PERSONS WITH DISABILITIES PLACARDS AND LICENSE PLATES

Best Practices in Deterring and Detecting Fraud and Misuse

LAW ENFORCEMENT STANDING COMMITTEE
DISABILITY PLACARD/PLATE FRAUD WORKING GROUP
Persons with Disabilities Placards and License Plates: Best Practices in Deterring and Detecting Fraud and Misuse is intended to assist jurisdictions in improving the issuance of disability placards and plates, the deterrence and detection of fraud in these areas, and the enforcement of disability parking violations. It contains guidance and recommendations related to:

- Fraud identification
- Issuance and renewal processes
- Product standards
- Medical issues and requirements
- Outreach and education
- Enforcement strategies
- Resources
- Legislation, case law and legal challenges

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Introduction

Parking availability to people with disabilities is essential in a society that values equal access. However, providing free or unlimited parking to vehicles displaying disability license plates or placards fosters abuse by the general public and creates significant problems for local communities. *Persons with Disabilities Placards and License Plates: Best Practices in Deterring and Detecting Fraud and Misuse* (*Best Practices Guide*) offers 40 recommendations as a starting point for an informed local discussion about how best to marry needs for accessible parking with needs for general parking.

The idea to provide parking access to individuals with disabilities originated in the United States and Canada following World War I as a form of paying respect and honoring veterans with service-related disabilities.
Fraud

Disability placard fraud is a growing problem, and jurisdictions are struggling to develop solutions without denying persons with bona fide disabilities parking access. Fraud occurs during the issuance process within DMVs, sometimes by DMV employees. More frequently, however, fraud is perpetrated by others, both during and after the issuance process.

A 2017 national survey by the Accessible Parking Coalition (APC) asked, “How often do you have problems finding accessible parking in your community?” 61 percent reported they experienced problems either “most of the time” or “about half of the time.”

Recommendations that may help DMVs mitigate the risk of placard fraud:

- Allow only licensed healthcare practitioners to issue placards
- Verify practitioner licenses
- Reject incomplete or illegible applications
- Train employees to identify fraud
- Verify applicants’ identities
Cross-reference state and federal death registrations prior to issuance

Track submissions of replacement applications

Processes

Exemplary processes within jurisdictions are critical to minimizing the risk of disability placard fraud. This chapter addresses practices related to renewal cycles for temporary and permanent placards and plates, inventory control, non-driver placard and plate ownership, quality assurance and audits, fraud detection and remediation, and cancellation.

Recommendations for improving agency processes:

• Limit validity of placards to no more than four years

• Require a new certification by a healthcare practitioner for each temporary placard renewal

• Implement stringent inventory controls

• Limit the total number of permanent placards/plates each individual can obtain

A 2017 audit of California’s disability placard and plate program discovered that a number of placard owners obtained an excessive number of replacements, presumably to be sold and distributed illegally.
- Limit the period of validity for temporary placards via the licensed healthcare practitioner
- Allow any individual who qualifies to receive a disability placard
- Preprint or provide decals indicating expiration dates on placards
- Train staff on clear fraud-detection procedures
- Work with law enforcement agencies on education and procedures
- Require staff to regularly update placard/plate records to identify deceased and relocated holders

**Product Standards**

It’s important to achieve general uniformity and consistency between jurisdictions to aid authorities and property owners attempting to verify placard/plate authenticity and individual eligibility. The *Best Practices Guide* offers guidelines regarding design features and components of permanent and temporary disability placards and license plates, as well as placard applications. These recommendations include:
Include several indications of the customer’s identity, warning statements about fraud and misuse, and the certifier authority on placard application forms

Recognize placards issued in all other jurisdictions, including internationally

Include an “Acknowledgement” section for both the applicant and the licensed healthcare practitioner

Require certification from a licensed healthcare practitioner with the initial application (exception: amputees)

Require healthcare practitioners to certify disabilities by signature/electronic signature and substantiated qualification

Require all jurisdictions to include standard design components on placards (For the full list, go to pp. 11–12 of the Best Practices Guide)

Develop disability license plates following guidelines in the 2016 AAMVA License Plate Standard
Medical Requirements

People are living longer with chronic or disabling conditions that qualify them for accessible parking privileges. The federal guidelines set forth at 23 CFR Part 1235 (*Uniform System for Parking for Person with Disabilities*) extend parking privileges only to people whose ability to walk is impaired or limited, including lung diseases, cardiac conditions and, in some cases, pregnancy. There are some indicators that point towards healthcare practitioners dodging these guidelines.

