



Office of the Inspector General

Commonwealth of Massachusetts

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The Abuse of Disability Parking Placards in Massachusetts

The Internal Special Audit Unit's in-depth examination of placard abuse, the RMV's process for issuing placards, and options for detecting and preventing the misuse of placards.

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Executive Summary

In Massachusetts, the Registry of Motor Vehicles (“RMV” or “Registry”) issues disability parking placards (“placards”) to persons with qualifying medical conditions. Placards allow persons with disabilities to park in designated handicapped spaces and at parking meters for free. The meter-fee exemption and the convenience of parking close to work can act as incentives to misuse placards by, for example, using a relative’s placard to park for free at a parking meter all day. This incentive is particularly strong in urban areas, where parking is both expensive and hard to find. In Boston, for example, the cost for a commuter to park in a garage can exceed \$6,000 a year, and purchasing a deeded parking space can cost over \$100,000.

Placard misuse has become so commonplace in urban areas across the country that a 2010 *Washington Post* article described placards as a “prized commodity” that some families pass down as “heirlooms.”¹

In a commuter-clogged city where 25 cents buys only eight minutes at a parking meter, handicapped placards are a prized commodity. Families have been known to pass them down as if they were heirlooms. Thieves covet them: Last year, a Temple Hills man ... was arrested for stealing placards from cars – ignoring global positioning systems and stereos – so he could sell them for \$50 each.¹

At the same time, disability advocates report that it is difficult to find accessible parking in Boston and other cities and towns throughout the state. Placard abuse is also illegal and costs cities and towns parking revenue.

Given the continuing importance of this issue, the Inspector General’s Internal Special Audit Unit (“ISAU” or the “Unit”) initiated an investigation of placard abuse in July 2014.² The Unit investigated the use of placards to park at meters in Boston, examined the RMV’s process for reviewing and approving placards, and assessed the state’s authority to prevent and detect placard abuse. The Unit uncovered the ongoing abuse of placards in every Boston neighborhood it surveilled. The ISAU also found gaps in both the RMV’s placard process and the state’s placard laws that make it easier for individuals to obtain and use placards inappropriately. Specifically, the ISAU found that:

1. Drivers misused placards in order to park for free all day at metered spaces near their workplaces.

Surveillance of four Boston neighborhoods revealed that seventy-seven vehicles regularly displayed a placard belonging to someone other than the vehicle owner, including relatives, roommates and acquaintances. Working with the ISAU, the Massachusetts State Police cited twenty-three of these drivers for placard misuse and confiscated their

¹ See Annys Shin, “Misuse of handicapped parking placards is widespread,” *Washington Post*, September 26, 2010, available at www.washingtonpost.com/wp-dyn/content/article/2010/09/26/AR2010092603823.html.

² The ISAU did not include disability license plates in this investigation.

placards. In each instance, the authorized placard holder was not present in the vehicle when the driver left the parking space.

- Four placards belonged to a deceased person.
- Two placards had been reported lost or stolen, and had been cancelled in the RMV's records.
- One placard had been purchased for \$300.

In addition, fifty-seven drivers covered some or all of the information on their placards (including the placard number and expiration date), or faced the front of the placard away from the windshield, thereby concealing the placard number and expiration date. None of the vehicle owners had their own placards.

Concealing placard information allows individuals to use placards belonging to someone else, as well as to use lost, stolen and expired placards. While the RMV prohibits these practices, the legislation governing placard abuse does not clearly state that these are citable offenses.

2. Some placard holders have job duties requiring physical activities that contradict the state's mobility limitations for obtaining a placard, but the RMV has limited authority to investigate suspected placard abuse.

An individual qualifies for a disability parking placard if he cannot walk more than 200 feet without assistance, resting or an ambulatory aid. During its investigation, however, the ISAU identified individuals whose job duties require long hours of standing and walking.³ For instance:

- A chiropractor obtained multiple temporary placards and a permanent placard over the course of ten years by having his employees complete and sign several placard applications for him. A witness reported that the individual regularly walks around his apartment building without stopping to rest, without assistance and without any ambulatory aids. ISAU staff also observed this individual walking more than 200 feet without resting, assistance or ambulatory aids on multiple occasions. Further, the chiropractor regularly uses social media to post photographs of himself at a New England ski area.
- An employee of a window-washing company used a placard to park in front of the State Transportation Building ("STB") in the Theater District each day while he and his colleagues worked at the building. ISAU staff repeatedly observed the vehicle's driver and passengers walking into the building, without ambulatory aids or apparent difficulty, while also carrying heavy equipment.

³ See footnote 45.

3. While the RMV is committed to combatting placard abuse, the agency has limited authority to reject suspicious placard applications. Furthermore, the current placard laws do not contain a mechanism to protect against fraudulently obtained placards.
4. Some temporary placards are extended multiple times, sometimes years beyond the original expiration date.

In a sample of 548 temporary applications, 19% extended their temporary placards three or more times. Seven had extended their temporary placards between eight and fifteen times since 2003. In one extreme example, a temporary placard holder renewed his placard seventeen times over nine years, using relatively the same diagnosis on each placard application. The initial application was for a six-month placard. There are many medical reasons that an individual may need to extend a temporary placard. As stated above, however, the RMV has limited authority to question suspicious applications, such as seemingly excessive temporary placard renewals.

5. The RMV's placard application is inconsistent with state law because it lists arthritis as a stand-alone basis for receiving a placard.

Arthritis does not, by itself, meet the regulatory requirements for a placard. Rather, an individual with arthritis qualifies for a placard if the arthritis prevents him from walking more than 200 feet without resting, assistance or ambulatory aids. This discrepancy between state law and the application allows an applicant to obtain a placard without a medical provider certifying that the condition severely limits his mobility, contrary to the regulation.

6. The improper use of placards in Boston may cost the city millions of dollars each year. If just 10% of drivers who regularly park at meters in Boston are misusing placards, for example, this translates into approximately \$1.8 million in annual lost revenue for the city.
7. Approximately 50% of the placard applications the ISAU sampled had incorrect healthcare providers recorded in the RMV's electronic system. This leads to inaccurate recordkeeping at the RMV, as well as the inability to effectively monitor or analyze provider data.

The RMV has taken several steps to improve its placard process since the Office of the Inspector General released its last report in 2013. Placard abuse continues, however. Combatting this problem requires a combined effort between the RMV, the Legislature, local law enforcement, the disability community, parking officials and the healthcare providers. The ISAU therefore recommends that the RMV take the following steps:

1. Work with the Legislature and other stakeholders to revise and update the state's placard laws.

Most importantly, the RMV should consider implementing a two-tier placard system like those adopted by other states. The two-tier system would grant the meter-fee exemption to specific placard holders who are physically unable to reach a parking kiosk or insert

coins into a meter. The Boston Commission for Persons with Disabilities supports this recommendation.

Alternatively, the RMV should work with state lawmakers to add a time limit to the meter-fee exemption. For example, placard holders could be required to observe the posted time limit for metered spaces. Adopting a two-tier system or adding a time limit would help curtail placard abuse because it would limit the ability to use a placard to park at a meter all day for free.

The RMV and the Legislature should also pursue additional measures to curb placard abuse. For instance:

- a) Make the obstruction of a placard number or expiration date, as well as reversing a placard, a citable offense under state law.
 - b) Impose penalties for making a false statement when reporting a placard lost or stolen.
 - c) Increase the fines for misusing a placard.
 - d) Make it a crime to use a deceased person's placard.
 - e) Expand the RMV's ability to detect and correct placard abuse.
2. Revise the current placard application to be consistent with 540 CMR 17.00.
- The RMV should remove arthritis as a stand-alone basis for receiving a placard. An individual with arthritis would still be able to get a placard as long as a medical provider certified that the individual could not walk more than 200 feet without resting, assistance or an ambulatory aid.
3. Consider adopting additional procedures for temporary placard extensions.
- The Registry should strengthen its oversight of temporary placards. The agency could, for instance, contact providers who sign an individual's temporary placard application three or more times to verify that the temporary status is appropriate.
4. Work with cities and towns to enforce the placard laws and combat abuse.

This could include providing cities and towns with information about common methods of placard abuse, the impact of such abuse, and enforcement options, including self-funding enforcement models. The RMV could also explore ways for parking clerks to issue fines for certain placard violations. Because parking clerks monitor parking meters and parked vehicles, they are in an ideal position to identify vehicles with expired placards, as well as placards that are obstructed or not forward-facing.

