

House Bill 1217 (AS PASSED HOUSE AND SENATE)

By: Representatives Murphy of the 23rd, Rice of the 51st, Talton of the 145th, Maxwell of the 17th, and Dollar of the 45th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for parking permits for disabled persons; to provide for specifications for such parking permits; to require that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to designate certain Code sections as reserved; to update cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by striking Code Section 40-2-74.1, relating to a special license decal for persons with disabilities, in its entirety and inserting in its place a new Code section to read as follows:

"40-2-74.1.

(a) The department shall issue parking permits for persons with disabilities and may delegate to county tag agents the responsibility for issuance of such permits to residents of the county served by the tag agent. The department shall receive applications for and issue parking permits by mail to persons with disabilities upon presentation of an affidavit of a practitioner of the healing arts stating that such person is a disabled person, the specific disability that limits or impairs the person's ability to walk, and that he or she is a person with disabilities as specified in paragraph (5) of Code Section 40-6-221. Permits shall be in such form as the department prescribes but shall be of sufficient size and sufficiently distinctively marked to be easily visible when placed on or affixed to the driver's side of the dashboard or hung from the rearview mirror of the parked vehicle. Permits shall be

1 made of plastic or heavyweight cardboard and shall be of sufficient quality to ensure that
2 the coloring of the permit and the ink used thereon will resist fading for a period of at least
3 four years. Permits shall be issued to individuals, and the name of the individual and an
4 identification number shall appear on the permit. The individual to whom a permit is
5 issued may use the permit for any vehicle he or she is operating or in which he or she is a
6 passenger. Permits shall also be issued to institutions when the primary purpose of a
7 vehicle operated by the institution is to transport individuals with disabilities. The name
8 of the institution, the license number of the particular vehicle, and an identification number
9 shall appear on the permit. The institution shall use such permit only for a vehicle which
10 is operated by the institution and which is used primarily to transport individuals with
11 disabilities.

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

23 (c) The department shall issue a permanent permit to any person who is permanently
24 disabled person upon presentation of an affidavit of a practitioner of the healing arts stating
25 that such person is a permanently disabled person. The affidavit shall further state the
26 specific disability that limits or impairs the person's ability to walk or that he or she is a
27 person with disabilities as specified in subparagraph (G) of paragraph (5) of Code Section
28 40-6-221. The department shall also issue a permanent permit to an institution which
29 operates vehicles used primarily for the transportation of individuals with disabilities upon
30 presentation of a certification from the institution regarding use of its vehicles. The
31 institution shall receive permits only for the number of vehicles so used and shall affix the
32 permits to the driver's side of the dashboards of such vehicles. The permanent permit shall
33 be predominantly blue in color and shall show prominently on its face an expiration date
34 four years from the date it is issued. The expiration date shall be printed in a size of print
35 that is legible when the permit is displayed on the driver's side of the dashboard or hung
36 from the rearview mirror.

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

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

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

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

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

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

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

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

SECTION 2.

Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to parking for persons with disabilities, is amended by striking Code Section 40-6-222, relating to parking permits for persons with disabilities, in its entirety and designating it as 'Reserved.'

1 ~~"40-6-222.~~

2 ~~(a) The Department of Revenue shall issue parking permits for persons with disabilities~~
3 ~~and may delegate to county tag agents responsibility for issuance of such permits to~~
4 ~~residents of the county served by the tag agent. The department shall also receive~~
5 ~~applications for and issue parking permits for persons with disabilities by mail and shall~~
6 ~~by regulation require such proof of disability or incapacity as is necessary to issue such~~
7 ~~permits by mail. Permits shall be in such form as the department prescribes but shall be~~
8 ~~of sufficient size and sufficiently distinctively marked to be easily visible when placed on~~
9 ~~or affixed to the driver's side of the dashboard or hung from the rearview mirror of the~~
10 ~~parked vehicle. Permits shall be made of plastic or heavyweight cardboard and shall be of~~
11 ~~sufficient quality to ensure that the coloring of the permit and the ink used thereon will~~
12 ~~resist fading for a period of at least two years. Permits shall be issued to individuals, and~~
13 ~~the name of the individual and an identification number shall appear on the permit. The~~
14 ~~individual to whom a permit is issued may use the permit for any vehicle he or she is~~
15 ~~operating or in which he or she is a passenger. Permits shall also be issued to institutions~~
16 ~~when the primary purpose of a vehicle operated by the institution is to transport individuals~~
17 ~~with disabilities. The name of the institution, the license number of the particular vehicle,~~
18 ~~and an identification number shall appear on the permit. The institution may use such~~
19 ~~permit only for a vehicle which is operated by the institution and which is used primarily~~
20 ~~to transport individuals with disabilities.~~

