



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** July 22, 2010  
**To:** Honorable Mayor & City Council  
**From:** Chad Lynn, Director of Parking Operations  
**Subject:** Request by Councilmember Mirisch to Discuss Disabled Person Placard Abuse

**Attachments:**

1. Matrix of Disabled Parking Abuse
2. Disabled Parking Permit Statistics

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### INTRODUCTION

Councilmember Mirisch has requested the City Council discuss Disabled Person (DP) placards and their associated misuse and enforcement.

### DISCUSSION

State issued DP placards provide that users of such placards may park at on-street parking meters without payment and may park beyond time limits, including those in non-metered areas without limit, including Preferential Parking Permit zones. Although state law does not grant DP placards the right to park during the City's overnight parking prohibition, the City's Municipal Codes does provide for such exemption in multi-family areas with overnight parking privileges. Placards may not park in areas when all parking is restricted, such as Street Sweeping, No Parking Anytime and Anti-Gridlock/Tow Away zones.

The Parking Enforcement Division and BHPD have multiple enforcement tactics for discouraging the misuse of DP placards, more specifically outlined in Attachment 1.

### FISCAL IMPACT

There is no fiscal impact estimated at this time.

### RECOMMENDATION

There is no staff recommendation at this time.

 David Gustavson  
 Approved By

# Attachment 1

Attachment 1 – Disabled Person Placard Misuse Matrix

Misuse	Description	Enforcement	Challenges	Fine
1	Lost/Stolen/Expired Use of a placard that has been reported lost or stolen or has passed the posted expiration date	“Sweeps” Officers observe and investigate placards being displayed throughout the City	Requires investigation of the placard being displayed. Only about 3% of observed placards were enforceable	\$500 Confiscation of the Placard
2	User Mismatch The user of the placard is not the person to whom the placard has been issued	“Stings” Officers observe the use of DP placards and compare the users ID with the placard registration	The user of the placard must be present at the vehicle in order to enforce.	\$500 Confiscation of the Placard
3	Forged DP Placard User makes a forgery of a legitimate DP placard	Officer observes the forgery through physical inspection	The officer must be able to detect the displayed placard is a forgery	\$500 Confiscation of the Placard and Potential Criminal Prosecution
4	Physician Illegitimately Issued DP Placard Physician issues a DP placard for non-medical reasons	Investigation of the Doctor and circumstances related to issuance	Placard is properly issued by DMV and will appear in order during field observation by the officer	Varies depending on criminal charges
5	User Illegitimately Issued DP Placard User submits a DMV application with a forged or fabricated doctor’s prescription	Investigation of the DP application	Placard is properly issued by DMV and will appear in order during field observation by the officer	Varies depending on criminal charges
6	Questionable Issuance of the DP Placard A doctor may provide a DP placard prescription to a patient that may not require such DP privileges	Investigation of the DP application, the user and the doctor’s prescription	Questions the doctor’s medical judgment by non-medical professionals	Potential revocation of the placard

## Various Types of Disabled Parking Permit Misuse

### 1. Lost/Stolen/Expired Placards

#### Misuse

- A placard that has been reported lost or stolen, or has expired the term of its legitimate use.

#### Enforcement

- This is perhaps the easiest to find and enforce, as it can be enforced by simple observation and DMV check. It does not require the presence of user in order to enforce.
- The City has conducted “sweeps” in which officers are assigned to blanket the City, and observe and verify every displayed DP placard in use.
  - i. Misuse of this type was approximately 3% of total observations.

Fine - \$500 - \$3500 and Confiscation of the placard.

### 2. User Mismatch

#### Misuse

- The user of the placard is not the person to whom the placard has been issued.

#### Enforcement

- The City becomes aware of the violation through observation or through a report from the public. The officer will observe the vehicle until the driver return. The officer will request the user’s DP registration (like vehicle registration, issued by the DMV, but specific to the DP placard). The officer may check the DP through the DMV and against the drivers license of the user.
  - i. In some cases, the officer will observe the user at the time parking is initiated and will request the ID before the user departs.
- Enforcement can be complicated, as the CVC allows a DP holder to be transported by others, and conveys the parking privileges of the DP placard while actively engaged in such action.
  - i. If someone suspected of misuse claims they are transporting the DP holder, officers will ask questions related to the DP holder, including identity, current location, and other information to verify validity of the claim. Officers will go as far as to escort the user to the office or location of the DP holder to verify the validity of the claim.
- The City has conducted “stings” in which officers wait on predetermined streets and observe users displaying DP placards at the time of parking. Officers approach the users to determine proper use of the placard.

