

H. 14: An Act Relative to Disability Placards

Summary

This bill creates administrative and criminal penalties for the fraudulent use of disabled persons' parking placards. Obstruction of a placard number or expiration date will result in a fine. The Registry may request additional documentation or information from an applicant supporting the medical necessity for a placard. The bill prohibits the Registry from processing an application until an applicant provides all documentation. The duration of license suspensions for wrongful use of a placard are increased. A person falsely reporting a placard lost or stolen will be subject to a fine. Finally, the bill establishes criminal penalties for using a deceased person's placard, making or stealing a placard with the intent to distribute, and obtaining a placard under false pretenses.

Index of Changes

Bill Section	Subject Area	Summary of Section	Chapter / Section of the General Laws Amended
1	Fine	Creates a fine of \$50 for obstructing a placard number or expiration date, obstruction includes reversing the placard.	90/2
2	Documentation	Allows the Registrar to seek additional information or documentation from an applicant to establish medical necessity. Applications shall not be processed until documentation is provided.	90/2
3	Suspension Increase, First Offense	Increases the length of a motor vehicle license suspension for wrongful use of a placard to 60 days for the first offense, up from 30 days.	90/2
4	Suspension Increase, Second Offense	Increases the length of a motor vehicle license suspension for wrongful use of a placard to 120 days for the second offense, up from 60 days.	90/2
5	Fines	Creates a requirement that canceled placards be returned and sets a \$100 fine for the failure to do so. Also creates a fine of \$500 for any person who makes a false statement when reporting a placard lost or stolen for a first offence, and \$1,000 for a second or subsequent offense.	90/2
6	Criminal Penalty	Makes it a crime to display a placard belonging to a deceased person.	90/24B
7-9	Criminal Penalty	Makes it a crime to make, steal, alter, or forge a placard with the intent to distribute.	90/24B
10-13	Criminal Penalty	Makes it a crime to obtain a placard under false pretenses.	90/24B

Chapter 90 – Motor Vehicles and Aircraft

Section 2 – Registration of motor vehicles and trailers; applications; reciprocal state agreements; transfer of ownership; plates; fraud or misrepresentation; penalties; license plate retention program for deployed residents

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The registrar may also furnish a special parking identification placard bearing the designation "International Symbol of Access" to any person who meets the eligibility requirements for handicapped plates prescribed herein. The placard shall be of such size and design as the registrar shall require and shall be numbered and contain such identifying features and specifications as the registrar shall deem appropriate. The registrar may also issue a separate identification card identifying the person to whom such placard is issued as the authorized user thereof which shall be carried by the authorized user while the placard is in use. A placard may be used while a vehicle is parked in a designated handicapped space from which the authorized user is entering or exiting, including immediate drop off or pick up. For the purposes of this section, "immediate" shall mean within ten minutes. Only a vehicle bearing private passenger registration or a private passenger vehicle bearing a commercial registration or a vehicle designed and used for the transportation of handicapped persons may be used in conjunction with a placard. When used by the authorized user, the placard shall be displayed so as to be readily visible through the windshield of the vehicle and in accordance with instructions provided by the registrar from time to time. Obstruction of the placard number or expiration date, including failure to display the placard as to make such number and date readily visible through the windshield, or failure to otherwise follow instructions printed on the placard, shall be subject to a fine of \$50.¹ Upon application and for good cause shown by the applicant, the registrar may issue to any person both a plate displaying the "International Symbol of Access" and a placard described in this section. The registrar may require additional documents or information from an applicant to verify any information contained in an application for a plate or placard. No application shall be processed until such additional documentation or

¹ SECTION 1.

information is provided to the registrar by the applicant.² Any person who wrongfully displays a handicapped plate on or a placard in a motor vehicle parked in a designated handicapped parking space or in a regular metered space or in a commercial parking space shall be subject to a fine of \$500 for a first offense and \$1,000 for a second or subsequent offense. The registrar shall suspend the operator's license or right to operate of any person found to have violated the provisions of this section relative to the wrongful use or display of a special handicapped plate or parking identification placard for a period of 60³ days for a first offense, for a period of 120⁴ days for a second offense and for a period of one year for a third or subsequent offense. Such suspension shall be in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation including, but not limited to, those applicable under section 37E of chapter 266. The registrar may revoke the plate or placard as issued to a person upon a finding that the person to whom the plate or placard was issued willingly and without coercion or duress authorized, permitted or allowed it to be used by another person. The registrar may investigate allegations that an individual has falsely obtained or is ineligible for a plate or placard, and may, in addition to other penalties, revoke a plate or placard upon a finding of such ineligibility or a finding that a plate or placard was falsely obtained. , Any application for a placard or report of a lost or stolen placard shall be made under the penalties of perjury. Any person who intentionally makes a false statement in an application for a plate or placard, including for the renewal of a plate or placard, or when reporting a placard lost or stolen shall be subject to a fine of \$500 for a first offense and \$1,000 for a second or subsequent offense. The registrar shall require the return of any placard that has been revoked or canceled and failure to return said placard shall be subject to a fine of \$100.⁵ Nothing in this section shall be construed to extend the posted time available for parking in a space designated as commercial or to modify the provisions related to the use of a space designated as commercial other than as is specifically stated in this section. A penalty under this paragraph shall not be a surchargeable offense under section 113B of chapter 175.

