

Initial Statement of Reasons
Title 13, Division 1, Chapter 1, Article 3.1
Disabled Person Placards or Plates

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 Placards and License Plates.

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 of every odd year 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 (SB) [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.

Consideration of Alternatives

The department must determine that no reasonable alternative considered, 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 this action is proposed, would be as effective and less burdensome to affected private persons that the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

§ 182.01. Application for Disabled Person Placard or Plates Form.

Section 182.01 is renumbered and amended to remove the form components of the Application for Disabled Person Placard or Plates, form REG 195. The form is incorporated by reference, therefore, adopting all the parts of the form in regulation is not necessary.

Initial Statement of Reasons
Disabled Person Parking Placards

Application for Disabled Person Placard or Plates, form REG 195

The REG 195 was adopted in 2007 with OAL file number 07-0208-01S (Register 2007, No. 13). The form was recently revised with a 4/2018 revision date to rearrange the form in a manner that allows it to be used for other transactions, such as license plate reassignment. The 4/2018 revisions include the creation of a cover page that details the important information, disclosures and certifications necessary when applying for plates or placards.

Currently, Section 182.01 identifies all parts of the form in subsection (a)(1) through (a)(15). This proposed action is removing those subsections, while ensuring all those parts of the form are contained in the 2018 revisions.

Subsection (a)(1) is repealed and required the applicant to identify the type of disabled person plates or placards being requested. The 2007 version of the form contained four check boxes at the top of the first page where the applicant had four options: Permanent Parking Placard, Temporary Parking Placard, Disabled Person License Plates, and Travel Parking Placard. The 2018 revision provides those options in Section 2 of the form and adds a fifth option of Disabled Person License Plate Reassignment. The new option is provided for applicants who already have license plates but want to transfer those plates to a different vehicle.

Subsections (a)(2) through (a)(7) are repealed and required the applicant to provide their true full name or organization name, residence address or organization address, date of birth, driver's license number, and daytime telephone number, respectively. The 2007 version of the form solicited this information in Section A. The 2018 version of the form solicits the name in Section 1 of the form.

Subsection (a)(8) is repealed and required the applicant to indicate whether California disabled person or disabled veteran license plates or permanent parking placard have previously been issued. The 2007 version of the form requested this information in Section B. The 2018 version of the form requests this information in Section 2.

Subsection (a)(9) is repealed and required an applicant for disabled person license plates to provide a current license plate number, a vehicle identification number, and vehicle make. The 2007 version of the form requested this information in Section C. The 2018 version of the form requests the information in Section 3, as well as the addition of the vehicle model year.

Subsection (a)(9)(A) is repealed and required an indication of whether the applicant is requesting an exemption from weight fees for the vehicle described. The 2007 version of the REG 195 provided space under Section C for the applicant to indicate whether the vehicle was exempt from weight fees. The 2018 version requires the exemption indication in Section 3.

Subsection (a)(10) is repealed and contained a statement by the applicant certifying that the applicant has read the information in Section D and fully understands and takes responsibility for the use of the disabled person placard or plates that are issued, and certifies under penalty of perjury under the laws of the State of California that the information provided in the application is true and correct and the applicant is a disabled person as defined under California Vehicle Code section 295.5. The applicant shall designate if the disability is permanent or temporary and indicate what the disability is due to. The applicant shall sign and date the application and indicate the city and state in which the signature was executed. The 2007 version of the form contained the applicant's signature and certification in Section E, while the 2018 version contains the Applicant or Organization Representative's Certification and Signature in Section 4. The amended certification is consistent with the provisions of subsection (a)(10), however, there is also

Initial Statement of Reasons
Disabled Person Parking Placards

verbiage added that allows for the organization representative to sign the certification in situations where the application is for an organization.

Subsection (a)(10)(A) and (a)(10)(B) are renumbered to subsections (a) and (b), respectively. The department determined this provision is necessary to remain in Section 182.01 to provide instructions to applicants whose parents or guardians are completing the application, as authorized by subsection (a), or when a person other than the applicant is completing the form, as authorized by subsection (b). Both of these subsections require the person completing the application to complete a Statement of Facts, form REG 256.

New subsection (a) is further amended to update the revision date of the form REG 256 from 9/2005 to 8/2008. The department is amending the revision date of the form to ensure the regulations are consistent with the version of the form that is currently available to customers on the department's internet website. The 8/2008 version of the form was adopted in Section 205.10, Article 3.3, Title 13 of the California Code of Regulations, with OAL file number 2010-0121-06S (Register 2010; No. 10).

Subsection (a)(11) is repealed and required the Doctor's Certification of Disability portion of the form to be completed by a licensed physician, surgeon, chiropractor, optometrist, physician assistant, nurse practitioner, or certified nurse midwife that states the applicant meets the disability requirements described in Vehicle Code section 295.5 and required the physician to indicate the type of qualifying criteria and provide any additional qualifying information. The 2007 version of the form required this information to be provided in Section F, while the 2018 version requires the information in Section 6.

Subsection (a)(12) is repealed and required the doctor, physician assistant, nurse practitioner, or certified nurse midwife shall indicate the type of placard that is to be issued and the length of time a temporary or travel placard is to be issued. The 2007 version of the form required this information to be provided in Section F, while the 2018 version requires the information in Section 6.

Subsection (a)(13) is repealed and required the doctor, physician assistant, nurse practitioner, or certified nurse midwife's name, address, daytime telephone number and medical license number. The 2007 version of the form required this information to be provided in Section G of the form while the 2018 version requires the information to be provided in Section 5.

