

House Bill 563

By: Representatives Bennett of the 94<sup>th</sup>, Powell of the 33<sup>rd</sup>, Corbett of the 174<sup>th</sup>, Hugley of the 141<sup>st</sup>, Jones of the 143<sup>rd</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 special plates for certain persons and vehicles, so as to  
3 authorize licensed physical therapists to certify an individual is disabled for purposes of  
4 obtaining special vehicle decals for persons with disabilities; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **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 special plates for certain persons and vehicles, is amended by  
10 revising Code Section 40-2-74.1, relating to temporary, permanent, and special permanent  
11 parking permits for persons with disabilities, as follows:

12 "40-2-74.1.

13 (a) The department shall issue parking permits for persons with disabilities and may  
14 delegate to county tag agents the responsibility for issuance of such permits to residents of  
15 the county served by the tag agent. The department shall receive applications for and issue  
16 parking permits by mail to persons with disabilities upon presentation of an affidavit of a

17 licensed doctor of medicine, licensed doctor of osteopathic medicine, licensed doctor of  
18 podiatric medicine, licensed optometrist, licensed chiropractor, licensed physical therapist,  
19 licensed advanced practice registered nurse acting pursuant to the authority of Code  
20 Section 43-34-25, or licensed physician assistant acting pursuant to the authority of  
21 subsection (e.1) of Code Section 43-34-103 stating that such person is a disabled person,  
22 the specific disability that limits or impairs the person's ability to walk, and that he or she  
23 is a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.  
24 Permits shall be in such form as the department prescribes but shall be of sufficient size  
25 and sufficiently distinctively marked to be easily visible when placed on or affixed to the  
26 driver's side of the dashboard or hung from the rearview mirror of the parked vehicle.  
27 Permits shall be made of a substrate as determined by the commissioner and shall be of  
28 sufficient quality to ensure that the coloring of the permit and the ink used thereon will  
29 resist fading for a period of at least four years. Permits shall be issued to individuals, and  
30 the name of the individual and an identification number shall appear on the permit. The  
31 individual to whom a permit is issued may use the permit for any vehicle he or she is  
32 operating or in which he or she is a passenger. Permits shall also be issued to institutions  
33 when the primary purpose of a vehicle operated by the institution is to transport individuals  
34 with disabilities. The name of the institution, the license number of the particular vehicle,  
35 and an identification number shall appear on the permit. The institution shall use such  
36 permit only for a vehicle which is operated by the institution and which is used primarily  
37 to transport individuals with disabilities.

38 (b) The department shall issue a temporary permit to any temporarily disabled person upon  
39 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic  
40 medicine, licensed doctor of podiatric medicine, licensed optometrist, licensed  
41 chiropractor, licensed physical therapist, licensed advanced practice registered nurse acting  
42 pursuant to the authority of Code Section 43-34-25, or licensed physician assistant acting  
43 pursuant to the authority of subsection (e.1) of Code Section 43-34-103 stating that such

44 person is a temporarily disabled person, the specific disability that limits or impairs the  
45 person's ability to walk, that he or she is a person with disabilities as specified in paragraph  
46 (5) of Code Section 40-6-221, and a date until which such person is likely to remain  
47 disabled. The temporary permit shall show prominently on its face an expiration date the  
48 same as the date specified by such doctor for the likely termination of the disability, which  
49 date shall not be more than 180 days after the date the permit is issued. The expiration date  
50 shall be printed with permanent ink and in boldface type of sufficient size to be legible  
51 when the permit is displayed on the driver's side of the dashboard or hung from the  
52 rearview mirror.

53 (c) The department shall issue a permanent permit to any permanently disabled person  
54 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of  
55 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, licensed  
56 chiropractor, licensed physical therapist, licensed advanced practice registered nurse acting  
57 pursuant to the authority of Code Section 43-34-25, or licensed physician assistant acting  
58 pursuant to the authority of subsection (e.1) of Code Section 43-34-103 stating that such  
59 person is a permanently disabled person. The affidavit shall further state the specific  
60 disability that limits or impairs the person's ability to walk or that he or she is a person with  
61 disabilities as specified in paragraph (5) of Code Section 40-6-221. The department shall  
62 also issue a permanent permit to an institution which operates vehicles used primarily for  
63 the transportation of individuals with disabilities upon presentation of a certification from  
64 the institution regarding use of its vehicles. The institution shall receive permits only for  
65 the number of vehicles so used and shall affix the permits to the driver's side of the  
66 dashboards of such vehicles. The permanent permit shall be predominantly blue in color  
67 and shall show prominently on its face an expiration date four years from the date it is  
68 issued. The expiration date shall be machine printed, not handwritten, in boldface type of  
69 sufficient size to be legible when the permit is displayed on the driver's side of the  
70 dashboard or hung from the rearview mirror.

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

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

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

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

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

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

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

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

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

108 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,  
109 a signed and dated statement from the doctor, advanced practice registered nurse, or  
110 physician assistant which includes the same information as required in an affidavit written  
111 upon security paper as defined in paragraph (38.5) of Code Section 26-4-5."

112 **SECTION 2.**

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