

House Bill 2838

Sponsored by Representative C EDWARDS; Representatives BARNHART, CANNON, DINGFELDER, GREENLICK, HUNT, ROSENBAUM, SHIELDS, WITT (at the request of Rodney Metzger)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Transportation to design and issue registration plate that grants parking privileges to qualifying person with disability.

A BILL FOR AN ACT

1
2 Relating to registration plates for persons with disabilities; creating new provisions; and amending
3 ORS 811.602 and 811.627.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) The Department of Transportation shall design and shall issue to quali-**
8 **fied applicants versions of the current regular issue of plates, group plates under ORS 805.205**
9 **or any other registration plates that indicate that the registered owner of the vehicle is a**
10 **person with a disability. Except as otherwise required by the design, plates issued under this**
11 **section must comply with the requirements of ORS 803.535.**

12 (2) A registration plate issued under this section is a disabled person parking permit and
13 grants a person with a disability the parking privileges described in ORS 811.635.

14 (3) Application for issuance and renewal of registration plates under this section shall
15 include a certificate by a licensed physician, a certified nurse practitioner or a licensed
16 physician assistant to the Department of Transportation stating that the applicant is a per-
17 son with a disability or a certificate by a licensed optometrist stating that the applicant is
18 a person with a disability because of substantial loss of visual acuity or visual field beyond
19 correction.

20 (4) Plates issued under this section may not be issued to an applicant who has a tempo-
21 rary disability for less than four years.

22 (5) The department may not charge any additional fee for issuance or renewal of a reg-
23 istration plate under this section.

24 (6) Plates may be issued under this section for one vehicle registered in the name of the
25 person with a disability and may be used in lieu of or in addition to another form of a disa-
26 bled person parking permit.

27 (7) The department may not issue a registration plate under this section for a commer-
28 cial vehicle or for a motor vehicle with a loaded weight in excess of 10,000 pounds.

29 **SECTION 3. ORS 811.602 is amended to read:**

30 811.602. (1) A disabled person parking permit is a means of identifying vehicles being used to
31 exercise the parking privileges described in ORS 811.635. The following are disabled person parking

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 permits:

2 (a) A special decal described in ORS 811.605 issued by the Department of Transportation to be
3 affixed to a golf cart or substantially similar vehicle;

4 (b) An individual placard described in ORS 811.605;

5 (c) A program placard issued by the department under ORS 811.607;

6 (d) A family placard issued by the department under ORS 811.609; *and*

7 (e) A foreign visitor placard issued by the department under ORS 811.611[.]; **and**

8 **(f) A registration plate issued by the department under section 2 of this 2007 Act.**

9 (2) The department shall issue a disabled person parking permit in the form of a decal or indi-
10 vidual placard to any person who submits an application that complies with ORS 811.604. Nothing
11 in this section prohibits the department from issuing a decal or individual placard to a person who
12 has disabled veteran registration plates issued under ORS 805.100 **or registration plates issued**
13 **under section 2 of this 2007 Act** and who qualifies for the decal or placard.

14 (3) Except as otherwise provided in this subsection, the department may not issue more than one
15 individual placard to an applicant. The department may issue a replacement placard upon receipt
16 of proof satisfactory to the department that the original placard has been lost, mutilated or de-
17 stroyed. The department may issue a temporary duplicate [*permit*] **placard** to a person who needs
18 a duplicate permit for travel purposes. A temporary duplicate [*permit*] **placard** shall be valid for 30
19 days. The department shall adopt rules governing application for and issuance of temporary dupli-
20 cate [*permits*] **placards**. Nothing in this subsection prohibits issuance of an individual placard to a
21 person who has been issued a decal **or who has been issued a registration plate under section**
22 **2 of this 2007 Act**.

23 (4) Permits issued under this section, other than temporary duplicate permits, may be renewed
24 by mail.

25 (5) Permits for use on vehicles that are regularly used as part of a program for the transporta-
26 tion of [*disabled*] persons **with disabilities** are issued as provided in ORS 811.607.

27 (6) Except as provided in subsection (7) of this section, the department shall determine the form,
28 size and content of any decal or placard issued under this section and shall adopt rules governing
29 their issuance, display and use as necessary to carry out this section.

30 (7)(a) Except as provided in paragraph (b) of this subsection, the department may not require a
31 decal or placard issued under this section to an individual or a family to contain any identifying
32 information about the person to whom the decal or placard is issued, including any of the following:

33 (A) Name;

34 (B) Address;

35 (C) Telephone number;

36 (D) Social Security number;

37 (E) Driver license number;

38 (F) Golf cart driver permit number;

39 (G) Identification card number;

40 (H) Passport or visa number; or

41 (I) Photograph.

42 (b) The department may require a decal or placard issued under this section to an individual
43 or a family to contain not more than four digits of the driver license or identification card number
44 of the person to whom the decal or placard is issued.

45 **SECTION 4.** ORS 811.627 is amended to read:

1 811.627. (1) A person commits the offense of use of an invalid disabled person parking permit if
2 the person uses a permit that is not a valid permit from another jurisdiction, and that:

- 3 (a) Has been previously reported as lost or stolen;
- 4 (b) Has been altered;
- 5 (c) Was issued to a person who is deceased at the time of the citation;
- 6 (d) Has not been issued under ORS 811.602 **or section 2 of this 2007 Act**;
- 7 (e) Is a photocopy or other reproduction of a permit, regardless of the permit status; or
- 8 (f) Is mutilated or illegible.

9 (2) Unless the police officer or other authorized person issuing the citation witnesses the park-
10 ing of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section
11 was parked by the registered owner of the vehicle and the citation issued for the violation may be
12 placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other
13 person authorized to issue a citation for the offense, the operator of the vehicle is in violation of
14 this section.

15 (3) The offense described in this section, use of an invalid disabled person parking permit, is a
16 Class A traffic violation except that a person in violation of this section shall pay a minimum fine
17 of \$450. Notwithstanding any other provision of law and except as provided in subsection (5) of this
18 section, a court may not suspend imposition or execution of a sentence to pay at least the minimum
19 fine required by this section.

20 (4) If the court finds that a person committed the offense described in this section, the court
21 shall collect the permit and return it to the Department of Transportation for destruction unless the
22 person claims the permit was lost or destroyed, or the police officer or other person authorized to
23 issue a citation for the offense collected the permit.

24 (5) If the court finds that a person committed the offense described in this section by using a
25 permit that was mutilated or illegible, the court may assess any fine it deems appropriate up to the
26 maximum amount allowable for the offense. If the mutilated or illegible permit has been replaced
27 by the department, the court may dismiss the citation.

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