



Office of the Inspector General
Commonwealth of Massachusetts

Glenn A. Cunha
Inspector General

**The Abuse of Disabled Persons
Parking Placards: A Multi-
Agency Investigation**

November 20, 2013

Massachusetts Office of the Inspector General

Address:

Room 1311
John McCormack State Office Building
One Ashburton Place
Boston, MA 02108

Phone:

(617) 727-9140
(617) 523-1205 (MCPPO Program)
(800) 322-1323 (confidential 24-hour
hotline)

Internet and Fax:

www.mass.gov/ig
(617) 723-2334 (fax)

Printed on recycled paper.

Table of Contents

Executive Summary	1
Background	5
A. Past Investigations	6
B. The Medical Affairs Bureau	6
Methodology	9
Investigative Findings.....	11
A. Citations.....	11
B. Best Practices.....	12
Recommendations.....	13

This page is intentionally left blank.

Executive Summary

The Office of the Inspector General (OIG) recently completed its third major investigation of the misuse of Disabled Persons Parking Identification Placards (“placards”) in the City of Boston.

The investigation – conducted in collaboration with the Massachusetts State Police (MSP) and the Massachusetts Registry of Motor Vehicles (RMV) – revealed on-going abuse of parking placards in the North Station/Government Center and Financial District areas of Boston.

The placard program is designed to assist individuals with a disability by allowing a placard holder to park in designated disability spaces and to park indefinitely at metered parking spaces free of charge.

Since garage parking in downtown Boston costs between \$5,000 and \$6,000 a year, the meter exemption creates a substantial incentive for unauthorized drivers to abuse placards.

The OIG modeled the 2013 placard investigation on its successful placard investigations in 2007 and 2009 to 2010. In 2007, the OIG recommended – and the RMV implemented – a redesign of the placards to make the expiration date more visible. In 2013, the OIG did not find any vehicles using expired placards in the targeted areas.

In June 2013, the OIG began surveillance to identify vehicles displaying placards that regularly parked in downtown Boston. The OIG cross-checked its placard and vehicle observations against RMV data and identified 88 vehicles that did not appear to be driven by the placard holder. The OIG surveilled these vehicles throughout the summer.

The OIG found:

- Drivers using placards of deceased individuals
- Drivers using placards of individuals who reside out of state
- Drivers using placards belonging to friends, relatives, or associates
- Drivers appearing to use multiple placards
- Placards and vehicles registered to different individuals who appeared to be unrelated

State Trooper Michael Giso joined the OIG surveillance team during the final phase of the investigation and cited 13 drivers for placard misuse. Trooper Giso confiscated the 13 placards¹ and issued a \$500 citation to each operator. State law also requires the RMV to suspend for 30 days the license of any driver found guilty of misusing a placard.

¹ The placards may be returned to the placard holders after a hearing at the RMV.

The OIG and Trooper Giso caught:

- Three drivers using placards belonging to deceased individuals
- Eight drivers using placards belonging to relatives who were not in the vehicle
- Two drivers using placards belonging to a friend or coworker who was not in the vehicle

The OIG recommends that Massachusetts improve its placard program in the following categories: increasing enforcement of the current law; amending state law to increase the penalties for placard abuse; and tightening administrative controls to make abuse harder to accomplish and easier to detect.

Specifically, the OIG recommends:

1. The RMV should create a placard registration program, modeled after the existing vehicle registration decal program, to enable law enforcement to quickly and easily determine whether a placard remains valid.
2. The RMV should appoint a liaison within its Medical Affairs Bureau to educate local law enforcement about placard abuse. Waltham and Fall River already have self-funding enforcement programs that could serve as models for other municipalities.
3. The RMV should publicize the phone number of its newly established hotline for reporting suspected placard abuse. The RMV should also encourage municipalities to establish local complaint lines.
4. The RMV should create a mechanism to allow the complaints it receives to be easily disseminated to the appropriate law enforcement agencies.
5. The RMV should implement control procedures to ensure that inventory of placard stock is properly secured and all returned placards are destroyed.
6. The RMV should consider redesigning the placards to add a large and clearly-worded warning on the back that identifies the penalties for misuse.
7. The RMV should explore using additional data matches to identify placard holders who have moved out of state and are no longer eligible for a Massachusetts-issued placard.
8. The RMV should work with its parent agency, the Department of Transportation, to coordinate the eligibility standards and approval processes for all its programs designed to assist individuals with a disability.
9. The Massachusetts legislature should consider separating the meter exemption from the standard placard application and require each applicant for a meter exemption to demonstrate a disability that prevents him from using a meter.