5. Educate the healthcare community on the specific criteria required for placards and the impacts of placard abuse.
6. Develop an electronic reporting tool for local law enforcement officials to immediately report cases of placard abuse to the RMV.

7. Update the medical provider information in the agency's electronic records and ensure that its database lists the correct provider who signed each placard holder's application.
8. Formalize the Placard Abuse Task Force, possibly through legislation.

Combatting placard abuse requires a combined effort among stakeholders at the state and local levels, and the RMV's task force is the appropriate vehicle for this collaboration.

Placards are intended for persons with true disabilities and not as financial relief for commuters. By implementing the recommendations above, the RMV has the opportunity to effect significant changes that could decrease placard abuse and increase parking revenue across the Commonwealth.

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Background

The Massachusetts Office of the Inspector General (“OIG” or “Office”) has investigated the misuse of disability parking placards (“placards”) for over fifteen years, most recently in 2013.⁴ These investigations identified individuals using placards belonging to others, the use of expired placards, improperly displayed placards and an individual attempting to sell a placard on *Craigslist*. The 2013 report identified numerous individuals in Boston misusing disability parking placards to regularly park for free at parking meters in downtown Boston. Specifically, the report found:

- Drivers using placards of deceased individuals.
- Drivers using placards belonging to someone else.
- Drivers using multiple placards.

In 2014 and 2015, the OIG’s Internal Special Audit Unit (“ISAU” or “Unit”) conducted a follow-up investigation to determine if placard abuse has decreased in Boston. As detailed below, the ISAU found that placard abuse continues, but there are steps the Commonwealth can take to more effectively combat the abuse.

I. Internal Special Audit Unit

The OIG is an independent agency charged with preventing and detecting fraud, waste and abuse in the use of public funds and public property. Created in 1981, it was the first state-level inspector general’s office in the country. In keeping with its broad statutory mandate, the Office investigates allegations of fraud, waste and abuse at all levels of government; reviews programs and practices in state and local agencies to identify systemic vulnerabilities and opportunities for improvement; and provides assistance to both the public and private sectors to help prevent fraud, waste and abuse in the use of public funds.

The Office’s Internal Special Audit Unit monitors the quality, efficiency and integrity of the Massachusetts Department of Transportation’s (“MassDOT”) operating and capital programs. As part of its statutory mandate, the ISAU seeks to prevent, detect and correct fraud, waste and abuse in the expenditure of public and private transportation funds. The ISAU is also responsible for examining and evaluating the adequacy and effectiveness of MassDOT’s operations, including its governance, risk-management practices and internal processes.

II. Massachusetts Department of Transportation

Created as part of Transportation Reform in 2009, MassDOT is responsible for managing the Commonwealth’s roadways and public transit systems, as well as licensing all Massachusetts

⁴ See Mass. Office of the Inspector Gen., *The Abuse of Disabled Persons Parking Placards: A Multi-Agency Investigation* (2013), available at www.mass.gov/ig/publications/reports-and-recommendations/2013/abuse-of-disabled-persons-parking-placards-11-2013.pdf.

drivers and vehicles. It is made up of four divisions: the Registry of Motor Vehicles (“RMV” or “Registry”), the Highway Division, the Aeronautics Division, and Rail and Transit.

The RMV is responsible for the administration of driver’s licenses, motor vehicle registrations and vehicle inspections across the state. Among its many other duties, the RMV reviews and approves applications for disability parking placards and disability license plates.

III. Obtaining a Disability Parking Placard⁵

A. Federal Guidelines

While state law governs parking accommodations for people with disabilities, the U.S. Department of Transportation has developed regulations to assist states to adopt uniform rules (the “Uniform System” or “guidelines”).⁶ Congress explained the purpose of the regulations as follows:

The purpose of this part is to provide guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities *to enhance access and the safety of persons with disabilities which limit or impair the ability to walk.*⁷

The guidelines provide model definitions and rules regarding disability placards, parking requirements, parking space design, and interstate reciprocity. The federal government encourages states to adopt these guidelines, but it does not require them to do so. The RMV relied, in part, on these guidelines to develop the requirements for obtaining a disability parking placard in Massachusetts.

Under the federal guidelines, only “*persons with disabilities which impair or limit the ability to walk*” would be eligible for a disability parking placard.⁸ The regulations define that phrase to mean individuals who:

- 1) Cannot walk 200 feet without stopping to rest; or
- 2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- 3) Are restricted by lung disease to such an extent that the person’s forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

⁵ This investigation and report focus on disability parking placards, and not on disability license plates. Nevertheless, many of the regulations and requirements discussed in this report also apply to disability license plates.

⁶ See 23 C.F.R. § 1235.

⁷ *Id.* at § 1235.1 (emphasis added).

⁸ *Id.* at §§ 1235.1-.4 (emphasis added).

- 4) Use portable oxygen; or
- 5) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- 6) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.⁹

B. State Law

Like the federal guidelines, Massachusetts' requirements for obtaining a disability parking placard primarily focus on conditions that limit an individual's ability to walk.¹⁰ Consequently, the RMV may issue placards only to persons who need them to "minimize the distance to be traveled between the person's parked vehicle and the ultimate destination, or to accommodate movement between the vehicle and a wheelchair or other assistive device."¹¹

Specifically, to qualify for a placard, an individual must meet one or more of the following medical standards:

- 1) Cannot walk 200 feet without stopping to rest, or cannot walk without the assistance of another person, prosthetic aid, or other assistive device, as a result of a described clinical diagnosis;
- 2) Has a cardiovascular disease to the extent that his or her functional limitations are classified in severity as Class III or Class IV by the American Heart Association;
- 3) Has a pulmonary disease to the extent that forced expiratory volume (FEV-1) in one second when measured by spirometry is less than one liter, or requires continuous oxygen therapy, or has an oxygen saturation level of 88% at rest or with minimal exertion even with supplemental oxygen;
- 4) Is blind to the extent that his or her central visual acuity does not exceed 20/200 (Snellen¹²) in the better eye, with corrective lenses, or has a visual acuity that is greater than 20/200 in the better eye but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20°;
- 5) Has lost, or permanently lost the use of, one or more limbs.¹³

⁹ *Id.* at § 1235.2(b)(1-6).

¹⁰ See 540 CMR 17.00.

¹¹ *Id.* at § 17.01.

¹² The Snellen eye chart is used to measure visual acuity and consists of eleven lines of block letters that decrease in size.

¹³ See 540 CMR 17.03(2).

Placards allow the placard holder to park in designated handicapped spaces or at parking meters for free.¹⁴ Furthermore, the maximum time limit for parking at a meter (typically one or two hours) does not apply to a vehicle with a placard.¹⁵ Additionally, under 540 CMR 17.05(1), only the person named on the placard may use the placard. A driver who is transporting a placard holder to or from his destination may park in a meter or handicapped space; however, the meter or handicapped space cannot be more than ten minutes away from where the driver dropped off or picked up the placard holder.¹⁶ Lastly, no one may use a placard beyond its expiration date.¹⁷

C. The RMV's Application for a Disability Parking Placard

To receive a disability parking placard in Massachusetts, an individual must submit an application certifying his qualifying medical condition.¹⁸ A healthcare provider must complete and sign the application, list the individual's clinical diagnosis, and determine whether the placard should be temporary or permanent.¹⁹ Further, the application contains a list of physical limitations and medical conditions, and healthcare providers are directed to "check all that apply" to the applicant. Specifically, the application states:

- Unable to walk 200 feet without assistance. List necessary ambulatory aids: _____
 - Legally Blind* (Cert. Of Blindness may substitute for professional certification)
(*automatic loss of license)
 - Chronic Lung Disease (check at least one of the following criteria):
FEV1 test results____ O2 saturation with minimal exertion____ (*automatic loss of license if O2 saturation < 88%)
- Use of Portable Oxygen? Yes No
- Note: Asthma is not in and of itself a qualifying condition. Please describe degree and frequency of impairment (pulmonary test results required.)
- Cardiovascular Disease
AHA Functional Classification (circle one): I II III IV* (*automatic loss of license)
 - Arthritis (please state type, severity, and location) _____
 - Loss of limb or permanent loss of use of a limb²⁰

¹⁴ See M.G.L. c. 40, § 22A.

¹⁵ *Id.*

¹⁶ See 540 CMR 17.02 and 540 CMR 17.05.

¹⁷ See 540 CMR 17.05(1).

¹⁸ See Appendix A, Application for a Disability Parking Placard or License Plate.

