

Date of Hearing: April 1, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2289 (Low) – As Amended March 21, 2024

SUBJECT: Vehicles: parking placards and special license plates for disabled veterans and persons with disabilities

SUMMARY: Authorizes a licensed physical therapist to certify certain disabled persons for the purposes of receiving a disability placard, plate or temporary disability placard from the Department of Motor Vehicles (DMV). Specifically, **this bill:**

- 1) Authorizes a licensed physical therapist to certify the following disabled persons for purposes of receiving a disability placard, plate or temporary placard from DMV:
 - a) A person who has lost, or has lost the use of, one or more lower extremities;
 - b) A disabled veteran who has lost one hand, or a disabled person who has lost two hands; and,
 - c) A person who has significant limitation in the use of lower extremities.
- 2) Requires the physical therapist to provide a full description of the illness or disability on the form submitted to DMV.
- 3) Requires a physical therapist to retain information sufficient to substantiate the disability and, upon the request of DMV, make the information available for inspection by the Medical Board of California or the appropriate regulatory board.

EXISTING LAW:

- 1) Authorizes DMV to issue disability placards or plates to disabled persons. (Vehicle Code Section (VEH) 5007 and 22511.55)
- 2) Defines “disabled person” to mean a person who has lost, or has lost the use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistant device. It also includes a person who is blind to the extent that the person’s central visual acuity does not exceed 20/200 in the better eye, a person who suffers from certain lung diseases, or a person who is impaired by cardiovascular disease. (VEH 295.5)
- 3) Requires a person, in order to obtain a disability placard or plate, or temporary disability placard to submit a certificate signed by a physician, surgeon, or licensed chiropractor indicating that the person has lost the use of one or more lower extremities or both hands, or has a significant limitation in the use of his or her lower extremities. (VEH) 5007, 22511.55 and 22511.59)
- 4) Authorizes a disabled person or disabled veteran displaying a disability placard or plate to park for unlimited periods of time in any parking zone that is restricted as to the length of time parking is permitted and to park for free in any metered parking space. (VEH 22511.5)

- 5) Requires DMV to conduct a quarterly random audit of applications submitted and processed to verify the authenticity of the certificates and information submitted in support of those applications and requires DMV to seek the cooperation of the Medical Board of California or the appropriate regulatory boards in conducting the audits. (VEH 1825)
- 6) Defines physical therapy to mean the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. "Physical therapy" does not authorize the diagnosis of disease. (Business and Professions Code Section (BPC) 2620).

FISCAL EFFECT: Unknown

COMMENTS: The state has recognized the need to accommodate individuals with mobility issues by providing them with preferential parking, using specially designated license plates and placards that allow them to park in preferential parking stalls as well as to park free for unlimited periods at metered parking spaces.

Under existing law, a physician, surgeon, nurse practitioner, certified nurse-midwife, or physician assistant may substantiate a person's disability to receive a disability plate, placard, or temporary disability placard. In addition, a chiropractor may certify that a person has a disability only if the person lost the use of one or more lower extremities or one hand, for a disabled veteran, or both hands for a disabled person, person with a disability, or who has significant limitation in the use of lower extremities.

According to the author, "Physical therapists go through rigorous education and training to earn their licenses and degrees. They frequently engage with patients with mobility issues often every week, sometimes even 2-3 times a week, to ensure progress. AB 2289 is a simple measure to allow physical therapists to certify individuals for disability placards, enhancing patient accessibility."

Twelve other states have permitted physical therapists to sign off on a disability placard. According to the American Physical Therapy Association, Alaska, Colorado, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, North Dakota, and Tennessee all permit a physical therapist to sign off on a disability placard. There is currently a 2-year bill in the Pennsylvania Assembly to permit the physical therapist to sign off on a disability placard. That bill has not been set for a hearing and is at least the second attempt to pass such a piece of legislation in the state.

California is one of only eight states that permits individuals with a disability placard to park at a metered parking space for an unlimited amount of time for free. Two of those states, Illinois and Oregon, do not extend free parking for unlimited amounts of time at metered parking with a maximum 30 minute wait time. The allowance for free parking has created a situation where individuals are incentivized to commit fraud regarding disabilities to receive free parking.

For example, a survey conducted by the City of Sacramento found that 73% of metered parking spaces in certain areas of the city were occupied by cars bearing placards and that the majority of the cars were parked in the spaces most of the day, suggesting that the occupants worked nearby. Surveys conducted by the San Francisco Metropolitan Transit Association (SFMTA) indicate that fraudulent placard use is a significant problem, with SFMTA noting that on many occasions nearly 50% of cars parked in the downtown area have placards. SFMTA goes on to say that placard abuse results in a substantial loss of parking revenue and reduces the "turnover" of available parking spaces.

The California State Auditor's report, released in April 2017, found that much of the fraud in the program results from insufficient program oversight by DMV. Specifically, the State Auditor noted, among other things, that DMV does not sufficiently ensure that applications for placards or plates are legitimate, that DMV fails to identify and cancel placards or plates issued to individuals that are likely deceased, and policies allowing individuals to receive unlimited numbers replacement placard is problematic. In its response to the audit, DMV agreed to and did address the State Auditor's recommendations. The Legislature also passed SB 611 (Hill), Chapter 485, Statutes of 2017, implementing the recommendations of the audit.

One of the provisions of SB 611 requires the DMV to conduct a quarterly random audit of applications submitted and processed to verify the authenticity of the certificates and information submitted in support of those applications and requires the DMV to seek the cooperation of the Medical Board of California or the appropriate regulatory boards in conducting the audits. By adding a physical therapist to the list of medical professionals who can sign off on a disability permit, DMV would be required to seek cooperation with the Physical Therapy Board of California when verifying the authenticity of the certificates provided by applicants for a disability placard from a physical therapist.

Previous Legislation:

SB 611 (Hill), Chapter 485, Statutes of 2017 added podiatrist to the list of medical professionals that can sign off on a disability placard/plate and required DMV to conduct quarterly audits of applicants for disability placards and plates, amongst other things.

REGISTERED SUPPORT / OPPOSITION:

Support

California Physical Therapy Association
California State Association of Counties
National Multiple Sclerosis Society
United Nurses Associations of California/Union of Health Care Professionals

Opposition

None on file

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