

House Bill 233

By: Representatives Marin of the 96<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Stephens of the 165<sup>th</sup>, and Scott of the 76<sup>th</sup>

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 plates for certain persons and vehicles, so as to provide  
3 for special decals issued to persons with disabilities to include a photograph of the person  
4 issued the decal; to amend Code Section 10-1-164.1, relating to self-service gasoline price  
5 for drivers holding special disability permit, so as to correct a cross reference; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to  
10 prestige license plates and plates for certain persons and vehicles, is amended by revising  
11 Code Section 40-2-74.1, relating to special decal 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, or licensed chiropractor stating that such person  
19 is a disabled person, the specific disability that limits or impairs the person's ability to walk,  
20 and that he or she is a person with disabilities as specified in paragraph (5) of Code Section  
21 40-6-221. Permits shall be in such form as the department prescribes but shall be of  
22 sufficient size and sufficiently distinctively marked to be easily visible when placed on or  
23 affixed to the driver's side of the dashboard or hung from the rearview mirror of the parked  
24 vehicle. Permits shall be made of a substrate as determined by the commissioner and shall  
25 be of sufficient quality to ensure that the coloring of the permit and the ink used thereon  
26 will resist fading for a period of at least four years. Permits shall be issued to individuals,

27 and the name of ~~the~~ such individual, a recent photograph of such individual, and an  
28 identification number shall appear on the permit. The individual to whom a permit is  
29 issued may use the permit for any vehicle he or she is operating or in which he or she is a  
30 passenger. Permits shall also be issued to institutions when the primary purpose of a  
31 vehicle operated by the institution is to transport individuals with disabilities. The name  
32 of the institution, the license number of the particular vehicle, and an identification number  
33 shall appear on the permit. The institution shall use such permit only for a vehicle which  
34 is operated by the institution and which is used primarily to transport individuals with  
35 disabilities.

36 (b) The department shall issue a temporary permit to any temporarily disabled person upon  
37 presentation of an affidavit of a licensed doctor of medicine, licensed doctor of osteopathic  
38 medicine, licensed doctor of podiatric medicine, licensed optometrist, or licensed  
39 chiropractor stating that such person is a temporarily disabled person, the specific disability  
40 that limits or impairs the person's ability to walk, that he or she is a person with disabilities  
41 as specified in paragraph (5) of Code Section 40-6-221, and a date until which such person  
42 is likely to remain disabled. The temporary permit shall show prominently on its face a  
43 recent photograph of the person issued such temporary permit and an expiration date the  
44 same as the date specified by such doctor for the likely termination of the disability, which  
45 date shall not be more than 180 days after the date the permit is issued. The expiration date  
46 shall be printed with permanent ink and in boldface type of sufficient size to be legible  
47 when the permit is displayed on the driver's side of the dashboard or hung from the  
48 rearview mirror.

49 (c) The department shall issue a permanent permit to any permanently disabled person  
50 upon presentation of an affidavit of a licensed doctor of medicine, licensed doctor of  
51 osteopathic medicine, licensed doctor of podiatric medicine, licensed optometrist, or  
52 licensed chiropractor stating that such person is a permanently disabled person. The  
53 affidavit shall further state the specific disability that limits or impairs the person's ability  
54 to walk or that he or she is a person with disabilities as specified in paragraph (5) of Code  
55 Section 40-6-221. Permits issued to a permanently disabled person shall include a recent  
56 photograph of the person to whom such permit was issued. The department shall also issue  
57 a permanent permit to an institution which operates vehicles used primarily for the  
58 transportation of individuals with disabilities upon presentation of a certification from the  
59 institution regarding use of its vehicles. The institution shall receive permits only for the  
60 number of vehicles so used and shall affix the permits to the driver's side of the dashboards  
61 of such vehicles. The permanent permit shall be predominantly blue in color and shall  
62 show prominently on its face an expiration date four years from the date it is issued. The  
63 expiration date shall be machine printed, not handwritten, in boldface type of sufficient size

64 to be legible when the permit is displayed on the driver's side of the dashboard or hung  
65 from the rearview mirror.

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

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

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

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

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

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

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

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

96 (h) For purposes of this Code section, an active duty military physician shall be entitled  
97 to submit an affidavit in support of the application of active duty or retired military  
98 personnel for parking permits for persons with disabilities whether or not such physician  
99 is licensed to practice in Georgia. Such affidavit shall state that the applicant is in active  
100 military service and is stationed in Georgia pursuant to military orders or is retired from

101 the military and is a resident of Georgia and that such person is a disabled person, the  
 102 specific disability that limits or impairs the person's ability to walk, and that he or she is  
 103 a person with disabilities as specified in paragraph (5) of Code Section 40-6-221.

104 (i) For purposes of this Code section, the department shall accept, in lieu of an affidavit,  
 105 a signed and dated statement from the doctor which includes the same information as  
 106 required in an affidavit written upon security paper as defined in paragraph (38.5) of Code  
 107 Section 26-4-5."

108 **SECTION 2.**

109 Code Section 10-1-164.1, relating to self-service gasoline price for drivers holding special  
 110 disability permit, is amended by revising subsection (a) as follows:

111 "(a) Any owner or operator of a gasoline station which sells gasoline at one price when an  
 112 employee of the station dispenses the gasoline into a motor vehicle and at a lower price  
 113 when the customer dispenses the gasoline on a self-service basis shall comply with this  
 114 Code section. Any such owner or operator shall conduct the operations of the station so  
 115 that the holder of a special disability permit provided for in subsection (e) of Code Section  
 116 ~~40-6-222~~ 40-2-74.1 will, upon request, have gasoline dispensed by an employee of the  
 117 station at the self-service pump and will be allowed to purchase such gasoline at the price  
 118 otherwise charged for gasoline purchased on a self-service basis if:

119 (1) The holder of the permit is driving the motor vehicle into which the gasoline is to be  
 120 dispensed; and

121 (2) The holder of the permit is not accompanied by another person 16 years of age or  
 122 older who is not mobility impaired or blind. However, in such cases, the employee shall  
 123 not be required to provide any other service."

124 **SECTION 3.**

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