¹⁹ The following healthcare providers are authorized to sign a placard application in Massachusetts: medical doctor, optometrist, osteopath, chiropractor, podiatrist, registered nurse and physician assistant. See 540 CMR 17.02.

²⁰ See Appendix A.

Currently, the average processing time for a placard application is four to six weeks.²¹

The Medical Affairs Bureau (“MAB” or the “Bureau”) is the division within the RMV that processes disability parking placards for the state. The MAB verifies that the provider who signed the application holds a valid medical license and rejects an application when the provider’s license is not current or active. The MAB can also ask for additional medical documentation, but only when “the medical certification contains insufficient information to enable the Registry reasonably to determine whether the medical qualifications have been satisfied.”²²

On occasion, the MAB will reject an application with a vague diagnosis or request additional medical information to verify that an application contains the required medical criteria. Since the MAB does not employ medical personnel, however, it does not make determinations regarding medical diagnoses or question whether certain diagnoses warrant placards. Rather, the MAB approves most applications that are complete, meet the requirements on the application and have a valid provider signature.

In 2015, the MAB processed 53,996 new placard applications; of those, it rejected 8%. The table below shows the number of placards in the state between 2011 and 2015.

Year	Permanent Placards at Year End	Temporary Placards at Year End	Total Placards at Year End
2011	338,984	16,790	355,774
2012	357,162	17,266	374,428
2013	374,819	17,283	392,102
2014	389,099	17,353	406,452
2015	399,312	18,760	418,072

Table 1: Placards in Massachusetts from 2011 to 2015.

Currently, the MAB does not require placard holders to return expired placards. Due to the volume of temporary and permanent placards in use, the MAB is not equipped to collect and dispose of all expired placards. Instead, the MAB instructs placard holders to destroy or dispose of expired placards themselves.

D. Lost or Stolen Placards

Individuals whose placards are lost or stolen may request a replacement placard from the MAB. Placard holders must submit a “Request for Replacement Placard Form” with a completed affidavit declaring the placard lost or stolen.²³ Once processed, the MAB issues the

²¹ For applications processed by mail.

²² See 540 CMR 17.03(3).

²³ See Appendix B, Request for Replacement Placard.

individual a new placard, which contains a new placard number. The MAB sends a copy of the replacement form to the placard holder's local parking commission. The MAB also cancels the previous placard in the RMV's database, thereby invalidating the prior placard number. However, cancelling a placard number in the RMV's system does not prevent a holder from continuing to use the invalid placard itself. Finally, if a placard holder recovers a lost or stolen placard, he is required to return it to the MAB.

IV. Combatting Abuse

As previously discussed, placards allow persons with disabilities to park in designated handicapped spaces, as well as at parking meters for free, for an unlimited length of time. The prospect of free parking can incentivize individuals to misuse placards by, for instance, using another person's placard to commute to and from work. This incentive is especially powerful in urban areas such as Boston, where parking in a garage can cost over \$500 a month and buying a parking space can cost over \$100,000.

A. Within Massachusetts

1. Civil and Criminal Penalties



Massachusetts disability parking placard

It is illegal to use another person's placard.²⁴ It is also illegal to use a placard that has expired or been cancelled.²⁵ State law also requires the placard holder to display the placard "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."²⁶ 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 thirty days for a first offense, ninety days for a second offense, and one year for every subsequent offense.²⁷ Any placard holder who authorizes, permits, or allows his placard to be used by another person may have his placard revoked.²⁸ 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.²⁹

²⁴ See M.G.L. c. 90, § 2.

²⁵ See 540 CMR 17.05.

²⁶ See M.G.L. c. 90, § 2.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at § 24B.

2. The RMV

Since the OIG issued its 2013 report, the RMV has increased its efforts to combat placard abuse within the state. The RMV created and promoted a placard abuse hotline to encourage members of the public to report suspected abuse. The RMV redesigned placards to include a visible warning statement notifying holders of the penalties for misusing a placard. Additionally, the RMV created a joint task force dedicated to addressing and resolving issues surrounding placard abuse. The task force is comprised of representatives from the RMV, the Massachusetts Office on Disability, the State Police, the city of Boston's Office of the Parking Clerk, the Boston Commission for Persons with Disabilities, the Boston Police Department, the Burlington Police Department, the Massachusetts Executive Office of Elder Affairs and the Office of the Inspector General. The task force is committed to increasing enforcement of the current law, amending state law to increase the penalties for placard abuse, and tightening administrative controls to prevent and detect abuse more effectively.

Finally, the RMV's Medical Affairs Bureau frequently receives reports of placard abuse; however, it does not have the authority to investigate placard abuse or enforce placard laws. Instead, the MAB must rely on local law enforcement departments to investigate and resolve placard abuse complaints. Consequently, the MAB refers complaints to various local police departments to enforce placard laws. Moreover, the Bureau has a staff of only seven full-time and two part-time employees who process over 100,000 placards a year,³⁰ in addition to their other duties.³¹ Thus, it does not have the capacity to scrutinize placard applications, follow up with medical professionals or analyze placard applications for potential misuse.

3. Cities and Towns

Law enforcement officials can issue civil citations for misusing a placard in violation of M.G.L. c. 90, § 2, as well as parking tickets for improperly using a placard. Pursuant to M.G.L. c. 40, § 8J, moreover, Massachusetts cities and towns may establish a commission on disability to benefit the disabled within their communities. Cities and towns that accept the provisions of Section 8J can receive the fines assessed for violating disability parking rules – including fines from parking tickets – and allocate those funds to their commission on disabilities.³²

Waltham, Fall River and Burlington have adopted Section 8J and have implemented enforcement programs to reduce placard abuse. The Waltham Disability Services Commission created a placard abuse task force in 2006, following receipt of a \$10,000 grant. The operation

³⁰ This includes new applications, permanent renewals, temporary placards and extensions. *See Appendix D.*

³¹ In addition to processing placard applications, the MAB ensures that all licensed Massachusetts drivers are medically qualified to drive safely. This includes responding to reports of medically unqualified drivers, issuing and reviewing medical evaluation forms or loss-of-consciousness forms, and setting policies and procedures regarding the minimum physical qualifications to operate motor vehicles. The MAB also processes applications for tinted vehicle windows and vision screening certificates.

³² *See M.G.L c. 40, § 22G; see also M.G.L. c. 40, § 8J (outlining the provisions cities and towns must adopt when forming a disability commission).*

of the task force involves regular surveillance of targeted areas by two officers as well as managing a placard abuse hotline.

Since its inception, the task force has generated nearly \$1,000,000 in revenue from placard citations and parking tickets. Waltham provides revenue from parking tickets directly to the Waltham Disability Services Commission, which uses the funds to sustain the task force and develop community projects. The commission has used these funds for projects such as building a disability accessible children's playground, creating a scholarship fund for disabled children and creating disability accessible entryways throughout Waltham.

Fall River also has a self-funded placard program, and has issued approximately 4,300 parking tickets since 2012. Fall River's designated officers target handicapped parking spaces at retail centers. On average, Fall River issues 150 parking tickets a month, generating average monthly revenues of \$9,500. The additional revenue allows the Fall River Commission on Disability to air public service announcements about placard fraud on radio and local television stations. The commission also runs placard abuse education programs at local senior centers.

In Burlington, police have partnered with the Burlington Disability Access Commission to ensure drivers obey the laws when in parking lots and on the streets. Law enforcement officials issue civil citations and parking tickets to those who are caught improperly using a placard or who are in a handicapped parking spot illegally. These drivers may also lose their licenses and could have their vehicles towed. Burlington's commission also pays for detail officers to conduct targeted enforcement in retail areas. In 2015, Burlington police issued 174 parking tickets for placard misuse.

B. Placard Reforms Outside Massachusetts

Cities and states across the country have changed their approach to disability parking placards based on ongoing abuse, particularly in downtown metropolitan areas. Because free parking is a strong incentive for misusing a placard, many of these changes have focused on the meter-fee exemption. For example, the state of Michigan adopted a "two-tier" system in 1995, which places placard holders into two groups: (1) those who are severely disabled and cannot operate or reach a parking meter; and (2) all other applicants.³³ Only severely disabled individuals qualify for a meter-fee exemption. All other placard holders may still park in handicapped parking spaces, but they must pay to park at a parking meter. After implementing this two-tier system, only 2% of previous placard holders qualified for the meter-fee exemption.

Portland, Oregon also eliminated the meter-fee exemption for vehicles with placards on July 1, 2014.³⁴ After making this change, the



Washington state
meter-exempt placard

³³ See 257 MCL 675.