Recommendations relating to medical certifications:

- Use a medical fact sheet and disclosure of medical information for law enforcement to use when requesting information from a healthcare practitioner.
- Develop an audit process to validate healthcare practitioner certifications.
- Limit the certification abilities of specialized practitioners to within their field of expertise.

Almost half of adults older than 65 years old have some mobility and function limitations on their basic activities of daily living, according to a 2017 study reported in the medical journal *Aging.*
Outreach & Education

Outreach and education are important facets of any disability placard/plate program. Jurisdictions should develop a comprehensive strategy that includes all key internal and external audiences, including DMV employees, law enforcement and judiciary, the general public, the disability community, and licensed healthcare practitioners.

Recommendations for improving program communication and outreach:

- Provide initial and continuing education for employees, including disability awareness and sensitivity training.
- Use agency and stakeholder communication channels to disseminate DMV messaging, including agency websites, the media, print materials and social media.
- Increase awareness by reaching out to employers and licensing agencies of healthcare practitioners with information regarding issuance, fraud and abuse.

One of the most important messages to convey is that abuse or fraud involving disability placards and plates is not a victimless crime.
Enforcement Strategies

Because disability placard fraud is committed by people of all income levels and demographics, a multi-step strategy is necessary to detect, deter and prevent it from occurring without impacting the population it is designed to serve.

Recommended best practices for enforcing disability placard/plate policies:

- Implement significant internal controls, including limiting access to disability placards/plates
- Develop a process for reporting internal fraud without fear of retaliation
- Implement a method for receiving fraud tips and reports
- Issue a printed certification of use (ID card)
- Require online certification of the disability by healthcare practitioners
- Incorporate machine-readable technology (e.g., barcode, RFID) on disability placards
Coordinate with law enforcement to conduct enforcement initiatives in key areas

Require the return of damaged placards or those previously used by someone who has died

Allow jurisdictions to enter private property used for public use to enforce violations

Provide authority to property owners and private security companies to tow violators

Eighty percent of respondents to the 2017 APC national survey agreed or strongly agreed that accessible parking fraud and abuse is widespread.
Resources

Most jurisdictions already have many resources available to them, including partner organizations and associations, existing outreach tools and sites, and internal teams. Resources essential to developing and administering an effective disability parking program or enhancing an already existing program include:

- DMV employees
- Disability advocates
- Law enforcement
- Local governments
- Local business communities
- Media
- Existing technology tools and outlets
- Social media

The 2017 APC study depicts the prevailing public attitude regarding accessible parking violation enforcement as being largely ineffective. Thirty-four percent believe there is no existing enforcement.
Sample Legislation and Notable Court Cases

This chapter provides sample legislation for qualifying individuals for the use of disability placards and plates, the benefits available to recipients, and the penalties for misuse. This compilation of existing state statutes may serve as examples for jurisdictions interested in crafting new or amending existing legislation.

Areas addressed in this chapter include:

- Legal definitions
- Penalties for misuse
- Benefits of disability parking products
- Reciprocity
- Notable court cases

Appendix A of the Best Practices Guide offers a summary of a study conducted in May 2017 by the Disability Placard/Plate Fraud Working Group related to disability placard and plate programs.
Conclusion

Accessible parking is an important public safety issue that is part of nearly every jurisdiction’s responsibility. Fraudulent use of disability placards and plates is widespread, making it critical for jurisdictions to detect and mitigate such fraud. Addressing it makes accessible parking more available to those who truly need it and helps DMVs increase and maintain trust with the public they serve.
About AAMVA Disability Placard/Plate Fraud Working Group

The Disability Placard/Plate Fraud Working Group consisted of individuals representing motor vehicle administrations, law enforcement, persons with disabilities, federal agencies, AAMVA staff and other stakeholders.