22511.5 when (A) suspended from the rearview mirror,
- 8 (B) if there is no rearview mirror, when displayed on the dashboard

1 of a vehicle, or (C) inserted in a clip designated for a distinguishing
2 placard and installed by the manufacturer on the driver's side of
3 the front window. It is the intent of the Legislature to encourage
4 the use of distinguishing placards because they provide law
5 enforcement officers with a more readily recognizable symbol for
6 distinguishing vehicles qualified for the parking privilege. The
7 placard shall be the size, shape, and color determined by the
8 department and shall bear the International Symbol of Access
9 adopted pursuant to Section 3 of Public Law 100-641, commonly
10 known as the "wheelchair symbol." The department shall
11 incorporate instructions for the lawful use of a placard, and a
12 summary of the penalties for the unlawful use of a placard, into
13 the identification card issued to the placard owner.

14 (2) (A) The department may establish procedures for the
15 issuance and renewal of the placards. The procedures shall include,
16 but are not limited to, advising an applicant in writing on the
17 application for a placard of the procedure to apply for a special
18 license plate or plates, as described in Section 5007, and the fee
19 exemptions established pursuant to Section 9105 and in subdivision
20 (a) of Section 10783 of the Revenue and Taxation Code. The
21 placards shall have a fixed expiration date of June 30 every two
22 years. A portion of the placard shall be printed in a contrasting
23 color that shall be changed every two years. The size and color of
24 this contrasting portion of the placard shall be large and distinctive
25 enough to be readily identifiable by a law enforcement officer in
26 a passing vehicle.

27 (B) As used in this section, "year" means the period between
28 the inclusive dates of July 1 through June 30.

29 (C) Prior to the end of each year, the department shall, for the
30 most current three years available, compare its record of disability
31 placards issued against the records of the Office of Vital Records
32 of the State Department of Public Health, or its successor, and
33 withhold any renewal notices that otherwise would have been sent
34 for a placardholder identified as deceased.

35 (3) Except as provided in paragraph (4), a person shall not be
36 eligible for more than one placard at a time.

37 (4) Organizations and agencies involved in the transportation
38 of disabled persons or disabled veterans may apply for a placard
39 for each vehicle used for the purpose of transporting disabled
40 persons or disabled veterans.

1 (b) (1) Except as provided in paragraph (4), prior to issuing an
2 original distinguishing placard to, *or renewing that placard for*, a
3 disabled person or disabled veteran, the department shall require
4 the submission of a certificate, in accordance with paragraph (2),
5 signed by the physician and surgeon, or to the extent that it does
6 not cause a reduction in the receipt of federal aid highway funds,
7 by a nurse practitioner, certified nurse midwife, or physician
8 assistant, substantiating the disability, unless the applicant's
9 disability is readily observable and uncontested. The disability of
10 a person who has lost, or has lost use of, one or more lower
11 extremities or one hand, for a disabled veteran, or both hands, for
12 a disabled person, or who has significant limitation in the use of
13 lower extremities, may also be certified by a licensed chiropractor.
14 The blindness of an applicant shall be certified by a licensed
15 physician and surgeon who specializes in diseases of the eye or a
16 licensed optometrist. The physician and surgeon, nurse practitioner,
17 certified nurse midwife, physician assistant, chiropractor, or
18 optometrist certifying the qualifying disability shall provide a full
19 description of the illness or disability on the form submitted to the
20 department.

21 (2) The physician and surgeon, nurse practitioner, certified nurse
22 midwife, physician assistant, chiropractor, or optometrist who
23 signs a certificate submitted under this subdivision shall retain
24 information sufficient to substantiate that certificate and, upon
25 request of the department, shall make that information available
26 for inspection by the Medical Board of California or the appropriate
27 regulatory board.

28 (3) The department shall maintain in its records all information
29 on an applicant's certification of permanent disability and shall
30 make that information available to eligible law enforcement or
31 parking control agencies upon a request pursuant to Section
32 22511.58.

33 (4) For a disabled veteran, the department shall accept, in lieu
34 of the certificate described in paragraph (1), a certificate from the
35 United States Department of Veterans Affairs that certifies that
36 the applicant is a disabled veteran as described in Section 295.7.

37 (c) A person who is issued a distinguishing placard pursuant to
38 subdivision (a) may apply to the department for a substitute placard
39 without recertification of eligibility, if that placard is lost or stolen.

- 1 (d) The distinguishing placard shall be returned to the
- 2 department not later than 60 days after the death of the disabled
- 3 person or disabled veteran to whom the placard was issued.
- 4 (e) The department shall print on any distinguishing placard
- 5 issued on or after January 1, 2005, the maximum penalty that may
- 6 be imposed for a violation of Section 4461. For purposes of this
- 7 subdivision, the “maximum penalty” is the amount derived from
- 8 adding all of the following:
- 9 (1) The maximum fine that may be imposed under Section 4461.
- 10 (2) The penalty required to be imposed under Section 70372 of
- 11 the Government Code.
- 12 (3) The penalty required to be levied under Section 76000 of
- 13 the Government Code.
- 14 (4) The penalty required to be levied under Section 1464 of the
- 15 Penal Code.
- 16 (5) The surcharge required to be levied under Section 1465.7
- 17 of the Penal Code.
- 18 (6) The penalty authorized to be imposed under Section 4461.3.