³⁴ The meter-fee exemption still applies to tier-1 placard holders in Portland. See ORS 811.635.

number of vehicles with placards that occupied metered parking spaces decreased by 70%.³⁵ The state of Illinois adopted a two-tier system in 2014 after the vendor operating Chicago's parking meters determined that the meter-fee exemption cost \$54.9 million over two years, which the city had to pay the vendor. Illinois' two-tier system is similar to Michigan's.³⁶ Furthermore, temporary placard holders are not eligible for Illinois' meter-fee exemption. According to the Illinois Secretary of State, only 10% of the nearly 300,000 placard holders qualified for the meter-fee exemption, based on the two-tier system.

Finally, to obtain a disability parking permit in New York City, an applicant must (1) require the use of a non-commercial passenger vehicle for transportation; and (2) have a severe, permanent disability that impairs mobility as certified by both his personal physician and a New York City physician designated by the Department of Health and Mental Hygiene (DOHMH).³⁷ In addition, the DOHMH may require certain applicants to also have an in-person medical evaluation. The city only accepts its disability parking permits at metered spaces, designated disabled spaces and no-parking zones. New York state placards and other state placards are not valid on New York City streets.³⁸

³⁵ See Joseph Rose, "Portland's end to free disabled parking opened up space, exposed widespread abuse downtown," *Oregon Live*, October 2014, available at www.oregonlive.com/commuting/index.ssf/2014/10/downtown_portland_disabled_par.html.

³⁶ See 625 ILCS 5/11-1301.2.

³⁷ See www.nyc.gov/html/dot/html/motorist/ pppdinfo.shtml.

³⁸ New York State and out-of-state placards are valid in off-street parking spaces in New York City.

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Findings

I. Placard Abuse is Still a Significant Problem in Boston.

More than two years following the OIG's prior report on disability parking placards, placard abuse at metered parking spaces in certain areas of Boston continues to be a problem. The ISAU surveilled the Theater District, Copley Square, the Fenway neighborhood and parts of Back Bay over thirty-four days and identified numerous instances of placard abuse. Specifically, the Unit observed:

- Drivers regularly using placards belonging to someone else, including deceased persons, spouses, relatives and roommates.
- Drivers using expired placards.
- Drivers using cancelled placards.
- Drivers covering the placard's number and expiration date, both of which must be displayed.
- A driver using a placard that her husband bought for \$300.

Many of the drivers the ISAU observed misused placards regularly for full weekdays, to park for free at meters. This is an indication that many commuters likely use placards for regular, free parking at meters near their workplaces in Boston.

A. Drivers Using Placards Belonging to Someone Else

During its surveillance of the four Boston neighborhoods described above, the ISAU identified 325 vehicles displaying placards belonging to someone other than the vehicle owner. Of these, approximately seventy-seven drivers appeared to regularly use placards belonging to someone else, including deceased individuals, relatives, roommates and acquaintances.

Many of the drivers parked regularly at metered spaces and worked at locations near their parking spaces. For example, the ISAU identified a construction worker in Boston using someone else's placard to park near a construction site on weekdays. The placard owner does not have a driver's license and the ISAU observed the vehicle parked regularly without any passenger present.



Photo of vehicle displaying a placard observed regularly near a construction site in Boston. According to RMV records, the placard belongs to the mother of the vehicle owner. Despite the vehicle owner receiving a citation for misusing a placard in 2013, the ISAU observed this vehicle throughout the surveillance period.

During the final phase of its investigation, the ISAU worked with the Massachusetts State Police in October, November and December 2015. Over the course of several days, ISAU investigators, working with the State Police, conducted targeted surveillance of drivers the Unit had previously identified as likely to be misusing a placard. When the State Trooper observed one of the suspected drivers using a disability parking placard, he stopped the driver and asked him to demonstrate that the placard holder was in the vehicle or that the driver expected to pick the person up within ten minutes pursuant to regulation. If the placard holder was not present, the Trooper seized the placard and issued a citation for placard misuse under M.G.L. c. 90, § 2. The Trooper issued twenty-three citations during this operation. In particular:

- Four cited drivers were using placards belonging to deceased persons.
- Nineteen were cited for using placards belonging to a friend, relative or acquaintance.

In one instance, a driver admitted to using a placard that her husband had purchased for \$300. Another driver displayed two different placards during the ISAU's investigation. One belonged to a deceased relative; when that placard expired, the driver began using a placard belonging to another relative. In another case, a state employee who earned nearly \$110,000 in 2015 used a deceased person's placard to routinely park outside of his office.

Yet another driver was using her husband's placard to park near her workplace each day. The driver admitted that she was not picking up her husband, but was using the placard for herself. The State Police Trooper cited the driver and confiscated the placard. The following day, her husband went to the RMV's headquarters in Boston and signed an affidavit – under the pains and penalties of perjury – stating that he had lost the placard or that someone had stolen it.³⁹ Because the Trooper's seizure of the placard had not yet been recorded at the RMV, the RMV issued him a new placard immediately.⁴⁰

Eight of the twenty-three cited drivers work at a Boston hospital or neighboring medical facility. These drivers illegally parked near the hospital on a regular basis and occupied metered parking spaces that could have been used by patients attending medical appointments. Furthermore, nine other drivers were using placards the RMV had cancelled because they had been reported lost or stolen. State Police cited two of these drivers during the investigation. For example, one driver used a relative's placard that the relative had reported as "lost or stolen" to the RMV. As noted earlier in this report, when a placard is reported lost or stolen, the RMV cancels the placard in its database and notifies the local parking commission of the cancellation. Individuals can continue to misuse cancelled placards, however, unless they are caught by law enforcement.

³⁹ See Appendix B.

⁴⁰ In November 2015, twelve days after the placard holder received his new placard, the Registry suspended the placard holder's driver's license for thirty days. Additionally, the Registry fined the placard holder's wife \$500 for misuse and suspended her driver's license for thirty days. The Registry is currently updating its *Request for Replacement Placard* form to add a declaration that law enforcement did not confiscate the requestor's placard.

Twenty-two of the cited drivers were fined \$500 and had their licenses suspended for thirty days. The last driver's case is still open. Finally, as explained above, the RMV can revoke an individual's placard if the individual "authorizes, permits, or allows" another person to use it.⁴¹ Accordingly, the RMV issued hearing notices to nineteen of the placard holders whose placards the cited drivers were using.⁴² Thirteen placard holders appeared for their hearings. The RMV issued warnings to each of these placard holders, but ultimately returned their placards to them. The RMV also suspended one placard holder's license for thirty days for improperly reporting his placard lost or stolen.⁴³ The other six placard holders did not appear for their hearings. The RMV kept their placards and officially suspended the placards in the agency's records.

B. Drivers Concealed Placard Information or Reversed Placards

Placard holders can use a "privacy sleeve" to cover their photograph on the placard;⁴⁴ however, they are not permitted to cover or conceal any additional information, including the placard number or the expiration date.⁴⁴ Additionally, placards must face forward in vehicle windshields to display relevant placard information.⁴⁴ Reversing a placard or covering placard information prevents parking clerks and law enforcement officials from determining whether placards are current and properly used. Stated differently, concealing the placard number or expiration date enables abusers to use placards that are cancelled, have expired or that belong to someone else.

During its investigation, the ISAU observed forty-two vehicles parked at meters where the drivers had improperly concealed portions of the placard, including the placard number and expiration date. In an additional fifteen instances, drivers reversed the direction of the placard in the windshield so that the placard number and



Photo of a placard with the expiration date covered in the Fenway area of Boston, near a construction site. According to RMV records, this placard is expired and belongs to an 81-year-old individual. The vehicle owner is the placard holder's son.

⁴¹ See M.G.L. c. 90, § 2.

⁴² The other four placards were assigned to deceased individuals.

⁴³ See footnote 40.

⁴⁴ When the RMV issues a placard, it gives the placard holder instructions explaining how the placard can and cannot be used. *See Appendix E, Memorandum from the RMV's Medical Affairs Bureau to all placard holders.* This includes instructing individuals that they must hang the placard from the rearview mirror "facing **towards the front of the vehicle.**" *Id.* (emphasis original). Furthermore, Chapter 90 states that "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." *See M.G.L. c. 90, § 2.* The legislation does not, however, clearly state that reversing a placard or concealing information other than the photograph is a citable offense. *See id.*

expiration date were not visible. None of the owners of these fifty-seven vehicles have their own placards.

