

House Bill 923

By: Representatives Taylor of the 92nd, Alexander of the 66th, McClain of the 109th, Douglas of the 78th, and Kennard of the 101st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to provide for issuance of a special license plate for individuals with a physical,
3 mental, or neurological condition which impedes the ability to communicate; to provide for
4 notation of such condition upon a driver's license; to provide for conforming changes; to
5 provide for a short title; to provide for related matters; to provide for effective dates; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "Sean's Act."

10 **SECTION 2.**

11 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
12 amended by revising Code Section 40-2-74, relating to special license plates for persons with
13 disabilities, as follows:

H. B. 923

- 1 -

14 "40-2-74.

15 (a)(1) Any owner of a private passenger motor vehicle who is a resident of Georgia,
16 upon complying with the motor vehicle laws relating to registration, licensing, and
17 payment of fees and upon submitting an affidavit of a practitioner of the healing arts
18 stating that the owner or his or her spouse, child, or ward is a person with disabilities, as
19 defined in paragraph (5) of Code Section 40-6-221, whose disability or incapacity can be
20 expected to last for more than 180 days and stating the specific disability that limits or
21 impairs the ability to walk, shall be issued a specially designated disabled person's license
22 plate from the commissioner. As used in this Code section, the term 'practitioner of the
23 healing arts' means a person holding a license to practice medicine, podiatric medicine,
24 or chiropractic issued pursuant to Article 2 of Chapter 34 of Title 43, Chapter 35 of
25 Title 43, or Chapter 9 of Title 43, respectively.

26 (a.1)(2) Any business registered in Georgia that is a sole proprietorship, a Subchapter 'S'
27 Corporation under Subchapter S of Chapter 1 of the Internal Revenue Code, or a single
28 principal limited liability corporation or limited liability partnership which assigns or
29 makes available a passenger motor vehicle for the use of an employee of such business,
30 upon complying with the motor vehicle laws relating to registration, licensing, and
31 payment of fees and upon submitting an affidavit of a practitioner of the healing arts
32 stating that such employee is a person with disabilities, as defined in paragraph (5) of
33 Code Section 40-6-221, whose disability or incapacity can be expected to last for more
34 than 180 days and stating the specific disability that limits or impairs the ability to walk,
35 shall be issued a specially designated disabled person's license plate from the
36 commissioner. The affidavit shall also state that such business vehicle shall be used only
37 or primarily by such disabled employee. If such disabled employee leaves the
38 employment of the company, the company shall surrender the plate to the commissioner
39 within 60 days. In the event that an employee or other person ~~that~~ who is not a disabled
40 person uses a business vehicle which has been issued a special plate pursuant to this

41 subsection, he or she shall not avail himself or herself of the privileges afforded under
42 this title to a disabled person with a special plate. ~~Any person who is not a disabled~~
43 ~~person as prescribed by this Code section and who willfully and falsely avails himself or~~
44 ~~herself of the privileges afforded to such special plate under this title shall be guilty of a~~
45 ~~misdemeanor.~~ Any business to which one or more special plates are issued pursuant to
46 this subsection which is determined by the commissioner to have repeated violations of
47 this subsection by an employee or employees or other person or persons ~~that~~ who are not
48 disabled as prescribed by this ~~Code section~~ subsection shall be subject to revocation of
49 such special plate or plates.

50 (b) A hearing impaired person ~~otherwise qualified under this subsection~~ shall be eligible
51 to have issued to him or her a specially designated disabled person's license plate in
52 accordance with this Code section. As used in this Code section, 'hearing impaired person'
53 shall have the same meaning as defined in Code Section 24-6-651, except that the term
54 'hearing impaired person' shall not include any person who is not qualified for a driver's
55 license pursuant to Code Section 40-5-35. For purposes of this subsection, presentation of
56 an identification card for persons with disabilities issued pursuant to Article 8 of Chapter 5
57 of this title shall constitute proof of hearing impairment.

58 (c) A person with a physical, mental, or neurological condition which impedes his or her
59 ability to communicate shall be eligible for a specially designated disabled person's license
60 plate. Submission of a sworn statement which includes a description of the condition or
61 diagnosis which impedes the ability to communicate, including whether such impediment
62 is temporary, intermittent, or triggered by certain events, shall satisfy eligibility for
63 issuance of a license plate pursuant to this subsection.

64 ~~(c)~~(d) Upon complying with the motor vehicle laws relating to registration, licensing, and
65 payment of fees and upon submission of proof of disability as provided in ~~subsection (a)~~
66 of this Code section, as applicable:

67 (1) Any resident person who is the joint owner of a motor vehicle with a disabled person
68 as prescribed in this Code section shall be authorized to obtain such specialized plates for
69 such jointly owned vehicle; and

70 (2) Any resident motor vehicle owner who is the spouse, parent, or legal guardian of a
71 person who is disabled as prescribed in this Code section shall be authorized to obtain
72 such specialized plates for such vehicle.

73 Upon the death of the disabled person or if the joint ownership of such vehicle ceases for
74 any reason, the specialized license plate shall be canceled and the owner of such motor
75 vehicle shall be issued a regular license plate for such vehicle.

76 ~~(d)~~(e) The commissioner is directed to furnish such license plates as provided for in this
77 Code section, ~~which~~. A specially designated disabled person's license plate issued pursuant
78 to subsection (a) of this Code section shall bear the official international wheelchair symbol
79 or a reasonable facsimile thereof, or such other symbols. A specially designated disabled
80 person's license plate issued pursuant to subsection (b) or (c) of this Code section shall
81 contain special symbols identifying such disability as the commissioner may deem
82 appropriate. The commissioner shall coordinate with the Department of Driver Services
83 to develop the special symbol for license plates issued pursuant to subsection (c) of this
84 Code section. License plates issued pursuant to this Code section need not contain a place
85 for the county name decal as required by Code Section 40-2-9.

