

ORDINANCE NO. _____

An ordinance amending Section 89.60 of the Los Angeles Municipal Code to add a fine in the amount of \$1,100 for a violation of any subsection of California Vehicle Code Section 22511.57 involving the misuse of a disabled parking placard or special license plate to obtain special parking privileges.

WHEREAS, California Vehicle Code Section 22511.57 authorizes a local authority, by ordinance or resolution, to prohibit or restrict parking or standing of a vehicle on streets or highways, or in a parking stall or space in a privately or publicly owned or operated offstreet parking facility within its jurisdiction, and to issue a civil fine when the vehicle displays, in order to obtain special parking privileges, a distinguishing placard or special license plate, issued pursuant to Section 5007, 22511.55, or 22511.59, and any of conditions as described in Subsections (a), (b), or (c) of Section 22511.57 are met;

WHEREAS, California Vehicle Code Section 40203.5(c) states that parking penalties for a violation of an ordinance or resolution adopted by a local authority pursuant to Section 22511.57 shall be collected as a civil penalty of not less than \$250 and not more than \$1,000;

WHEREAS, California Vehicle Code Section 40203.6(a) states that in addition to an assessment levied pursuant to any other law, an additional assessment equal to 10 percent of the penalty established pursuant to Section 40203.5 shall be imposed by the governing body of the jurisdiction where the notice of parking violation is issued for a civil violation of an ordinance or resolution adopted pursuant to Section 22511.57, and that the 10 percent assessment shall be deposited with the city or county where the violation occurred;

WHEREAS, California Vehicle Code Section 22511.57(a) authorizes the City to prohibit or restrict the parking or standing of a vehicle and issue a civil penalty for a violation, as described above, when the records of the Department of Motor Vehicles for the identification number assigned to the placard or license plate displayed on a vehicle indicate that the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as deceased for a placard exceeding 60 days;

WHEREAS, California Vehicle Code Section 22511.57(b) authorizes the City to prohibit or restrict the parking or standing of a vehicle and to issue a civil penalty, as described above, when the placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate;

WHEREAS, California Vehicle Code Section 22511.57(c) authorizes the City to prohibit or restrict the parking or standing of a vehicle and to issue a civil penalty, as

described above, when the vehicle displays either a placard or license plate that is counterfeit, forged, altered, or mutilated;

WHEREAS, the Los Angeles City Council on May 1, 2013 (Council File 13-0465) adopted a resolution, pursuant to California Vehicle Code Section 22511.57, to prohibit or restrict the parking or standing, as described above, when any of the conditions listed in Subsections (a), (b), or (c) of Section 22511.57 are met;

WHEREAS, the Legislature in enacting California Vehicle Code Section 22511.57 in 1994 stated that passage of Section 22511.57 would help eliminate “some measure of placard abuse and thereby increase the availability of parking for those using legitimate placards as well as the general public,” as the misuse of disabled placards belonging to unauthorized persons had reached “extremely high levels in urban areas where parking is in short supply,” not only limiting the available parking for disabled persons using legitimate placards, but also depressing the parking revenue collections of local agencies;

WHEREAS, 25 years after Section 22511.57 was enacted, the misuse of disabled placards continues to remain at high levels in the City, depriving legitimately disabled drivers of reserved parking spaces close to their destinations, cheating the City out of public revenue, and allowing illegal users of disabled placards to occupy high-demand parking spots for free all day with no incentive to limit their stay;

WHEREAS, the misuse of disabled placards harms merchants in business districts, particularly in the Arts District, Fashion District and other Downtown business districts, because there is no turnover of needed parking spaces when people improperly park all day in front of the same store, or on the same blocks in these districts, discouraging customers from visiting and shopping in the area;

WHEREAS, a person illegally using a disabled placard deprives a disabled person from finding or accessing a disabled space, which is designed to provide the extra room needed for a disabled person who requires the assistance of a wheel chair or other mobility device to safely enter or exit a vehicle, or to safely maneuver a wheelchair or other mobility device onto a sidewalk or other surface reserved for public ingress and egress;

WHEREAS, a person illegally using a disabled placard in order to park in a reserved space in close proximity to the entrance of a building creates a tremendous physical hardship for a disabled person whose physical disability prevents the person from walking for more than a very short distance;

WHEREAS, illegal use of reserved parking spaces for the disabled diminishes the quality of life not only for the physically disabled, but also for all residents of the City;

WHEREAS, setting the maximum penalty under state law for a violation of any subsection of Section 22511.57 is necessary since current City fines for misuse of a disabled placard have not had a sufficient deterrent effect in reducing the illegal use of disabled placards in the City; and

WHEREAS, reserved parking spaces for the disabled allow persons with limited mobility to access all parts of the City in order to fully participate, benefit, and contribute to community life within the City.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 89.60 of the Los Angeles Municipal Code is amended to add California Vehicle Code Sections 22511.57 (a), (b), and (c) to the schedule of civil parking penalties listed under CALIFORNIA VEHICLE CODE to read as follows:

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
22511.57(a)	DISABLED PLACARD – USE OF LOST, STOLEN, REVOKED OR EXPIRED PLACARD	\$1,100	\$1,125	\$1,150
22511.57(b)	DISABLED PLACARD – NOT USED FOR TRANSPORT OF PERSON ISSUED PLACARD	\$1,100	\$1,125	\$1,150
22511.57(c)	DISABLED PLACARD – USE OF COUNTERFEIT, FORGED, ALTERED OR MUTILATED PLACARD	\$1,100	\$1,125	\$1,150

Sec. 2. **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle
MICHAEL D. NAGLE
Deputy City Attorney

Date 3/11/19

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____