10. The legislature should review the financial penalties associated with placard abuse. The current \$500 dollar fine and potential 30-day license suspension do not provide sufficient deterrence for individuals who can save up to \$6,000 a year on parking garage fees by using a placard inappropriately.
11. The legislature should consider amending Chapter 90 of the General Laws by adding a section that makes obstruction of placard numbers and/or expiration dates a citable offense and the use of a deceased person's placard a criminal offense.
12. The legislature should also consider requiring the return of placards that have been canceled as a result misuse or a move out of state. The legislature should also explore civil penalties for the failure to return a cancelled placard.

This page is intentionally left blank.

Background

The RMV issues placards to qualified individuals who need accessible parking as a result of a physical disability. The particular physical disabilities include needing aid to walk more than 200 feet, cardiovascular disease, pulmonary disease, loss of limbs and visual impairments. As of June 2013, the RMV identified 381,474 active placards in Massachusetts. Of those, 364,300 were permanent and 17,174 were temporary.

Temporary placards – valid for between two months and two years – are issued to accommodate temporary conditions such as a lack of mobility following knee surgery. Permanent placards are issued to individuals with permanent disabilities such as chronic lung disease. Permanent placards are valid for five years but are automatically reissued for the life of placard holder.

To receive a disability placard, an individual must submit a form from a health care provider certifying the individual’s qualifying medical condition. In addition to completing the RMV form, the health care provider must also provide an opinion about whether the applicant can safely operate a motor vehicle despite his certified medical condition. The RMV’s Medical Affairs Bureau (MAB) processes the placard applications. If the medical certification does not contain enough information to enable the RMV to reasonably determine whether the applicant meets its medical qualifications, the RMV may request supplemental medical documentation.

An individual with a placard may park in designated zones or parking spaces. In addition, the placard holder may park indefinitely at metered parking spaces free of charge.

According to current RMV regulations², “[t]he use of a disability placard, or the special parking privileges associated with a disability plate, is restricted to the person to whom the placard or plate has been issued.” If someone other than the placard holder is driving, RMV regulations only allow the placard to be used for 10 minutes while the placard holder is entering or exiting the vehicle. Only the placard holder can use the placard for preferential parking for more than 10 minutes. No one is allowed to use a disability placard after its expiration date.

Any person who wrongfully displays or uses a placard or plate in violation of M.G.L. c. 90, § 2, is subject to a fine of \$500 for a first offense, and \$1,000 for every subsequent offense. The RMV will also suspend the operator’s license or his right to operate if he is found to have misused a placard. The suspension is 30 days for a first offense, 90 days for a second offense, and one year for every subsequent offense. Any placard holder who authorizes, permits, or allows his placard to be used by another person will have his placard revoked.

In addition to these civil penalties, M.G.L. c. 90, § 24B, makes it a crime, punishable with a \$500 fine and up to five years in jail, to falsely procure, steal, alter or counterfeit a placard. The statute also makes it a crime to possess or use a falsely procured, stolen, altered or counterfeit placard.

² 540 CMR 17

The benefit to an unauthorized user of parking free at meters or in a handicapped parking spot can amount to a significant savings. The OIG surveyed monthly garage rates in the North Station/Government Center and Financial District areas and found the annual cost for parking in a garage ranged from \$5,000 to \$6,000.

A. Past Investigations

In 2007, the OIG conducted an investigation of placard abuse in collaboration with the RMV, MSP and the Boston Transportation Department. The investigation spanned the Newbury Street, North Station and Financial District areas of Boston. The investigation identified hundreds of placards and revealed four categories of abuse:

- Use of placards registered to deceased individuals
- Use of expired placards
- Use of altered or counterfeit placards
- Use of placards belonging to relatives or associates

During the final phase of the investigation, MSP cited 17 individuals for the misuse of disability placards.

As a result of the OIG's 2007 investigation, the RMV redesigned the placards to make the expiration date more visible. This redesign appears to have been effective. In 2013, the OIG did not find any instances of expired placards being used in the targeted areas. During the OIG's 2007 investigation, the RMV also began matching its placard list with Social Security Administration data to identify deceased placard holders. Finally, in 2008 the legislature passed a bill making it a felony to alter or counterfeit disability placards.

From 2009 to 2010, the OIG conducted a targeted investigation of placard abuse. This investigation resulted in the citation of six unauthorized individuals abusing placards. In addition, a man was charged with attempting to sell a stolen placard after placing an advertisement for it on Craigslist.

B. The Medical Affairs Bureau

MAB is located in Quincy, Massachusetts. It is responsible for processing placards statewide. MAB's responsibilities include approving, denying, renewing, cancelling, and transferring placards and plates as well as sending requests to individuals for the return of cancelled placards. MAB is also responsible for ensuring that all licensed Massachusetts drivers are medically qualified to drive safely. For instance, MAB can place a restriction on a medically impaired driver's license that limits him to driving vehicles with specific equipment, such as hand controls. MAB also issues Tinted Glass Waivers to individuals with a medical condition that requires extra protection from the sun. In 2012, MAB processed approximately 100,000 placard-related transactions and 14,000 license-related transactions.

