

Date of Hearing: March 25, 2019

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 408 (Frazier) – As Amended March 13, 2019

**SUBJECT:** Vehicles: disabled veterans

**SUMMARY:** Requires the Department of Motor Vehicles (DMV) to accept a certificate certifying a veteran is disabled for the purpose of a disability license plate from a County Veteran Service Officer (CVSO) or the Department of Veteran Affairs (CALVET). Specifically, **this bill:**

- 1) Makes technical changes to the definition of a disabled veteran.
- 2) Requires DMV to accept a certificate certifying a veteran is disabled for the purpose of a disability placard or plate from a CVSO or CALVET.

**EXISTING LAW:**

- 1) Requires a disabled person, in order to obtain a disabled placard or plate, 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 (one hand for a disabled veteran), or who has a significant limitation in the use of his or her lower extremities.
- 2) Allows DMV to accept a certificate from the United States Department of Veteran Affairs (VA) in lieu of the certificate described above for a disabled veteran.
- 3) Defines a “disabled veteran” as a veteran who suffers any of the following:
  - a. Has a disability which has been rated at 100 by VA or the military service from which the veteran was discharged, due to a diagnosed disease or disorder which substantially impairs or interferes with mobility.
  - b. Is so severely disabled as to be unable to move without the aid of an assistant device.
  - c. Has lost, or has lost use of, one or more limbs.
  - d. Has suffered permanent blindness.

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to the Author, “Historically California has used a California-unique letter issued by VA to substantiate that a veteran applying for Disabled Veteran license plates is qualified to receive them. This worked fine when all paperwork for California veterans came from one of the three VA regional offices located in California. This process has changed over the last 5-10 years. Today when a veteran makes a request for the disabled plate qualification letter from the VA, that request is more likely to be fulfilled by a regional office outside California. Regional Offices outside California are

unaware of this California-unique documentation and typically send the veteran the wrong documentation. Subsequently, the veteran lacks the necessary documentation for DMV to issue the disabled veteran plate. The current process is overly bureaucratic, frustrating, and essentially denies eligible veterans a benefit they have justifiably earned.”

The State of California issues disability placards and plates to individuals who have mobility issues. These placards grant an individual the ability to get preferential parking, making it easier for them to access venues. California also allows individuals with a disability placard or plate to park at a metered spot for free as one of the ways of providing preferential parking spots for those who either have mobility issues or issues accessing the meter.

Under California law, there are two ways someone can get a disabled placard or plate. One allows an individual to get a placard after certification from a medical professional. The other is to have VA issue a letter certifying a veteran as disabled.

The VA had seen a significant backlog in recent years for disability claims. In March, 2013, the number of cases that took more than 125 days to complete reached more than 611,000. Those numbers have since been reduced to about 70,000 by September 2015.

The VA had three branches that used to certify if a veteran was disabled for the purposes of receiving a disability placard or plate in lieu of a medical certification in California. However, because of the backlog, California veterans began having their cases referred out to other branches located in other states. The CVSOs have noted that these branches are unfamiliar with California’s law and have been denying the letter request, making it more difficult for California veterans to get a disabled plate or placard.

Veteran organizations, writing in support of this bill, state that this bill “would streamline the process to receive a disabled veteran license plate...(and) by requiring veterans to meet with their CVSO, will enable them to be screened for other federal, state, and local benefits they may be eligible for.”

*Committee comments:* CVSOs have noted that they as well as CALVET have access to the same information VA has to certify if a veteran is disabled. In light of the federal backlog for disability certification at VA, this bill would allow CVSOs and CALVET to certify if a veteran is disabled for the purposes of receiving a disabled plate or placard. DMV already suggests on its form for veteran disabled plates that veterans contact their local CVSO to get the letter from the VA. In a sense, this bill allows the middleman to complete the certification.

In recent years, some have raised concerns about parking placard abuse. 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. The San Francisco Metropolitan Transportation Association in a similar survey found over 50% of the parking spots downtown were taken by individuals with disabled placards.

DMV has also been criticized by the California State Auditor for not sufficiently reviewing applications for disabled placards and plates to ensure they are legitimate. The State Auditor noted that 73% of the applications they reviewed did not include enough

information on the applicants' disabilities to meet requirements in state law for certifications, and nearly 18% of the providers' signatures did not match the signatures on paperwork on file with the Department of Consumer Affairs.

DMV has been responsive to the recommendations made by the State Auditor. Since the 2017 audit, DMV has partially or fully implemented 15 of the 17 recommendations made by the State Auditor. It should be noted that there were no recommendations regarding disabled veteran plates or placards, and the findings of fraud were limited to documents related to placards certified by medical professionals, not by the VA.

Last year Governor Brown vetoed almost every bill that would have resulted in increased operational costs to DMV. The Legislative Analyst Office predicts the Motor Vehicle Account (MVA), which accounts for 95% of DMV funding, will become insolvent by 2021-2022.

This bill primarily increases the workload of CVSOs and CALVET. DMV may need to make minor changes to existing forms.

*Double Referral:* This bill will be referred to the Assembly Veterans Affairs Committee should it pass out of this committee.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

American G.I. Forum of California  
American Legion, Department Of California  
California Association of County Veterans Service Officers  
California State Commanders Veterans Council  
County of Solano, Department of Veteran Services  
Military Officers Association of America, California Council of Chapters  
National Guard Association of California  
Vietnam Veterans of America, California State Council

##### **Opposition**

None on file

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