Fine - \$500 - \$3500 and Confiscation of the placard.

### 3. Forged DP Placard

#### Misuse

- A forgery of a placard is displayed by the user. These are photocopies or other facsimiles of legitimate placards. These range from paper to plastic replicas.

#### Enforcement

- Officers observe imperfections and/or signs of replicated placards
- These are usually found on an individual basis or during “sweeps” as described herein.

Fine - \$500 - \$3500, Confiscation of the placard and potential criminal prosecution.

### 4. Physician Illegitimately Issued DP Placard

#### Misuse

- A physician will issue a placard to a person that does not qualify for such privileges. Reasons for such issuance include:
  - i. Friends, relatives or other personal relationship
  - ii. Employees, business partners or other professional relationships
  - iii. Consideration such as money, in kind service, or other personal benefit

#### Enforcement

- Challenging to enforce, as the placard is properly issued by DMV, the user will have proper identification, and the information viewed by the officer on the scene will appear in order.
- Requires investigation of the doctor and the circumstances surrounding issuance of the placards.
- Suspected misuse of this type may be initiated or referred by a law enforcement agency and usually involves DMV’s Criminal Investigation Division (CID).

Fine – Varies depending on type of violation and may include criminal prosecution.

### 5. User Illegitimately Obtained DP Placard

#### Misuse

- An applicant submits an illegitimate application to DMV for a DP placard, most commonly a forged or fabricated doctor’s signature.

Enforcement

- Challenging to enforce, as the placard is properly issued by DMV, the user will have proper identification, and the information viewed by the officer on the scene will appear in order.
- Requires investigation of the application recorded at DMV, including follow-up with the doctor.
- Suspected misuse of this type may be initiated or referred by a law enforcement agency and usually involves DMV's Criminal Investigation Division (CID).
  - i. Significant obstacles include time investment for the preliminary investigation and tracking of the actual/fictitious doctor.

Fine – Varies depending on type of violation and may include criminal prosecution.

6. Questionable Issuance of a DP Placard

Misuse

- A patient will request a DP placard from a doctor even if their condition may not require such privileges.
  - i. Doctors are placed in a difficult position, balancing the patient's well being with the prudence of issuing the DP privilege
  - ii. Doctors are challenged with further difficulty when competing in a market place in which patients can "shop" doctors until they find one that is willing to make the prescription
- This is perhaps the most common reason for the proliferation of DP placards.

Enforcement

- Challenging to enforce, as the placard is properly issued by DMV, the user will have proper identification, and the information viewed by the officer on the scene will appear in order.
- Significant obstacles include:
  - i. The inability of the doctor to cooperate due to HIPPA requirements
  - ii. A law enforcement officers challenge of a doctor's diagnosis and prescribed course of action for treatment in the issuance of the DP placard
- Suspected misuse of this type may be initiated or referred by a law enforcement agency and usually involves DMV's Criminal Investigation Division (CID).