Placard abuse in Boston is ongoing and takes several forms. Some drivers regularly use other individuals' placards while others conceal placard information. These abuses collectively deprive the truly disabled from accessible parking.

II. Some Placard Holders Have Job Duties Requiring Physical Activities That Contradict the Medical Standards for Obtaining a Placard.

Most individuals with placards obtain and use them appropriately. The current placard laws do not, however, contain a mechanism to protect against fraudulently obtained placards. The RMV does not, for instance, have the authority to deny or investigate suspicious placard applications; if an application is complete and signed by a medical provider, the RMV is required to issue the placard. Similarly, although the RMV receives tips concerning improperly obtained placards, neither law enforcement nor the RMV has the authority to investigate – or to revoke – a placard that was improperly obtained.

During its investigation, the ISAU identified fourteen placards holders who used placards to regularly park at metered spaces near their workplaces, but who had job duties that appear to contradict being unable to walk 200 feet without resting, ambulatory aids or assistance.⁴⁵ For example, construction workers used their own placards to park regularly at construction sites in Boston. Furthermore, hotel banquet servers used their own placards to park near their workplaces. Both hotel banquet service and construction work require long hours standing, walking and lifting, which would seem to conflict with the legal criteria in 540 CMR 17.03(2)(a) for obtaining a placard.⁴⁶

In another example, a chiropractor who operates his own practice in Boston obtained five temporary placards and one permanent placard over ten years by submitting applications that his employees (who were also chiropractors) completed and signed. This individual regularly parks at designated disability parking spaces in front of his apartment building and workplace, which are both in the same Boston neighborhood.⁴⁷ A member of the public complained to the RMV



Vehicle belonging to a window washing company parked in front of the State Transportation Building throughout the time the company was on site.

⁴⁵ As previously discussed, an individual qualifies for a disability parking placard if he (1) cannot walk more than 200 feet without resting, assistance, or an ambulatory aid; (2) is legally blind; (3) has lost a limb or the permanent use of a limb; or (4) has specific cardiac or respiratory conditions listed in the placard regulations. See 540 CMR 17.03(2). None of the fourteen individuals applied for placards based on categories (2), (3) or (4).

⁴⁶ See also footnote 45.

⁴⁷ The comparable cost to purchase a deeded parking space in this neighborhood as of September 2015 was approximately \$105,000. See www.coldwellbankerhomes.com/ma/boston/2-avery-street/pid_8656851/. See also www.bostonrealestateobserver.com/tag/boston-ritz-carlton/.

about observing this medical professional walking around the apartment building he lives in without assistance, and never using any ambulatory aids; sometimes, neighbors saw him carrying multiple grocery bags. Further, this individual often posts photographs of himself at a New England ski area to his social media account. In response to the complaint, the RMV required the individual to complete a new application, but it could not revoke his placard because a healthcare provider with a current medical license signed the new application.

In another instance, an employee of a window-washing company used a placard to park in front of the State Transportation Building (“STB”) in the Theater District each day while he and his colleagues worked at the building. ISAU staff observed the vehicle’s driver and passengers walking into the STB, without ambulatory aids or apparent difficulty, while also carrying heavy equipment.

Most placard holders obtained their placards appropriately and use them in accordance with the law. Nevertheless, free all-day parking is a strong incentive for commuters working in – and people living in – urban areas to misuse placards in some way. Furthermore, disabled members of the public frequently report that they are unable to find parking in downtown Boston due to suspected placard abuse. The current placard laws do not, however, contain any mechanism to investigate potential fraud or to take action against wrongfully obtained placards.

III. Some Temporary Placards are Extended Multiple Times, Sometimes Years Beyond the Original Expiration Date.

The RMV issues temporary disability parking placards to individuals with short-term disabilities whose conditions are expected to improve.⁴⁸ Medical providers complete the same placard application used for permanent placards, but they must certify how long the disability is expected to exist; the placard is effective only for that length of time.⁴⁹ Temporary placards provide all of the benefits afforded to individuals with permanent placards, including free meter parking.

A temporary placard holder seeking to extend his placard must submit a new application with his provider’s approval; the provider must again certify how long the disability is expected to last. While the RMV does have limited authority to reject applications or request additional medical information,⁵⁰ it does not have the authority to question suspicious applications. Therefore, it cannot question seemingly excessive temporary placard renewals. Instead, the

⁴⁸ Specifically, the disability should be expected to last between two months and two years. The regulations state:

If, in the opinion of the health care provider, the duration of the applicant’s disability is at least two months but less than 24 months, the applicant shall be issued a Temporary Placard, with an expiration date coincident with the expected duration of the disability.

540 CMR 17.03(5).

⁴⁹ See *id.*

⁵⁰ See Section III(C) at page 11.

RMV approves and processes nearly all placard applications as long as a licensed medical provider certifies that the applicant meets at least one of the criteria on the application.

In a sample of 548 temporary applications, 19% extended their temporary placards three or more times. Seven had extended their temporary placards between eight and fifteen times since 2003. In one extreme example, a temporary placard holder renewed his placard seventeen times over nine years, using relatively the same diagnosis on each placard application. The initial application was for a six-month placard.

In another instance, an applicant altered the recommended length for her temporary placard from six months to twenty-six months after her provider had completed the application. The RMV identified and confirmed the alteration and issued the applicant a six-month placard. Two weeks later, however, the applicant's provider then signed a new application for a two-year placard. Because a licensed medical provider signed the application, the RMV issued the two-year placard.

There are many medical reasons that an individual may need to extend a temporary placard, and each of these placard holders' need for a placard may be genuine. The current process for extending temporary placards provides the opportunity for abuse or fraud, however, since the RMV does not have the authority to question suspicious applications that medical providers sign. Coupled with the convenience a placard affords, the RMV's inability to scrutinize extensions leaves the RMV's placard program vulnerable to abuse.

IV. One Aspect of the RMV's Application for a Disability Parking Placard Does Not Follow State Law.

The RMV's placard application deviates from the state regulations that govern disability parking placards. Further, the RMV sometimes issues placards when applications are missing required information. These errors allow individuals to obtain placards even though they have not demonstrated that they have a qualifying disability or medical condition.

First, under 540 CMR 17.00, an individual with arthritis qualifies for a placard if the arthritis prevents the individual from being able to walk more than 200 feet without stopping to rest, without assistance or without the use of ambulatory aids.⁵¹ Arthritis is not, however, a stand-alone basis for obtaining a placard.⁵² Despite this important distinction, the RMV's placard application lists arthritis as one of the conditions qualifying for a placard.⁵³ Consequently, an individual could receive a placard for arthritis even though he can walk more than 200 feet without resting or assistance.

Although the application requires providers to disclose the type, severity and location of the arthritis, this does not meet the requirements of 540 CMR 17.00 because the application does

⁵¹ See 540 CMR 17.03(2).

⁵² *Id.*

⁵³ See Appendix A.

not require the healthcare provider to certify that arthritis prevents the individual from being able to walk more than 200 feet. In general, moreover, Class III or IV functional arthritis would prevent a person from walking more than 200 feet without stopping to rest, without assistance or without the use of ambulatory aids,⁵⁴ but the RMV’s application does not require providers to list the class of arthritis. Therefore, many providers simply indicate “severe” on the application, but do not distinguish the class of the diagnosis. Notably, 95% of the applications that the ISAU reviewed that listed arthritis as a disability necessitating a placard did not list the class of the arthritis.

In addition, the RMV does not appear to always use the criteria on the application – location, type and severity – to screen applications. In fact, 50% of the applications listing arthritis as the qualifying disability did not identify the severity. Some applications identified the severity of the arthritis as mild. Other applications did not list the type or location of the arthritis. Finally, other applications listed general symptoms, such as knee or back pain, but did not include a clinical diagnosis as required in the regulations. In all of these instances, the RMV issued the applicant a placard.

The discrepancy between the RMV’s placard application and the regulations – as well as the RMV’s failure to use its own criteria to screen applications – allows individuals to obtain placards even though they have not demonstrated that they have a qualifying disability or medical condition. Moreover, issuing placards to applicants who do not meet qualifying criteria contributes to the overall parking problem in Boston and deprives the disabled public of much-needed access to parking.

