

Senate Bill 267

By: Senators Unterman of the 45th, Grant of the 25th, Balfour of the 9th and Bulloch of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
2 uniform rules of the road, so as to provide for annual renewal of certain parking permits for
3 disabled persons; to provide for the certain specifications for such permits; to require that the
4 person with the disability be the operator of or a passenger in the vehicle when such permit
5 is being used; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
10 of the road, is amended by striking Code Section 40-6-222, relating to parking permits for
11 persons with disabilities, and inserting in lieu thereof a new Code Section 40-6-222 to read
12 as follows:

13 "40-6-222.

14 (a) The Department of Motor Vehicle Safety shall issue parking permits for persons with
15 disabilities at every place where it issues drivers' licenses. The department shall also
16 receive applications for and issue parking permits for persons with disabilities by mail and
17 shall by regulation require such proof of disability or incapacity as is necessary to issue
18 such permits by mail. Permits shall be in such form as the department prescribes but shall
19 be of sufficient size and sufficiently distinctively marked to be easily visible when placed
20 on or affixed to the driver's side of the dashboard or hung from the rearview mirror of the
21 parked vehicle. Permits shall be made of plastic or heavyweight cardboard and shall be of
22 sufficient quality to ensure that the coloring of the permit and the ink used thereon will
23 resist fading for a period of at least ~~four years~~ one year. Permits shall be issued to
24 individuals, and the name of the individual and an identification number shall appear on
25 the permit. The individual to whom a permit is issued may use the permit for any vehicle
26 he or she is operating or in which he or she is a passenger. Permits shall also be issued to

1 institutions when the primary purpose of a vehicle operated by the institution is to transport
2 individuals with disabilities. The name of the institution, the license number of the
3 particular vehicle, and an identification number shall appear on the permit. The institution
4 may use such permit only for a vehicle which is operated by the institution and which is
5 used primarily to transport individuals with disabilities.

6 (b) The department shall issue a temporary permit to any temporarily disabled person upon
7 presentation of an affidavit of a practitioner of the healing arts stating that such person is
8 a temporarily disabled person, the specific disability that limits or impairs the person's
9 ability to walk or that he or she is a person with disabilities as specified in subparagraph
10 (G) of paragraph (5) of Code Section 40-6-221, and a date until which such person is likely
11 to remain disabled. The temporary permit shall be predominantly red in color and shall
12 show prominently on its face an expiration date the same as the date specified by the
13 physician for the likely termination of the disability, which date shall not be more than 180
14 days after the date the permit is issued. The expiration date shall be printed in a size of
15 print that is legible when the permit is hung from the rearview mirror or displayed on the
16 driver's side of the dashboard.

17 (c) The department shall issue a permanent permit to any person who is obviously
18 permanently disabled and to any other permanently disabled person upon presentation of
19 an affidavit of a practitioner of the healing arts stating that such person is a permanently
20 disabled person. The affidavit shall further state the specific disability that limits or
21 impairs the person's ability to walk or that he or she is a person with disabilities as
22 specified in subparagraph (G) of paragraph (5) of Code Section 40-6-221. The department
23 shall also issue a permanent permit to an institution which operates vehicles used primarily
24 for the transportation of individuals with disabilities, upon presentation of a certification
25 from the institution regarding use of its vehicles. The institution shall receive permits only
26 for the number of vehicles so used and shall affix the permits to the driver's side of the
27 dashboards of such vehicles. The permanent permit shall ~~be predominantly blue in color~~
28 vary in color from year to year, but shall not be predominately red in color and shall show
29 prominently on its face an expiration date ~~four years~~ one year from the date it is issued.
30 The expiration date shall be printed in a size of print that is legible when the permit is hung
31 from the rearview mirror or displayed on the driver's side of the dashboard.

32 (d) Any individual to whom a specially designated disabled veteran's license plate has
33 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to
34 whom a specially designated disabled person's license plate has been issued pursuant to
35 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
36 specially designated license plate is attached in a parking place for persons with disabilities

1 without the necessity of obtaining a parking permit for persons with disabilities pursuant
2 to this part.

3 (e) The department shall issue a special permanent permit to any person who:

4 (1) Because of a physical disability drives a motor vehicle which has been equipped with
5 hand controls for the operation of the vehicle's brakes and accelerator; or

6 (2) Is physically disabled due to the loss of, or loss of use of, both upper extremities.

7 This special permanent permit shall ~~be gold~~ vary in color from year to year but shall not
8 be predominately red in color and shall show prominently on its face an expiration date
9 ~~four years~~ one year from the date it is issued. The expiration date shall be printed in a size
10 of print that is legible when the permit is hung from the rearview mirror or displayed on
11 the driver's side of the dashboard. Such a special permit may be used in the same manner
12 as, and shall be subject to the provisions of this part relating to, other permanent parking
13 permits for persons with disabilities and may also be used as provided in Code Section
14 10-1-164.1. In addition to any other required printing, the following shall be printed upon
15 this special ~~gold~~ permit:

16 'Code Section 10-1-164.1 of the Official Code of Georgia Annotated requires that any
17 owner or operator of a gasoline station that sells full-service gasoline at one price and
18 self-service at a lower price shall provide the service of dispensing gasoline at the
19 self-service price for the holder of this special permit when such holder requests such
20 service and is the operator of the vehicle and is not accompanied by another person 16
21 years of age or older who is not mobility impaired or blind.'