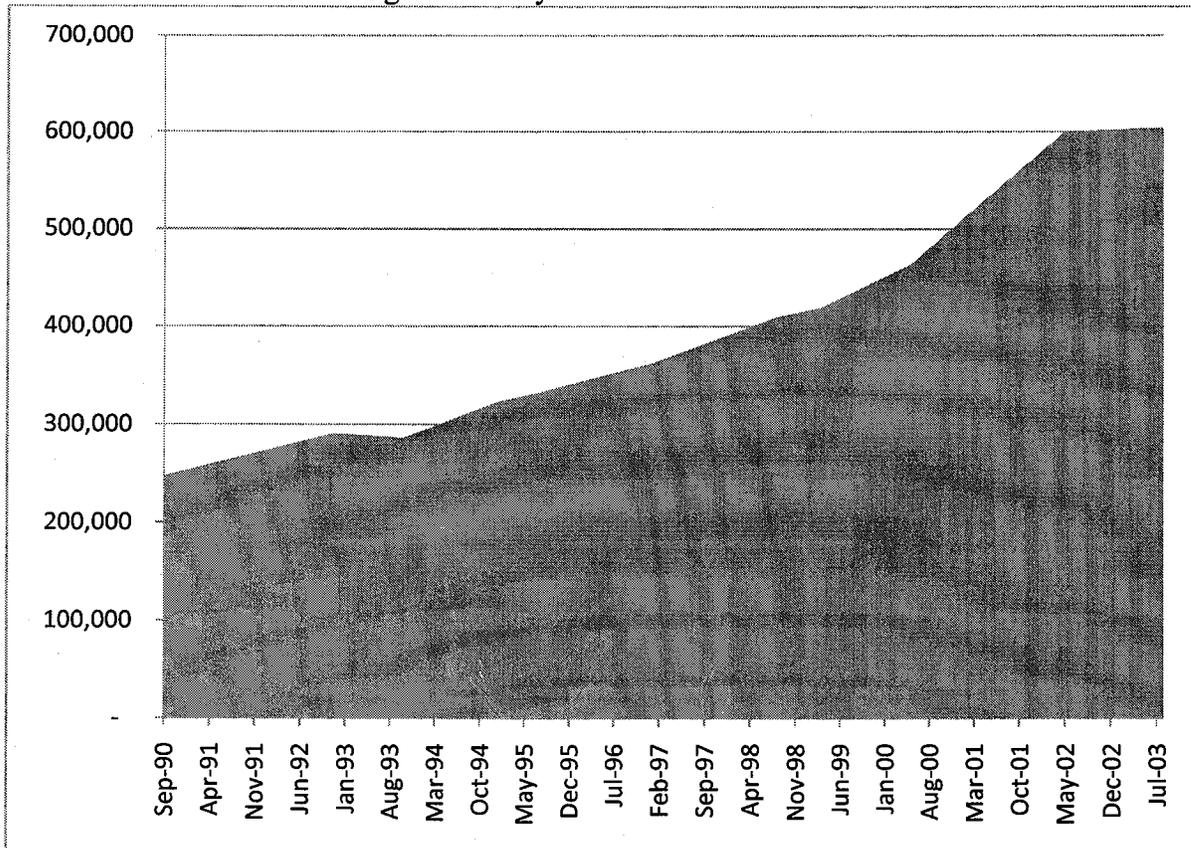
Fine – Varies depending on type of violation and may include criminal prosecution.

# Attachment 2

Attachment 2 – State and Local DP Placard Statistics

Year	Totals	Permanent	Temporary	% Change
1994	874,836	874,836	N/A	
1996	1,044,421	1,004,309	40,112	19%
1997	1,024,620	977,267	47,353	-2%
1999-2	1,178,501	1,132,618	45,883	15%
1999-8	1,197,913	1,154,029	43,884	2%
2001	1,343,207	1,286,362	56,845	12%
2002	1,536,613	1,471,228	65,385	14%
2003-3	1,587,720	1,480,120	107,600	3%
2004-5	1,737,743	1,594,205	143,538	9%
2005-6	2,346,442	2,271,235	75,207	35%
2006-7	2,364,568	2,283,983	80,585	1%

Los Angeles County DP Placards 1994 - 2007



County	Year	Permanent	Temporary	Total
	Oct-94	247,780		247,780
LOS ANGELES	Dec-96	278,681	12,258	290,939
19	Nov-97	271,755	14,745	286,500
	Feb-99	309,815	14,022	323,837
% of Placard Totals	Aug-99	319,034	13,453	332,487
25.6%	Feb-01	345,965	16,827	362,792
	Aug-02	389,988	19,560	409,548
	Mar-03	387,547	31,905	419,452
	May-04	420,236	43,196	463,432
	May-06	578,097	22,381	600,478
	Aug-07	580,796	23,709	604,505

Total DP Issued State of California 1994 - 2007