V. The Improper Use of Placards May Cost Boston Taxpayers Millions of Dollars Each Year.

Since vehicles with disability parking placards are not required to pay meter fees, the city of Boston loses revenue each day from persons who misuse placards. The ISAU identified abuse in every area of Boston it surveilled; the OIG’s previous investigations found similar abuse in other areas of Boston. Consequently, it is likely that placard abuse exists throughout the city. And while it is not possible to determine the exact financial cost of city-wide placard abuse, when just one person misuses a placard for daily weekday parking, the annual cost to the city is approximately \$2,280.⁵⁵ To put that figure in context, there are approximately 8,000 metered parking spaces in the city of Boston.

The chart below illustrates the potential lost revenue, based on differing numbers of drivers improperly using placards to occupy metered parking spaces. While the Unit observed between 20% and 38% of metered spaces occupied by vehicles with placards during its

⁵⁴ See definition of the classes and stages of arthritis published by the American College of Rheumatology, available at www.rheumatology.org/Portals/0/Files/1992%20Global%20Functional%20Status%20in%20Rheumatoid%20Arthritis.pdf.

⁵⁵ Based on a commuter parking at a meter for eight hours a day for 228 days a year.

surveillance period,⁵⁶ many individuals who have placards need them and use them appropriately. Therefore, the chart below uses more conservative estimates.

Boston Metered Parking Spaces Potentially Occupied by Drivers Misusing Placards	Potential Annual Lost Revenue ⁵⁷
5%	\$912,000
10%	\$1,824,000
15%	\$2,736,000
20%	\$3,648,000

Table 2: Potential lost revenue from placard misuse

Other cities that eliminated the meter-fee exemption for vehicles with placards experienced significant increases in city revenue. For example, Raleigh, North Carolina saw a 193% increase in revenue from downtown parking meters upon eliminating the meter-fee exemption for vehicles with placards.⁵⁸ Moreover, in early 2001 vehicles with placards occupied 40% (approximately 2,000) of Philadelphia's Center City parking meters.⁵⁹ When the city eliminated its free-parking ordinance in April 2001, parking meter revenues in this one area of the city increased by \$1.5 million in nine months. Additionally, the parking vacancy rate in Center City increased from 5% to 13% following the exemption revocation.⁶⁰

In California, one in ten registered drivers has a disability parking placard. In Los Angeles ("L.A.") County alone, 621,000 drivers have placards, which translates into six placards for every city parking meter. *The Los Angeles Times* reported in 2011 that at any given time on any given street in L.A., more than 33% of drivers using placards to park at meters were abusing the placards.⁶¹ This abuse translated into millions of dollars in lost city revenue each year.

While Boston has not studied the financial impact of placard abuse, the evidence of existing abuse the OIG has reported over the past fifteen years, combined with data from other

⁵⁶ In one area of Boston with 217 parking meters.

⁵⁷ Based on a commuter parking at a meter for eight hours a day for 228 days a year.

⁵⁸ See Cullen Browder, "Raleigh's pay-to-park rule helps curb handicapped placard abuse," WRAL.com, May 13, 2010, available at www.wral.com/news/local/wral_investigates/story/7587736/.

⁵⁹ See L. Stuart Ditzel, "City remedies handicapped parking fraud when rules were tightened, meter spaces opened up," Philly.com, January 11, 2002, available at articles.philly.com/2002-01-11/news/25343337_1_placards-meter-spaces-parking-meter-revenues.

⁶⁰ *Id.*

⁶¹ See Martha Groves, "Placards can bring a curbside surprise," L.A. Times, May 22, 2011, available at articles.latimes.com/2011/may/22/local/la-me-disabled-parking-20110522.

cities, indicate that placard abuse likely costs the city and taxpayers millions of dollars each year.⁶²

VI. The Healthcare Provider Information in the RMV's Electronic Database System Was Incorrect for Nearly 50% of the Placards Reviewed.

The Registry's Automated Licensing and Registration System ("ALARS") is the central database for all of the RMV's electronic records, including placard information. For instance, the database contains each placard holder's name and address, as well as his placard number and the name of the medical provider who signed his placard application. The ISAU reviewed ALARS's electronic records for over 600 placards and found that in approximately 50% of the cases, ALARS did not contain the correct name of the healthcare provider who signed the application. The ISAU identified two main causes for the inaccuracies: (1) outdated provider data; and (2) a system limitation that prevents the RMV from inputting providers' complete license information.

First, to enter the name of the provider who signed the application into the database, RMV staff have to select from a pre-populated list of providers' medical licenses. Once a clerk selects the license number, ALARS automatically fills in the medical provider's name. The RMV, however, has not updated its list of provider names and license numbers since 2007. Therefore, the name and license number of many new healthcare providers are not in the RMV's system. If the provider on the placard application is not included in the pre-populated list, RMV clerks either select a provider at random or select no provider at all. Sometimes, the clerks will note the correct provider name elsewhere in the system notes.

Second, medical licenses in Massachusetts generally contain a letter prefix followed by a series of numbers. For instance, a registered nurse's license begins with "RN" and a physician assistant's license starts with "PA," both of which are followed by a number series. Consequently, a registered nurse and a physician assistant can have identical license numbers distinguished only by the precursor RN or PA. The RMV's database, however, does not allow clerks to input the letter prefixes into the system; clerks may only enter the numeric portion of the license. Therefore, many placards the Unit sampled had incorrect provider information in ALARS because the provider on the application had the same medical license number as another type of provider in the pre-populated list of medical license numbers and the RMV clerk selected the wrong provider.

In 2014, the RMV was in the process of replacing ALARS and had intended to address the medical provider limitations in the new database. Staff from the RMV's Medical Affairs Bureau worked with developers in charge of designing the RMV's new system in order to address the provider issue and enhance the RMV's reporting capabilities; however, the Registry

⁶² Eliminating the meter exemption in the cities discussed above meant that everyone using a placard – including those using a placard appropriately – could no longer park at meters for free. Consequently, not all of the increased revenue can be attributed to placard abuse. Even attributing a small portion of the new revenue to the elimination of placard abuse, however, highlights the potential revenue that Boston is losing every year.

suspended the ALARS replacement project in 2015, based on budgetary concerns. Currently, the Registry is preparing a new solicitation to select a vendor to replace ALARS.

Maintaining accurate Registry records is vital and doing so would enable the RMV to better analyze provider information, identify suspicious trends in applications and provide better customer service.

Conclusion

The ISAU's investigation found the ongoing misuse of placards across four Boston neighborhoods. In addition to people who used placards belonging to someone else, the ISAU found individuals using purchased, cancelled and expired placards. The ISAU also identified gaps in state law and the placard application that leave the RMV's placard program vulnerable to fraud and abuse.

Placard abuse takes away accessible parking for disabled individuals who genuinely need it, deprives cities and towns of parking revenue, and can have a negative economic impact on area businesses. Fraudulent users occupying parking spaces take away short-term customer parking. When parking is difficult to find in an area, potential customers go elsewhere to shop. Additionally, urban planning studies show that the lack of available city parking has detrimental environmental effects, including increased traffic from drivers circling streets while searching for parking. One study found that drivers in Cambridge, Massachusetts spent an average of 11.5 minutes searching for parking, or a 30% share of their traffic cruising. According to the study, this results in greater congestion and increased pollution.⁶³

In light of the findings discussed above, the Office has developed a number of recommendations, including eliminating the meter-fee exemption or imposing a time limit on parking for free at a meter; requiring placard holders to display their placards in a forward-facing and unobstructed manner; imposing a penalty for making a false statement when reporting a placard lost or stolen; and making it a crime to use a deceased person's placard. The RMV should also revise its placard application, strengthen its process for reviewing and approving placard applications, and improve its electronic recordkeeping.

⁶³ See Gregory Pierce & Donald Shoup, "Getting the Prices Right," *Journal of the American Planning Association*, May 2013, available at www.tandfonline.com/doi/pdf/10.1080/01944363.2013.787307.

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Recommendations

The RMV has taken several steps to improve its placard process since the OIG released its last report in 2013. Placard abuse continues, however. Combatting this problem requires a combined effort between the RMV, the Legislature, local law enforcement, the disability community, parking officials and healthcare providers. The ISAU therefore recommends that the RMV take the following steps:

I. Work With the Legislature and Other Stakeholders to Revise and Update the State Placard Laws.

The RMV should work with the Legislature and other stakeholders to revise and update the state's placard laws. In particular, the RMV should work with the Legislature to:

- 1) Eliminate the meter-fee exemption or impose a time limit on parking for free at a meter;
- 2) Make the obstruction of a placard number or expiration date, as well as reversing a placard, a citable offense under state law;
- 3) Impose penalties for making a false statement when reporting a placard lost or stolen;
- 4) Increase the fines for misusing a placard;
- 5) Make it a crime to use a deceased person's placard; and
- 6) Expand the RMV's ability to detect and correct placard abuse.