² SECTION 2.

³ SECTION 3.

⁴ SECTION 4.

⁵ SECTION 5.

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Section 24B - Stealing, forging or other falsification of learner's permit, operator's license, disability placard certificate of registration or inspection sticker; use or possession; penalties; suspension and reinstatement of license or right to operate motor vehicle

Whoever falsely makes, steals, alters, forges or counterfeits or procures or assists another to falsely make, steal, alter, forge or counterfeit a learner's permit, a license to operate motor vehicles, an identification card issued under section eight E, a special parking identification disability placard, a certificate of registration of a motor vehicle or trailer, or an inspection sticker, or whoever forges or without authority uses the signature, facsimile of the signature, or validating signature stamp of the registrar or deputy registrar upon a genuine, stolen or falsely made, altered, forged or counterfeited learner's permit, license to operate motor vehicles, certificate of registration of a motor vehicle or trailer or inspection sticker, or whoever has in his possession, or utters, publishes as true or in any way makes use of a falsely made, stolen, altered, forged or counterfeited learner's permit, license to operate motor vehicles, an identification card issued under section eight E, a special parking identification disability placard, certificate of registration of a motor vehicle or trailer or inspection sticker, and whoever has in his possession, or utters, publishes as true, or in any way makes use of a falsely made, stolen, altered, forged or counterfeited learner's permit, license to operate motor vehicles, certificate of registration of a motor vehicle or trailer or inspection sticker, or whoever uses or displays a special parking identification disability placard belonging to a deceased person,⁶ and whoever has in his possession, or utters, publishes as true, or in any way makes use of a falsely made, stolen, altered, forged or counterfeited signature, facsimile of the signature or validating signature stamp of the registrar or deputy registrar, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in jail or house of correction for not more than two years.

Whoever falsely makes, steals, forges or counterfeits a learner's permit, a license to operate motor vehicles, special parking identification disability placard⁷ or an identification card issued under section 8E with the intent to distribute such learner's permit, license to operate

⁶ SECTION 6.

⁷ SECTION 7.

motor vehicles, special parking identification disability placard⁸ or identification card shall be punished as follows: (i) for acts involving any combination of 5 or fewer learner's permits, licenses to operate, special parking identification disability placards⁹ or identification cards, by a fine of not more than \$500 or by imprisonment in the house of correction for not more than 1 year, or both such fine and imprisonment; (ii) for acts involving 6 to 10 such documents, by a fine of not more than \$1,000 or by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2 1/2 years, or both such fine and imprisonment; (iii) for acts involving more than 10 such documents, by a fine of not more than \$10,000 or by imprisonment in the state prison for not more than 10 years, or both such fine and imprisonment.

Whoever falsely impersonates the person named in an application for a license or learner's permit to operate motor vehicles or special parking identification disability placard¹⁰, or procures or assists another to falsely impersonate the person named in such an application whether of himself or another, or uses a name other than his own, including the name of a deceased person,¹¹ to falsely obtain such a license, permit or placard,¹² or whoever has in his possession, or utters, publishes as true, or in any way makes use of a license or learner's permit to operate motor vehicles or special parking identification placard¹³ that was obtained in such a manner shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two years.

A conviction of a violation of this section shall be reported forthwith by the court or magistrate to the registrar who shall suspend immediately the license or right to operate of the person so convicted, and no appeal, motion for new trial or exceptions shall operate to stay the suspension of the license or right to operate. The registrar after having suspended the license or right to operate in accordance with this paragraph shall not terminate such suspension nor reinstate the right to operate to such person until one year after the date of suspension following said

⁸ SECTION 8.

⁹ SECTION 9.

¹⁰ SECTION 10.

¹¹ SECTION 11.

¹² SECTION 12.

¹³ SECTION 13.

conviction; provided, however, that if the prosecution against such person has terminated in his favor, the registrar shall forthwith reinstate his license or right to operate.