Both MAB's powers and its resources are limited. While MAB receives approximately 10 to 15 complaints about placard abuse per week, MAB has no enforcement powers and does not have

the resources to investigate the complaints it receives. MAB relies on state and local police departments to enforce placard laws. Despite its reliance on local law enforcement, MAB does not have the resources to provide training to help law enforcement to recognize placard abuse and enforce placard laws.

While MAB uses the Social Security Administration's Death Master File to identify deceased placard holders and administratively cancels those placards, MAB does not currently have a mechanism to ensure that others do not continue to use the cancelled placards. In addition, MAB currently does not have a formal written process for controlling the inventory of cancelled placards.

This page is intentionally left blank.

Methodology

In June 2013, OIG staff began its preliminary surveillance of Boston's North Station/Government Center and Financial District areas. As in past investigations, the OIG chose these areas because of their proximity to bustling employment and commercial centers where parking is limited.

The OIG observed approximately 300 vehicles using placards in the targeted areas. Based on the data it collected during its surveillance, the OIG flagged 88 vehicles for the following reasons:

- Placard holder resides out of state
- Placard holder is deceased
- Placard holder is a minor
- Vehicle is using multiple placards
- Placard and vehicle are registered to different individuals who appear to be unrelated

After flagging vehicles for potential placard abuse, the OIG conducted extensive surveillance to gather information necessary to determine which placards were being misused. During the final phase of the investigation, OIG investigators and Trooper Michael Giso of the Massachusetts State Police surveilled and cited suspected offenders.

The team cited 13 individuals for placard misuse, three involving the use of a placard registered to a deceased person and 10 involving the use of a placard by someone other than the authorized placard holder. Trooper Giso confiscated the 13 placards³ and issued a \$500 citation to each operator for each violation. M.G.L. c. 90, § 2, also requires the RMV to suspend for 30 days the license of any driver found guilty of misusing a placard.

³ The placards may be returned to the placard holders after a hearing at the RMV.

This page is intentionally left blank.

Investigative Findings

The abuse of placards by unauthorized individuals remains a widespread issue in the city of Boston. During its investigation, the OIG found:

- Drivers using placards of deceased individuals
- Drivers using placards of individuals who reside out of state
- Drivers using placards belonging to friends, relatives, or associates
- Drivers appearing to use multiple placards
- Placards and vehicles registered to different individuals who appear to be unrelated

A. Citations

During the final phase of the OIG investigation, Trooper Giso cited three drivers who were using placards that belonged to deceased individuals. Trooper Giso confiscated each placard and issued a \$500 citation to each offender:

- A consultant for a staffing agency in the Financial District used her deceased mother's placard to park all day at a metered space near her office. OIG staff observed her using this placard on a regular basis for four months. The mother had been deceased for approximately eight months when OIG staff first observed the use of the placard.
- An employee at a firm on High Street was cited for using her deceased husband's placard. At the time the individual was first identified, her husband had been deceased for nine months.
- A director of compliance for a wealth management company used a deceased priest's placard. The compliance officer told Trooper Giso that he had been the priest's caretaker until the priest died in February 2013.

The investigation also cited eight individuals using placards that belonged to relatives who were not in the vehicle at the time of the citation. Again, Trooper Giso confiscated each placard and issued a \$500 citation to each offender, including:

- An individual had been observed using both his mother's and deceased father's placards. When stopped by Trooper Giso, the individual was using his mother's placard. When Trooper Giso asked for the father's placard, the driver said he did not have it because it had expired.
- An individual was using her grandmother's placard in the Government Center area of the city. The driver's grandmother lives in Georgia.
- An employee at Massachusetts General Hospital (MGH) was caught using her mother-in-law's placard. The OIG repeatedly saw her using the placard over a four-month period.
- An individual who operates a popular lunch destination in the Financial District used his father-in-law's placard to hold a space in front of his restaurant for a delivery vehicle.

Two individuals were stopped for using friends' or coworkers' placards. Trooper Giso confiscated the placards and issued a \$500 citation to each operator:

- The OIG observed an individual over a period of several months using a coworker's placard. The individual works at the Veteran's Administration and carpooled with several other co-workers, none of whom were the placard holder.
- An employee at a pizza restaurant in the North Station area was caught driving a vehicle registered to someone else, using a placard issued to a third person. The employee presented an expired Rhode Island license to Trooper Giso. In addition to confiscating the placard and issuing a \$500 citation, Trooper Giso filed applications for criminal complaints against the employee for operating a vehicle without a valid license and against the vehicle owner for allowing someone to use her vehicle without a license.

B. Best Practices

The cities of Waltham and Fall River have implemented programs that have significantly reduced placard abuse within their borders. The RMV pointed to these programs as models that could be replicated throughout the state. The OIG concurs with this recommendation.