The most urgent change needed is the elimination of the meter-fee exemption for certain placard holders. A two-tier system would grant the meter-fee exemption to placard holders who are physically unable to reach a parking kiosk or insert coins into a meter. This would significantly reduce the financial incentive for individuals to misuse a placard. Based on the success of other cities that have taken this approach, implementing this recommendation would likely eradicate much of the placard abuse this report identifies. The Boston Commission for Persons with Disabilities supports this recommendation.

Alternatively, the RMV should work with state lawmakers to add a time limit to the meter-fee exemption. For example, placard holders could be required to observe the posted time limit for metered spaces. If the RMV pursues this option, the Boston Commission for Persons with Disabilities proposes a four-hour limit for vehicles with placards parked in Boston. A time limit, such as two or four hours, would help curtail placard abuse because it would limit the ability to use a placard to park at a meter all day for free.

Additionally, the RMV should work with the Legislature to require drivers to display the front of placards in vehicle windshields, with the placard number and expiration date clearly visible. The legislation should include fines for violating these requirements. Currently, Massachusetts law provides that "a 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” and that “[a]ny person who wrongfully displays … a placard … is subject to a fine....” *See M.G.L. c. 90, § 2.* However, the legislation does not clearly state that reversing a placard or concealing information other than the photograph constitutes wrongful display.

Further, the RMV should work with the Legislature to require individuals to submit a statement under the pains and penalties of perjury when they report their placards lost or stolen. The legislation should also include penalties for making a false statement when reporting a placard lost or stolen. While the RMV’s form for reporting a placard lost or stolen contains strong perjury language, the RMV cannot enforce that requirement without statutory support.

In addition, the Commonwealth needs stronger penalties for misusing a disability parking placard. Currently, the fine for using another person’s placard is \$500 – less than the cost to park in a parking garage in Boston for a month.⁶⁴ Similarly, even though using a deceased person’s placard is unscrupulous and essentially cheating cities and towns out of revenue, it currently is not a crime. To create a true disincentive, the RMV should work with the Legislature to increase the penalties for misusing a placard, including using a deceased person’s placard. The Office has filed House Bill 11, *An Act Relative to Disabled Persons’ Parking Placards*, to increase the penalties for misusing a placard.

Finally, the RMV should work with state lawmakers to increase the agency’s authority to evaluate applications and investigate potential fraud. Members of the disability community have reported that they are unable to find parking in Boston and other cities due to suspected placard abuse. The ISAU’s investigation also found that some placard holders had job duties – such as walking and standing for long periods of time – that conflicted with the mobility criteria in 540 CMR 17.03(2)(a). While most individuals obtain and use placards appropriately, the current placard laws do not contain any mechanism to investigate potential fraud or to take action against wrongfully obtained placards.

II. Revise its Placard Application to Comply With State Law and Only Issue Placards to Persons Who Qualify Under the Law.

The RMV should revise its current placard application to be consistent with 540 CMR 17.00. Specifically, it must remove the arthritis classification from the application and apply only the criteria specified in the regulations. An individual with arthritis would still be able to get a placard, as long as a medical provider certified that the individual could not walk more than 200 feet without resting, assistance or an ambulatory aid. *See 540 CMR 17.03(2).*

Additionally, the RMV should exercise greater scrutiny in approving placard applications by ensuring that each application contains all of the required information, including a clinical diagnosis that qualifies for a placard under the state regulations. The Registry should reject applications that only list symptoms (such as back pain and knee pain).

⁶⁴ This is the fine for a first offense.

The RMV should also explore ways to strengthen the medical provider's certification. This could include requiring the medical provider to attest that she is treating the applicant for the medical condition listed in the application. The RMV could also consider prohibiting an applicant's employee from signing the application. Finally, the Registry should consider imposing additional procedures for extending temporary placards. For example, the RMV could contact providers who sign an individual's temporary placard application three or more times to verify that the temporary status is appropriate.

III. Work With Cities and Towns to Enforce the Placard Laws.

The RMV should work with municipalities to enforce the placard laws and combat abuse. This could include providing cities and towns with information about the placard laws, common methods of placard abuse, the impact of such abuse, and enforcement options, including self-funding enforcement models. For those cities and towns that have not established commissions on disability, the RMV should educate these municipalities on the legislation that enables them to create commissions, and encourage their development. Municipalities throughout the Commonwealth may not be aware of the existing legislation and the potential benefits to their communities.

The RMV should also explore ways for parking clerks to issue fines for certain placard violations. Because parking clerks monitor parking meters and parked vehicles, they are in an ideal position to identify vehicles with expired placards, as well as placards that are obstructed or not forward-facing.

IV. Educate the Healthcare Community on the Criteria Required for Placards and the Impact of Placard Abuse.

The RMV should work with healthcare providers to review the standards for obtaining a placard, as well as the effects of placard abuse. The RMV should stress the basic purpose of a placard: to assist individuals who, "by reason of [a] disability, need a plate or placard to minimize the distance to be traveled between the person's parked vehicle and ultimate destination, or to accommodate movement between the [person's] vehicle and a wheelchair or other assistive device." *See* 540 CMR 17.01. The RMV should emphasize the importance of completing all of the information on the application, as well as the need to exercise due scrutiny before approving a placard application. The Registry should also emphasize the significance of placard abuse on the disabled community, including discussing specific instances of abuse to highlight the seriousness of the problem.

V. Create a Uniform Process for Law Enforcement Officials to Report Placard Abuse.

The RMV should design and implement an electronic process for local law enforcement officials to immediately report cases of placard abuse within their jurisdictions. The electronic system should include an online reporting tool that would automatically update the RMV's records when an individual's placard is confiscated and when a driver is cited for violating the parking laws.

VI. Ensure its Electronic Records Contain Accurate Information.

As the RMV looks to replace its ALARS system, it should ensure that the new system has the capability both to add new providers and to easily change provider information. As part of the system conversion, the Registry should update its medical provider information and ensure that its database lists the correct provider who signed each placard holder's application. Also, the Registry should consider incorporating an edit in the new system to prevent RMV clerks from leaving provider fields blank.

VII. Formalize the Placard Abuse Task Force.

The Registry took an important step when it created the Placard Abuse Task Force. The RMV should now consider formalizing the task force, such as through legislation. Combatting placard abuse requires a combined effort among stakeholders at the state and local levels, and the RMV's task force is the appropriate vehicle for this collaboration. The task force could be mandated to work with the Registry to implement the recommendations in this report, evaluate ways to strengthen the RMV's ability to investigate wrongfully obtained placards, and provide additional reports and recommendations.

Appendix

A. Application for a Disability Parking Placard or License Plate



MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

Medical Affairs Branch • P.O. Box 55889 • Boston, MA • 02205-5889 • 857-368-8020

For Hand Deliveries: 25 Newport Avenue Extension, Quincy, MA

www.massrmv.com



APPLICATION FOR DISABLED PARKING PLACARD/PLATE

THIS SIDE OF THE APPLICATION MUST BE COMPLETED IN THE DISABLED PERSON'S NAME
Disabled person must be a Massachusetts resident. Please note the information required in this application may affect your license status.

- Incomplete applications will not be processed.
- **Both disabled person and medical professional signatures are required.**
- This application must be submitted to the RMV within thirty (30) days of the healthcare provider's certification.
- Additional documentation may be required.

REPORT OF CERTAIN MEDICAL CONDITIONS MAY RESULT IN LOSS OF LICENSE

A. Disabled person's information (please print)

Last Name	First Name	Middle	Gender
Address	City/Town	Zip Code	
Date of Birth	Social Security Number (SSN)	Height	Telephone Number

Driver's License Number or Mass ID. Number

B. Is this the first time you have submitted an application for a disabled parking placard/plate?

- Yes
 No - Please print your current disabled parking placard or plate number _____

C. I am applying for the following:

- Placard No fee required for a placard.
 Plate Only issued to individuals who have a vehicle registered in his/her name. Registration fees apply.
 Motorcycle Plate Only issued to individuals who have a vehicle registered in his/her name. Registration fees apply.
 DV Plate Only issued to individuals who a) have a vehicle registered in their name; b) meet Medical Affairs guidelines; c) provide the DV (Disabled Veteran) Plate letter from the Veteran's Administration stating that the disability is at least 60% service connected.

D. Important Information – PLEASE READ

It is illegal . . .

