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**A STATEMENT MADE AND SUBMITTED
IN SUPPORT OF HOUSE BILL 2491**

February 15, 2017

Good morning, Chairman Mckeown and Committee Representatives,

Thank you for the opportunity to submit this Statement in Support of House Bill 2491.

Background...

Your consideration and assistance is respectfully requested in correcting a problem with the Disabled Person Parking Privileges program in the State of Oregon.

The purpose of this proposal is to request an amendment of Oregon Revised Statute ("ORS") 811.612, *Maintenance of Privileges after Relocation*, concerning disabled person parking privileges.

A person could (and many do) improperly continue using an out of state disabled person parking placard indefinitely after they have "relocated" to Oregon...and some states such as Idaho, Connecticut and New Mexico, among others have "Permanent Non-Expiring" placards, that these drivers continue to use and which they proudly indicate as "permanent" even though they have long since relocated to Oregon. There presently is no penalty for this continued infraction and I don't believe it was the Oregon's Legislature intent to allow this oversight to continue.

To put this into perspective, in any one day while visiting some parking lots in this one city, there are generally four to six vehicles observed with Oregon license plates that are displaying Idaho or other states' "Non-Expiring Disabled Parking Placards." And in talking with these drivers, they acknowledge they have relocated to Oregon months, if not years before. Additionally, the potential exists that these treasured non-expiring placards are handed down to others when the issued holder passes, as I found in one instance. But there presently is no provision to cite them.

Unlike ORS 807.062, which requires a "resident" (*as defined in ORS 803.355*) to obtain an Oregon Driver's License to operate a motor vehicle in Oregon, but does provide an exemption under ORS 807.020 for a resident to have less than 30 days to obtain an Oregon Driver's License, and under ORS 807.010, provides a penalty for operating a motor vehicle without proper driving privileges. This section refers to being "domiciled" or a "resident" of Oregon.

And also unlike ORS 803.025, where a person commits an offense if they operate a vehicle in Oregon in which the state has not issued title, but under ORS 803.030 14(a) a person has less than 30 days to obtain an Oregon title for their vehicle. This section refers to the person as a "resident."

ORS 811.612 states, "**Maintenance of privileges after relocation.** *To maintain disabled person parking privileges after relocation, a person who relocates to Oregon and who holds a disabled person parking permit from another state shall obtain an Oregon disabled person parking permit pursuant to ORS 811.602.*" That's it, the entire section, which falls short as illustrated below.

This ORS 811.612:

1. Does not provide a time period after which the person no longer “maintains” their disabled person parking privileges;
2. Does not provide a penalty if the person continues to use a disabled placard from another state beyond a certain unstated time period after relocating;
3. Does not use terminology consistent with ORS 803.025, ORS 803.355 and ORS 807.062, which use terminology of “domiciled” and “resident,” instead of “relocation” to Oregon under ORS 811.612; and
4. Does not mention or provide that their out of state disabled placard becomes “invalid.”

The closest possible ORS that a person could be cited under for not complying with ORS 811.612 would be under ORS 811.615, but that section falls short also:

“Unlawful parking in space reserved for persons with disabilities; exceptions; penalty. (1) A person commits the offense of unlawful parking in a space reserved for persons with disabilities if:

(a) The person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities and the vehicle does not conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction.”

It would not be proper to cite under ORS 811.612 if the person was displaying a disabled person parking permit issued by another jurisdiction even though they have relocated or become domiciled as a resident in Oregon.

What Amy Joyce, ODOT Government Relations, Representing DMV/Motor Carrier/Safety says about this issue...

According to Amy Joyce, ODOT Government Relations (email of December 23, 2015), “...basically the issue could be summarized as follows: Under current Oregon law a person moving to Oregon from another state, who already had a disabled person parking permit from that other state, could continue to use that permit indefinitely without any enforceable requirement to transfer this to an Oregon permit (or stop using one altogether). The potential for fraud is that the person may eventually no longer qualify for this benefit but continue to use it because their out-of-state permit continues to be valid (potentially never expiring under the former state’s law).”

“We believe that Cary is correct: there is no penalty under current Oregon law for a person who moves to Oregon and continues to use their out-of-state parking permit – including fraudulently. Unlike for a driver’s license, there is no time-bound requirement to update the parking permit (to one from Oregon) when Oregon residency/domicile is established. Even if a time-limit could be imputed, there is no penalty. The statute would need to be changed to address this issue.”

Accordingly, under the current ORS statutes, there is no provision to cite a person for not complying with ORS 811.612 and this misuse will unfairly continue unabated as the population in Oregon continues to increase.

Disabled citizens of Oregon holding valid Oregon disabled placards already have difficulty finding disabled parking spaces, and it is unfair to these citizens to compete for those limited spaces with drivers using non-expiring placards from other states who ignore the laws of Oregon. This statute should be amended to correct this oversight.

Respectfully submitted,

Cary L. Mathis

A concerned citizen