The city of Waltham for many years has operated a task force to target placard abuse with support from the Waltham Disability Services Commission, the Waltham Police Department (Waltham PD), and the Mayor's Office. The task force currently employs two Waltham police officers per day to investigate placard abuse. The Disability Services Commission provides training for the Waltham PD relating to placard laws and enforcement. The Waltham PD focuses its enforcement efforts in retail centers, grocery stores and banks as well as locations with high concentrations of handicapped parking spaces.

Since 2008, the Waltham PD's enforcement actions have generated approximately \$500,000 in revenue, according to city officials. This revenue has made Waltham's placard enforcement program self-funded and enabled the Disability Services Commission to fund numerous projects within the city. These projects include the installation of elevators to improve accessibility in Waltham City Hall and at the police department as well as the establishment of five annual \$1,000 scholarships for Waltham High School students with disabilities.

The city of Fall River also increased its enforcement of placard laws in the wake of the OIG's 2007 placard abuse investigation. The Fall River Committee on Disability now employs two full-time police officers. All funds received from related citations are used to fund the Committee on Disability. Fall River's designated officers target retail centers for enforcement. On average, Fall River issues 150 citations per month, generating average monthly revenues of \$9,500.

The Fall River enforcement program is also self-funded. The additional revenue has also allowed the Committee on Disability to educate the public about placard fraud on radio and local television stations. The Committee also runs placard abuse education programs at local senior centers.

Recommendations

Since the OIG's first placard abuse investigation in 2007, many states, including Massachusetts, have made changes to their placard policies. In the past six years, the RMV has made significant policy and procedural improvements to address the abuse of placards by unauthorized drivers. However, abuse continues to be a problem.

The OIG applauds Rachel Kaprielian, the Registrar of Motor Vehicles, for her plan to convene a task force to explore ways to strengthen the placard program. The OIG recommends that the task force consider improvements in three broad categories: increasing enforcement of the current law; amending state law to increase the penalties for placard abuse; and tightening administrative controls to make abuse harder to accomplish and easier to detect.

Specifically, the OIG recommends:

1. The RMV should create a placard registration program, modeled after the existing vehicle registration decal program, to enable law enforcement to quickly and easily determine whether a placard remains valid. For instance, every two years, the RMV could mail a placard registration form to permanent placard holders. The placard holder would have to return the registration form attesting to his continued eligibility in order to receive an updated colored decal to affix to the front of his placard. If the placard holder failed to return the registration form, the RMV could administratively cancel the placard. In addition, the lack of an updated placard registration decal would alert law enforcement to the fact that the placard had been cancelled.
2. The RMV should appoint a liaison within MAB to educate local law enforcement about placard abuse. The OIG agrees with the RMV that the self-funding enforcement programs in Waltham and Fall River should serve as models for other municipalities.
3. The RMV should publicize the phone number of its newly established hotline for reporting suspected placard abuse. The RMV should also encourage municipalities to establish local complaint lines.
4. The RMV should create a mechanism to allow the complaints it receives to be easily disseminated to the appropriate law enforcement agencies.
5. The RMV should implement control procedures to ensure that inventory of placard stock is properly secured and all returned placards are destroyed.
6. The RMV should consider redesigning the placards to add a large and clearly-worded warning on the back that identifies the penalties for misuse.
7. The RMV should work with its parent agency, the Department of Transportation, to coordinate the eligibility standards and approval processes for all its programs designed to assist individuals with a disability. For instance, the RMV's placard program and The

RIDE, which is run by the Massachusetts Bay Transportation Authority (MBTA), both require applicants to provide medical information to support program eligibility. Coordination between the RMV and the MBTA could streamline the system both for applicants and the state.

8. The RMV should explore using additional data matches to identify placard holders who have moved out of state and are no longer eligible for a Massachusetts-issued placard.
9. The Massachusetts legislature should consider following the lead of Illinois by separating the meter exemption from the standard placard application and requiring each applicant for a meter exemption to demonstrate a physical condition which prevents him from using a meter. In April, Illinois began issuing color-coded placards that allow law enforcement to quickly determine whether the placard holder also has a meter exemption. Illinois will begin enforcing the new parking meter rules on January 1, 2014.
10. The legislature should review the financial penalties associated with placard abuse. The current \$500 dollar fine and potential 30-day license suspension do not provide sufficient deterrence for individuals who can save up to \$6,000 a year on parking garage fees by using a parking placard.
11. In addition to the current system of fines, the legislature should consider amending Chapter 90 of the General Laws by adding a section that makes obstruction of placard numbers and/or expiration dates a citable offense and the use of a deceased person's placard a criminal offense.
12. The legislature should also consider requiring the return of placards that have been canceled as a result misuse or a move out of state. The legislature should also explore civil penalties for the failure to return a cancelled placard.