

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
P.O. BOX 932328
SACRAMENTO, CA 94232-3280



TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 182.01 and 182.04, and adopt Sections 182.02 and 182.03 in Article 3.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Disabled Person Parking Placards and License Plates.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **June 4, 2018**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 22511.55.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 22511.55 authorizes the department to issue disabled person placards to a disabled person or a disabled veteran upon receipt of an application that includes a certification that is required to be signed by an authorized medical professional. When a disabled person placard is properly displayed in a vehicle, the placard holder may park in parking spaces with the International Symbol of Access, next to a blue curb authorized for persons with disabilities parking, next to a green curb (green curbs indicate limited time parking) for as long as needed, in an on-street metered parking space at no charge, or in an area that indicates it requires a resident or merchant permit. Once a disabled placard is issued, the placard is automatically renewed every two years. All disabled placards expire on June 30 and the department sends the placard holder a new placard and placard identification card to the address that appeared on the department's records. Vehicle Code section 22511.55(c) allows for a placard holder to apply for a substitute placard without recertifying their eligibility.

Senate Bill 611 (Chapter 48; Statutes of 2017) amended Vehicle Code section 22511.55 to require the department to, six years after the first issuance of a placard and every six years thereafter, send the placard holder a renewal form by mail at least 90 days prior to the June 30 expiration date. SB 611 made further amendments to Vehicle Code section 22511.55(c) to limit the issuance of a substitute placard to a person to no more than four times in a two-year renewal period.

Changes made to Vehicle Code section 22511.55 will help the department prevent misuse and fraudulent activities in the disabled parking placard program. When parking placards are used by drivers who are not authorized to use them, the result is a reduced number of preferential parking spaces for disabled persons and a reduced number of metered parking spaces at which authorized placard holders can park for unlimited periods of time.

The department anticipates this proposed action will benefit California residents by preventing the fraudulent issuance and use of disabled parking placard. When disabled person parking placards are used by drivers who are not authorized to have them, it decreases the amount of parking spaces available for drivers who need the preferential parking.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has determined that this proposed action is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern disabled person parking placards.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department conducted a review of comparable federal regulations and statutes and has determined that no other regulations address disabled person parking placards.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Application for Disabled Person Placard or Plates, form REG 195 (Rev 4/2018)

The form REG 195 will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.

- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. No additional fees will be charged other than what is already required as a part of the application process.
- *Small Business Impact:* This proposed action is unlikely to have an impact on small businesses. It is possible that a small business may transport disabled persons and, as a result, qualify for a disabled parking placard. This action does not make amendments that are likely to impact small businesses that apply for disabled parking placards.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* This action identifies the process by which an applicant applies for a disabled person parking placard and implements the renewal process for current placard holders. There is no significant economic impact associated with this proposal as none of the provisions apply to businesses, therefore, this action is unlikely to have an adverse impact on businesses, including the ability to compete.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California.

This action will benefit the welfare of California residents by preventing the fraudulent issuance and use of disabled parking placard. When disabled person parking placards are used by drivers who are not authorized to have them, it decreases the amount of parking spaces available for drivers who need the preferential parking. This action is not likely to have a significant impact on worker safety or the state's environment.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.