Subsection (a)(14) is repealed and required a statement by the doctor, physician assistant, nurse practitioner, or certified nurse midwife, certifying under penalty of perjury under the laws of the State of California that all statements provided on the application are true and correct and he or she will retain information sufficient to substantiate the certification and shall make that information available for inspection by the Medical Board of California at the department's request. This subsection also required the doctor, physician assistant, nurse practitioner, or certified nurse midwife shall sign and date the certification and indicate the city and state in which the signature was executed. The 2007 version of the form required this statement and certification in Section G while the 2018 version contains the statement and certification in Section 6A.

Subsections (a)(14)(A) through (a)(14)(C) are renumbered to subsections (c)(1) through (c)(3). These subsections specify circumstances under which a Doctor's Certification would not be required.

Subsection (a)(15) is repealed and required the signature, office number, date and identification number of the Department of Motor Vehicles employee who certifies a readily observable and uncontested disability as specified in section 182.00(d). The 2007 version of the form contains the certification in Section H and the 2018 version contains the certification on page three under DMV Use Only.

Initial Statement of Reasons
Disabled Person Parking Placards

Subsection (b) is repealed and identified the address that the completed form is required to be mailed to. This information is contained on the form.

§ 182.02. Renewal of a Permanent Disabled Person Placard.

The department is adopting Section 182.02 to identify the provisions related to the renewal of a permanent disabled person placard. Section 182.02, as originally adopted, provided rules related to the surrender of disabled person license plates and permanent disabled person placards upon death. Those rules are adopted under Section 182.04 and remain unchanged.

Subsection (a) is adopted to specify that a permanent disabled parking placard shall be subject to renewal six years after the first issuance of a placard and every six years thereafter. This provision is necessary to ensure compliance with Vehicle Code section 21155.55(a)(2)(D). To streamline the renewal process, the department will send the placard holder a Renewal Notice for Disabled Person Placard. The form identifies the renewal due date and identifies the placard number and vehicle identification number. The renewal notice contains instructions to the placard holder to sign the bottom of the renewal notice and return to the department by mail.

Subsection (b) is adopted to provide guidance to the placard holder when the renewal notice is not received or is otherwise unavailable for use. The placard holder is required to sign the identification card that is provided at the time the placard was issued and return a copy of the signed identification card to the department either by mail or to a department field office. This provision is necessary to clarify the steps a placard holder can take when the renewal notice is not available.

Subsection (c) is adopted to identify the address that the renewal notice is to be sent to. While the renewal notice will come with a self-addressed envelope, the address is necessary for circumstances under which the renewal notice was either not received or not available, as specified in subsection (b).

§ 182.03. Substitute Permanent Disabled Person Placards.

Section 182.03 is adopted to identify rules related to the issuance of substitute disabled person placards.

Subsection (a) is adopted to specify that a placard holder shall not be issued more than four substitute permanent disabled person placards in a two-year renewal period. This provision not only ensures compliance with Vehicle Code section 22511.55(c), but limiting the number of replacement placards issued to a placard holder will potentially decrease the fraudulent use of disabled parking placards.

Subsection (b) is adopted to specify that a placard holder who requires a substitute placard in excess of the four replacements shall reapply for a new placard and submit a new REG 195. This provision also ensures compliance with Vehicle Code section 22511.55(c) and seeks to eliminate the fraudulent use of disabled placards by requiring the placard holder to complete a new application once they have received four replacements in the two-year renewal period.

§ 182.04. Surrender of Disabled Person License Plates and/or Permanent Disabled Person Placards upon Death.

Section 182.04 is renumbered from Section 182.02. No further amendments are being proposed to this section.

DEPARTMENTAL DETERMINATIONS

- *Technical, Theoretical and/or Empirical Studies, Reports or Documents:* None
- *Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Business:* No alternatives were considered or presented that would lessen any adverse impact on small businesses.
- *Evidence Supporting Determination of No Significant Adverse Economic Impact on Business, Including the Ability to Compete:* This proposed action provides the process by which an applicant applies to the department for a disabled person parking placard. 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.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- *Cost or Savings to Any Other State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* 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.
- *Effect on Housing Costs:* None.
- *Local Agency/School District Mandates:* 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.
- *Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:* None.
- *Small Business Impact:* This proposed action is unlikely to have an impact on small businesses.
- *Potential Significant Statewide Adverse Economic Impact on Business:* This action is unlikely to have any significant statewide adverse economic impact on businesses. This proposed action provides the process by which an applicant applies to the department for a disabled person parking placard.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- *Creation or Elimination of Jobs Within the State of California*

This proposed action provides the process by which an applicant applies to the department for a disabled person parking placard. None of the provisions in this proposed action are related to jobs, therefore, the department has determined that this action will not impact the creation or elimination of jobs within California.

- *Creation or Elimination of Existing Businesses Within the State of California*

This proposed action provides the process by which an applicant applies to the department for a disabled person parking placard. None of the provisions in this proposed action are related to businesses, therefore, the department has determined that this action will not impact the creation or elimination of existing businesses within California.

- *Expansion of Business Currently Doing Business Within the State of California*

This proposed action provides the process by which an applicant applies to the department for a disabled person parking placard. None of the provisions in this proposed action are related to businesses, therefore, the department has determined that this action will not impact the expansion of businesses currently doing business within California.

- *Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment*

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.