22 SECTION 2.

23 Said chapter is further amended by striking Code Section 40-6-226, relating to offenses and
24 penalties, and inserting in lieu thereof a new Code Section 40-6-226 to read as follows:

25 "40-6-226.

26 (a) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place
27 for persons with disabilities unless there is displayed on the driver's side of the dashboard
28 or hung from the rearview mirror of the parked vehicle a valid unexpired parking permit
29 for persons with disabilities or unless there is attached to the vehicle a specially designated
30 license plate for disabled veterans or other disabled persons authorized under subsection (d)
31 of Code Section 40-6-222 and unless such person is the person to whom such permit or
32 license plate was issued; the person to whom such permit or license plate was issued is a
33 passenger in the vehicle; or such vehicle is being used for the transportation of disabled
34 passengers on behalf of the institution to which such permit was issued.

1 (a.1) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking
2 place for persons with disabilities which is designated 'For Persons With Disabled
3 Ambulatory Assistive Devices Only' unless:

4 (1) There is displayed on the driver's side of the dashboard or hung from the rearview
5 mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities
6 or unless there is attached to the vehicle a specially designated license plate for disabled
7 veterans or other disabled persons authorized under subsection (d) of Code Section
8 40-6-222; and

9 (2) A person with disabilities who is using a wheelchair, crutches, walker, or other
10 ambulatory assistive device is the driver of or a passenger in such vehicle.

11 (b)(1) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking
12 place for persons with disabilities except for the purpose of allowing a disabled person
13 to enter or get out of such vehicle while in such parking place. However, nothing in this
14 paragraph shall prevent an ambulance or emergency vehicle from stopping in a parking
15 place for persons with disabilities.

16 (2) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking
17 place for the nonambulatory as provided by a business pursuant to the provisions of Code
18 Section 40-6-225 except for the purpose of allowing a nonambulatory permanently
19 disabled person to enter or get out of such vehicle while in such parking place. However,
20 nothing in this paragraph shall prevent an ambulance or emergency vehicle from stopping
21 in a parking place for the nonambulatory.

22 (3) It shall be unlawful for any person to stop, stand, or park any vehicle in any area
23 directly connecting with a parking place for persons with disabilities which area is clearly
24 designed and designated for access to such parking place for persons with disabilities.

25 (c) It shall be unlawful for any person to obtain by fraud or counterfeit a parking permit
26 for persons with disabilities.

27 (c.1) It shall be unlawful for any person to knowingly and willfully make a false or
28 misleading statement in an application for a parking permit for persons with disabilities or
29 in the affidavit of a practitioner of the healing arts stating that an applicant is a disabled
30 person.

31 (d) It shall be unlawful for any person or institution, other than the one to whom a parking
32 permit for persons with disabilities or specially designated license plate for the disabled
33 person is issued, to make use of a parking permit for persons with disabilities or specially
34 designated license plate for a disabled person unless the person to whom such permit or
35 license plate was issued is a passenger in such vehicle. It shall be unlawful for any person
36 to use a parking permit for persons with disabilities for any institutional vehicle other than
37 the vehicle for which the permit has been issued. It shall be unlawful for any person to use

1 a parking permit for persons with disabilities issued to an institution for any purpose other
 2 than to transport disabled persons.

3 (e) No person shall park a vehicle so as to block any entrance or exit ramp used by persons
 4 with disabilities on public or private property.

5 (f)(1) Any person violating subsection (c) or (c.1) of this Code section shall be guilty of
 6 a misdemeanor.

7 (2) Any person violating subsection (a), (a.1), (b), (d), or (e) of this Code section shall
 8 be subject to a fine of not less than \$100.00 and not more than \$500.00.

9 (g) In addition to the penalties provided for in subsection (f) of this Code section, any
 10 vehicle which is illegally parked in a parking place for persons with disabilities which is
 11 marked by a sign bearing the words 'Tow-Away Zone' as described in paragraph (3) of
 12 Code Section 40-6-221 on public or private property may be towed away or caused to be
 13 towed away by a proper law enforcement agency or the official security agency of said
 14 property at the expense of the owner of the vehicle or, if the vehicle is leased or rented, at
 15 the expense of the person responsible for payment on the lease or rental agreement.

16 (h) A property owner who is required to provide parking places for persons with
 17 disabilities shall designate each such place with a sign meeting the applicable requirements
 18 specified therefor by paragraph (3) of Code Section 40-6-221 and upon failure so to
 19 designate each such parking place for persons with disabilities shall be subject to a fine of
 20 \$150.00 for each place which is not so designated; provided, however, that the fine will be
 21 waived if the required designation is made within 14 days from the date of citation. If that
 22 property owner fails or refuses to designate properly the parking places for persons with
 23 disabilities within such 14 days, the property owner shall, on the fifteenth day after
 24 receiving the citation, be subject to the \$150.00 fine for each place and an additional \$5.00
 25 fine for each place for each day that the owner fails to comply with provisions of this
 26 subsection until the places are properly designated. All fines assessed under this subsection
 27 shall be paid into the treasury of the city or county issuing the citation against the owner."

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.