86 ~~(e)~~(f) Any license plate issued pursuant to ~~the provisions of~~ this Code section shall be
87 transferred to another vehicle as provided in Code Section 40-2-80.

88 ~~(f)~~(g) Any person who is not a disabled person as prescribed in this Code section or a
89 person otherwise entitled to obtain such special license plates and who willfully and falsely
90 represents himself or herself as having the qualifications to obtain the special plates
91 prescribed by this Code section shall be guilty of a misdemeanor.

92 ~~(g)~~(h) Any practitioner of the healing arts who knowingly and willfully makes a false or
 93 misleading statement in his or her affidavit stating that an applicant is a disabled person as
 94 prescribed in this Code section shall be guilty of a misdemeanor.

95 ~~(h)~~(i) Any person owning a vehicle bearing ~~the special plates and a specially designated~~
 96 disabled person's license plate who is not entitled to do so under this Code section shall be
 97 guilty of a misdemeanor."

98 **SECTION 3.**

99 Said title is further amended in Code Section 40-2-74.1, relating to temporary, permanent,
 100 and special permanent parking permits for persons with disabilities, by revising
 101 subsection (d) as follows:

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

109 **SECTION 4.**

110 Said title is further amended by revising Code Section 40-5-38, relating to notation of post
 111 traumatic stress disorder upon drivers' licenses, as follows.

112 "40-5-38.

113 (a) Members of the armed services and veterans who have been diagnosed with ~~post~~
 114 traumatic post-traumatic stress disorder may request to have a notation of such diagnosis
 115 placed on his or her driver's license. Such applicant shall present the department with a

116 sworn statement from a person licensed to practice medicine or psychology in this state
117 verifying such diagnosis.

118 (b) Any applicant with a physical, mental, or neurological condition which impedes the
119 applicant's ability to communicate may request to have a symbol placed upon the front of
120 his or her driver's license which indicates such condition. Such applicant shall present the
121 department with a sworn statement which includes a description of the condition or
122 diagnosis which impedes the ability to communicate, including whether such impediment
123 is temporary, intermittent, or triggered by certain events.

124 (c) The commissioner shall by rules and regulations establish procedures necessary to
125 carry out the provisions of this Code section including, without limitation, application
126 forms to include a waiver of liability for the release of any medical information and an
127 appropriate symbol to be placed on the drivers' licenses. The commissioner shall
128 coordinate with the Department of Revenue to develop the symbol placed upon the driver's
129 license pursuant to subsection (b) of this Code section."

130 **SECTION 5.**

131 Said title is further amended by revising Code Section 40-6-225, relating to parking places
132 for persons with disabilities for the nonambulatory, as follows:

133 "40-6-225.

134 Any business entity may elect to designate parking places for persons with disabilities for
135 the nonambulatory. Such parking places for the nonambulatory shall be in addition to any
136 parking places for persons with disabilities required by Chapter 3 of Title 30. Such parking
137 places for the nonambulatory shall be clearly marked by a sign bearing the words 'Parking
138 for Persons with Disabilities — nonambulatory persons only.' Such parking places for the
139 nonambulatory shall be utilized only for the purpose of allowing a nonambulatory
140 permanently disabled person to enter or exit a vehicle while in such parking place. A
141 vehicle in a parking place for the nonambulatory shall be required to have a valid unexpired

142 parking permit for persons with disabilities or a specially designated license plate for
143 disabled persons authorized under subsection (a) of Code Section 40-2-74 or Code
144 Section 40-2-74.1. For the purposes of this Code section, the term 'nonambulatory
145 permanently disabled person' means a person who is permanently disabled as a result of
146 the loss or loss of use of one or both legs and who is dependent upon crutches, a walker,
147 or a wheelchair for locomotion."

148 **SECTION 6.**

149 Said title is further amended in Code Section 40-6-226, relating to offenses and penalties
150 relative to parking for persons with disabilities, by revising subsections (a) and (a.1) as
151 follows:

152 "(a) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking
153 place for persons with disabilities unless there is displayed on the driver's side of the
154 dashboard or hung from the rearview mirror of the parked vehicle a valid unexpired
155 parking permit for persons with disabilities or unless there is attached to the vehicle a
156 specially designated license plate for disabled veterans or other disabled persons authorized
157 under subsection (a) of Code Section 40-2-74 or Code Section 40-2-74.1 and unless such
158 person is the person to whom such permit or license plate was issued; the person to whom
159 such permit or license plate was issued is a passenger in the vehicle; or such vehicle is
160 being used for the transportation of disabled passengers on behalf of the institution to
161 which such permit was issued.

162 (a.1) It shall be unlawful for any person to stop, stand, or park any vehicle in a parking
163 place for persons with disabilities which is designated 'For Persons With Disabled
164 Ambulatory Assistive Devices Only' unless:

165 (1) There is displayed on the driver's side of the dashboard or hung from the rearview
166 mirror of the parked vehicle a valid unexpired parking permit for persons with disabilities
167 or unless there is attached to the vehicle a specially designated license plate for disabled

168 veterans or other disabled persons authorized under subsection (a) of Code
169 Section 40-2-74 or Code Section 40-2-74.1; and
170 (2) A person with disabilities who is using a wheelchair, crutches, walker, or other
171 ambulatory assistive device is the driver of or a passenger in such vehicle."

172 **SECTION 7.**

173 This Act shall become effective on July 1, 2024, for purposes of adopting rules and
174 regulations necessary to carry out this Act and on January 1, 2025, for all other purposes.

175 **SECTION 8.**

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