

House Bill 563

By: Representatives Marin of the 96<sup>th</sup>, Kidd of the 145<sup>th</sup>, Floyd of the 99<sup>th</sup>, Chandler of the 105<sup>th</sup>, Scott of the 76<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to prestige license plates and plates for certain persons and vehicles, so as to provide  
3 for special decals issued to persons with disabilities to include a photograph of the person  
4 issued the decal; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 prestige license plates and plates for certain persons and vehicles, is amended by revising  
10 Code Section 40-2-74.1, relating to special decals for persons with disabilities, as follows:  
11 "40-2-74.1.

12 (a) The department shall issue parking permits for persons with disabilities and may  
13 delegate to county tag agents the responsibility for issuance of such permits to residents of  
14 the county served by the tag agent. The department shall receive applications for and issue  
15 parking permits by mail to persons with disabilities upon presentation of an affidavit of a  
16 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of  
17 podiatric medicine, licensed optometrist, or licensed chiropractor stating that such person  
18 is a disabled person, the specific disability that limits or impairs the person's ability to walk,  
19 and that he or she is a person with disabilities as specified in paragraph (5) of Code Section  
20 40-6-221. Permits shall be in such form as the department prescribes but shall be of  
21 sufficient size and sufficiently distinctively marked to be easily visible when placed on or  
22 affixed to the driver's side of the dashboard or hung from the rearview mirror of the parked  
23 vehicle. Permits shall be made of a substrate as determined by the commissioner and shall  
24 be of sufficient quality to ensure that the coloring of the permit and the ink used thereon  
25 will resist fading for a period of at least four years. Permits shall include a recent  
26 photograph of the permittee. Permits shall be issued to individuals, and the name of the

27 individual and an identification number shall appear on the permit. The individual to  
28 whom a permit is issued may use the permit for any vehicle he or she is operating or in  
29 which he or she is a passenger. Permits shall also be issued to institutions when the  
30 primary purpose of a vehicle operated by the institution is to transport individuals with  
31 disabilities. The name of the institution, the license number of the particular vehicle, and  
32 an identification number shall appear on the permit. The institution shall use such permit  
33 only for a vehicle which is operated by the institution and which is used primarily to  
34 transport individuals with disabilities.

35 (b) The department shall issue a temporary permit to any temporarily disabled person upon  
36 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic  
37 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed  
38 chiropractor stating that such person is a temporarily disabled person, the specific disability  
39 that limits or impairs the person's ability to walk, that he or she is a person with disabilities  
40 as specified in paragraph (5) of Code Section 40-6-221, and a date until which such person  
41 is likely to remain disabled. The temporary permit shall show prominently on its face a  
42 recent photograph of the permittee and an expiration date the same as the date specified by  
43 such doctor for the likely termination of the disability, which date shall not be more than  
44 180 days after the date the permit is issued. The expiration date shall be printed with  
45 permanent ink and in boldface type of sufficient size to be legible when the permit is  
46 displayed on the driver's side of the dashboard or hung from the rearview mirror.

47 (c) The department shall issue a permanent permit to any permanently disabled person  
48 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of  
49 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, or  
50 licensed chiropractor stating that such person is a permanently disabled person. The  
51 affidavit shall further state the specific disability that limits or impairs the person's ability  
52 to walk or that he or she is a person with disabilities as specified in paragraph (5) of Code  
53 Section 40-6-221. The department shall also issue a permanent permit to an institution  
54 which operates vehicles used primarily for the transportation of individuals with disabilities  
55 upon presentation of a certification from the institution regarding use of its vehicles. The  
56 institution shall receive permits only for the number of vehicles so used and shall affix the  
57 permits to the driver's side of the dashboards of such vehicles. The permanent permit shall  
58 be predominantly blue in color and shall show prominently on its face an expiration date  
59 four years from the date it is issued. The expiration date shall be machine printed, not  
60 handwritten, in boldface type of sufficient size to be legible when the permit is displayed  
61 on the driver's side of the dashboard or hung from the rearview mirror. Permits issued to  
62 a permanently disabled person shall include a recent photograph of the permittee.

63 (d) Any individual to whom a specially designated disabled veteran's license plate has  
64 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to  
65 whom a specially designated disabled person's license plate has been issued pursuant to  
66 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the  
67 specially designated license plate is attached in a parking place for persons with disabilities  
68 without the necessity of obtaining a parking permit for persons with disabilities pursuant  
69 to this Code section.

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

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

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

74 This special permanent permit shall be gold in color, include a recent photograph of the  
75 permittee, and ~~shall~~ show prominently on its face an expiration date four years from the  
76 date it is issued. The expiration date shall be printed in a size of print that is legible when  
77 the permit is displayed on the driver's side of the dashboard or hung from the rearview  
78 mirror. Such a special permit shall be used in the same manner as, and shall be subject to  
79 the provisions of this Code section relating to, other permanent parking permits for persons  
80 with disabilities and shall also be used as provided in Code Section 10-1-164.1. In addition  
81 to any other required printing, the following shall be printed upon this special gold permit:

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

88 (f) The department and county tag agents shall not charge or collect any fee for issuing  
89 parking permits for persons with disabilities under this Code section.

90 (g) Any special disabled person decal issued under the former provisions of this Code  
91 section shall be valid until its expiration date but shall not be reissued.

92 (h) For purposes of this Code section, an active duty military physician shall be entitled  
93 to submit an affidavit in support of the application of active duty or retired military  
94 personnel for parking permits for persons with disabilities whether or not such physician  
95 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active  
96 military service and is stationed in Georgia pursuant to military orders or is retired from  
97 the military and is a resident of Georgia and that such person is a disabled person, the  
98 specific disability that limits or impairs the person's ability to walk, and that he or she is  
99 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

100 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,  
101 a signed and dated statement from the doctor which includes the same information as  
102 required in an affidavit written upon security paper as defined in paragraph (38.5) of Code  
103 Section 26-4-5."

104 **SECTION 2.**

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