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

32 ~~(c) The department shall issue a permanent permit to any person who is obviously~~
33 ~~permanently disabled and to any other permanently disabled person upon presentation of~~
34 ~~an affidavit of a practitioner of the healing arts stating that such person is a permanently~~
35 ~~disabled person. The affidavit shall further state the specific disability that limits or~~
36 ~~impairs the person's ability to walk or that he or she is a person with disabilities as~~
37 ~~specified in subparagraph (G) of paragraph (5) of Code Section 40-6-221. The department~~

1 shall also issue a permanent permit to an institution which operates vehicles used primarily
2 for the transportation of individuals with disabilities, upon presentation of a certification
3 from the institution regarding use of its vehicles. The institution shall receive permits only
4 for the number of vehicles so used and shall affix the permits to the driver's side of the
5 dashboards of such vehicles. The permanent permit shall vary in color from one period to
6 the next renewal period, but shall not be predominately red in color and shall show
7 prominently on its face an expiration date two years from the date it is issued. The
8 expiration date shall be printed in a size of print that is legible when the permit is hung
9 from the rearview mirror or displayed on the driver's side of the dashboard.

10 (d) Any individual to whom a specially designated disabled veteran's license plate has
11 been issued pursuant to Code Sections 40-2-69 through 40-2-72 and any individual to
12 whom a specially designated disabled person's license plate has been issued pursuant to
13 Code Section 40-2-74 shall be authorized to park the passenger motor vehicle on which the
14 specially designated license plate is attached in a parking place for persons with disabilities
15 without the necessity of obtaining a parking permit for persons with disabilities pursuant
16 to this part.

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

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

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

21 This special permanent permit shall vary in color from one period to the next renewal
22 period but shall not be predominately red in color and shall show prominently on its face
23 an expiration date two years from the date it is issued. The expiration date shall be printed
24 in a size of print that is legible when the permit is hung from the rearview mirror or
25 displayed on the driver's side of the dashboard. Such a special permit may be used in the
26 same manner as, and shall be subject to the provisions of this part relating to, other
27 permanent parking permits for persons with disabilities and may also be used as provided
28 in Code Section 10-1-164.1. In addition to any other required printing, the following shall
29 be printed upon this special permit:

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

SECTION 3.

Said part is further amended by striking Code Section 40-6-223, relating to absence of fees for handicapped parking permits, and designating it as 'Reserved.'

"40-6-223.

~~The Department of Revenue and county tag agents shall not charge or collect any fee for issuing parking permits for persons with disabilities under this part~~ Reserved."

SECTION 4.

Said part is further amended by striking Code Section 40-6-225, relating to parking places for persons with disabilities for the nonambulatory, in its entirety and inserting in its place the following:

"40-6-225.

Any business entity may elect to designate parking places for persons with disabilities for the nonambulatory. Such parking places for the nonambulatory shall be in addition to any parking places for persons with disabilities required by Chapter 3 of Title 30. Such parking places for the nonambulatory shall be clearly marked by a sign bearing the words 'Parking for Persons with Disabilities—nonambulatory persons only.' Such parking places for the nonambulatory shall only be utilized for the purpose of allowing a nonambulatory permanently disabled person to enter or get out of a vehicle while in such parking place.

A vehicle in a parking place for the nonambulatory shall be required to have a valid unexpired parking permit for persons with disabilities or a specially designated license plate for disabled persons authorized under ~~subsection (d) of Code Section 40-6-222~~ 40-2-74 or 40-2-74.1. For the purposes of this Code section, the term 'nonambulatory permanently disabled person' means a person who is permanently disabled as a result of the loss or loss of use of one or both legs and who is dependent upon crutches, a walker, or a wheelchair for locomotion."

SECTION 5.

Said part is further amended by striking subsections (a) and (a.1) of Code Section 40-6-226, relating to penalties for violating the provisions relating to parking for the disabled, in their entirety and inserting in their places the following:

"(a) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking place for persons with disabilities unless there is displayed on the driver's side of the dashboard or hung from the rearview mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities or unless there is attached to the vehicle a specially designated license plate for disabled veterans or other disabled persons authorized under ~~subsection (d) of Code Section 40-6-222~~ 40-2-74 or 40-2-74.1 and unless such

1 person is the person to whom such permit or license plate was issued; the person to whom
2 such permit or license plate was issued is a passenger in the vehicle; or such vehicle is
3 being used for the transportation of disabled passengers on behalf of the institution to
4 which such permit was issued.

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

8 (1) There is displayed on the driver's side of the dashboard or hung from the rearview
9 mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities
10 or unless there is attached to the vehicle a specially designated license plate for disabled
11 veterans or other disabled persons authorized under ~~subsection (d) of Code Section~~
12 ~~40-6-222~~ 40-2-74 or 40-2-74.1; and

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

15 **SECTION 6.**

16 This Act shall become effective upon its approval by the Governor or upon its becoming law
17 without such approval.

18 **SECTION 7.**

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