

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 267:

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:

**SECTION 1.**

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

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~~ two years. 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 print  
15 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 impairs  
21 the person's ability to walk or that he or she is a person with disabilities as specified in  
22 subparagraph (G) of paragraph (5) of Code Section 40-6-221. The department shall also  
23 issue a permanent permit to an institution which operates vehicles used primarily for the  
24 transportation of individuals with disabilities, upon presentation of a certification from the  
25 institution regarding use of its vehicles. The institution shall receive permits only for the  
26 number of vehicles so used and shall affix the permits to the driver's side of the dashboards  
27 of such vehicles. The permanent permit shall be ~~predominantly blue in color~~ vary in color  
28 from one period to the next renewal period, but shall not be predominately red in color and  
29 shall show prominently on its face an expiration date ~~four years~~ two years from the date it  
30 is issued. The expiration date shall be printed in a size of print that is legible when the  
31 permit is hung 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 one period to the next  
8 renewal period but shall not be predominately red in color and shall show prominently on  
9 its face an expiration date ~~four years~~ two years from the date it is issued. The expiration  
10 date shall be printed in a size of print that is legible when the permit is hung from the  
11 rearview mirror or displayed on the driver's side of the dashboard. Such a special permit  
12 may be used in the same manner as, and shall be subject to the provisions of this part  
13 relating to, other permanent parking permits for persons with disabilities and may also be  
14 used as provided in Code Section 10-1-164.1. In addition to any other required printing,  
15 the following shall be printed upon 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.