- To allow someone to use your placard, if you are not in the vehicle.
- For an individual to have more than one permanent placard.
- To provide false information to obtain a placard or disabled person plates.
- To possess or display a counterfeit placard.
- To forge a doctor's signature.
- To provide false information (Persons can be prosecuted under Massachusetts law.)
- To alter a placard.

E. Applicant's signature and certification

- I have read the "Important Information" in section "D" and fully understand and take responsibility for the use of the disabled placard or plates that are issued to me.
- I certify under the pains and penalties of perjury that all the information provided in this application, including the representation of my medical status/condition, is true and correct to the best of my knowledge.
- **AUTHORIZATION TO RELEASE MEDICAL RECORDS** - I hereby authorize the healthcare provider completing this form to discuss and release any or all medical records pertaining to its content with or to representatives of the Registry of Motor Vehicles.
- For applicants for DV plates, I hereby authorize the Veterans' Administration to release medical information concerning my service-connected disability rating(s).

Signature of disabled person (REQUIRED)

Date

A. Application for a Disability Parking Placard or License Plate - Page 2

F. TO BE COMPLETED BY HEALTH CARE PROVIDER

CLINICAL
DIAGNOSIS: _____ (Required)

DURATION (circle one): Temporary Permanent
If temporary, please estimate number of months of disability _____

PLEASE CHECK ALL THAT APPLY:

- ____ Unable to walk 200 feet without assistance. List necessary ambulatory aids: _____
- ____ Legally Blind* (Cert. Of Blindness may substitute for professional certification) (*automatic loss of license)
- ____ Chronic Lung Disease (check at least one of the following criteria):
FEV1 test results _____ O₂ saturation with minimal exertion _____ (*automatic loss of license if O₂ saturation < 88%)
- Use of Portable Oxygen? Yes _____ No _____
- Note: Asthma is not in and of itself a qualifying condition. Please describe degree and frequency of impairment (pulmonary test results required.)
- ____ Cardiovascular Disease
AHA Functional Classification (circle one): I II III IV* (*automatic loss of license)
- ____ Arthritis (please state type, severity, and location) _____
- ____ Loss of limb or permanent loss of use of a limb

HEALTHCARE PROVIDER MUST CHECK ONE:

In my professional opinion and to a reasonable degree of medical certainty:

- The above condition, or any other medical condition of which I am aware, **WILL NOT IMPAIR** the safe operation of a motor vehicle.
- The person applying for this permit is **NOT** medically qualified to operate a motor vehicle safely.
- The medical condition as stated above is of such severity as to require a **COMPETENCY ROAD TEST**.

G. Doctor's Signature and Certification

Medical Professional's Last Name First Name Middle Name (_____) _____
Medical Professional's daytime phone number

Medical Professional's Address City State Zip

I certify that I am a Medical Professional Chiropractor Registered Nurse Physician's Assistant
 Optometrist (legal blindness only) Podiatrist and certify under the pains and penalty of perjury that the information I have provided is true and correct.

--	--	--	--	--	--	--	--	--	--	--	--

Medical Professional's Signature (REQUIRED) Date Professional's Medical License Number (REQUIRED)

B. Request for Replacement Placard



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Erin C. Deveney, Registrar



Request for Replacement Placard

Medical Affairs Branch
Phone #: 857-368-8020

Print Name: _____

License or Social Security Number: _____

Date: _____

AFFIDAVIT FOR REPLACEMENT PLACARD:

I, _____
Last _____ First _____ Middle _____

Address _____

City/Town _____ Zip Code _____

Declare that my Handicap Placard No. _____ has been lost or stolen.

I understand that upon receipt of a replacement placard that the original will no longer be valid. I understand that should the original placard be found, it is to be returned to the Registry of Motor Vehicles forthwith. I further understand that a placard is valid only for the handicapped person to whom it is issued and is not transferable to another party.

A duplicate copy of this affidavit shall be sent to the parking commission of the handicapped person's home of record.

Signed under the penalties of perjury.

Signature

Date

C. Excerpts from the Illinois and Michigan Disability Parking Placard Applications

Illinois

JESSE WHITE

Secretary of State • State of Illinois

PART 3: Medical Eligibility for Meter-Exempt Parking and Physician's Certification

The meter-exempt parking certification must be completed **only when the applicant qualifies for meter-exempt parking**. To qualify, the applicant must have a valid Illinois driver's license (if applicable), have an ambulatory disability described in Part 2 and also have one of the following conditions listed below. **Economic need is not a consideration for meter-exempt parking.**

I hereby certify _____ (Name of Person with Disability) _____ (Illinois Driver's License of Person with Disability if applicable) as listed in Part 1 of this application is also eligible for meter-exempt parking as provided by statute due to the following **PERMANENT** medical condition or disability:

Check all that apply:

- The patient cannot manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots due to the lack of fine motor control of **BOTH** hands.
- The patient cannot reach above his/her head to a height of 42 inches from the ground due to a lack of finger, hand or upper-extremity strength or mobility.
- The patient cannot approach a parking meter due to his/her use of a wheelchair or other device for mobility.
- The patient cannot walk more than 20 feet due to an orthopedic, neurological, cardiovascular or lung condition in which the degree of debilitation is so severe that it almost completely impedes the ability to walk.
- The patient is under 18 years of age and incapable of driving.

Signature of Physician Advanced Practice Nurse/Physician's Assistant	Today's Date
Name of Collaborating/Supervising Physician (if signed above by Advanced Practice Nurse or Physician's Assistant)	Supervising Collaborating Physician's State Medical License #

Michigan

Part 3: Free Parking Application And Physician's Certification

The free parking application is completed **only when the applicant qualifies for free parking**. To qualify, your patient must be a Michigan licensed driver, have an ambulatory disability described in Part 2, and also have one of the following conditions. Economic need is not a consideration.

Circle all letters that apply:

- a) The patient cannot insert coins or tokens in a parking meter or cannot accept a ticket from a parking lot machine due to a lack of fine motor control of *both* hands.
- b) The patient cannot reach above their head to a height of 42 inches from the ground, due to a lack of finger, hand, or upper extremity strength or mobility.
- c) The patient cannot approach a parking meter due to use of a wheelchair or other ambulatory device.
- d) The patient cannot walk **more than twenty feet** due to an orthopedic, cardiovascular, or lung condition in which the degree of debilitation is so severe that it almost completely impedes the patient's ability to walk. (A condition requiring applicant to rest after walking twenty feet when not using a wheelchair or other ambulatory device.)

I certify the person listed on the front of this application is also eligible for free parking as provided in state law [MCL 257.675]. I understand that making a false statement to obtain a free parking sticker is a misdemeanor and may result in fines, imprisonment, or both.

Physician's signature:

<Physician /Chiropractor /Physician's Assistant /Optometrist /Nurse Practitioner>

D. 2015 Massachusetts Disability Parking Placard Statistics

Placard Type	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
New Permanent Placards Issued	2,773	1,993	2,560	2,263	3,013	3,626	3,655	1,654	2,724	2,685	3,768	2,866	
New Temporary Placards Issued	1,402	1,235	1,521	1,415	1,584	1,672	1,640	1,265	1,443	1,592	2,462	1,435	
Replaced/Renewed Placards	4,114	3,515	4,560	4,164	3,896	3,789	4,239	3,519	3,927	4,242	3,238	4,037	
Temporary Placards Extended	132	149	155	125	111	171	186	160	134	120	192	175	
Denied Placards	359	265	310	264	375	407	408	181	346	354	502	407	

Placards Issued, Extended or Denied in 2015 (by Month)

Placard Type	2015 Totals	
New Permanent Placards Issued	33,520	
New Temporary Placards Issued	18,666	
Replaced/Renewed Placards	47,240	
Temporary Placards Extended	1,810	
Denied Placards	4,179	

Placards Issued, Extended or Denied in 2015

E. Memorandum from the RMV's Medical Affairs Bureau (issued with all disability placards)



DISABLED PLACARD/PLATE AND DISABLED VETERAN PLATE INFORMATION

MEDICAL AFFAIRS BRANCH
P.O. Box 55889
BOSTON, MA 02205
www.massrmv.com
857-368-8020

- ☞ Please find enclosed your white **Security Sleeve**. The Security Sleeve is designed to slip over your picture on the placard. The purpose is to conceal personal information if you so choose. You are not required to use the sleeve. It is your choice. The sleeve is removable and must be removed if requested to do so by law enforcement. To use: 1) Place Placard between thumb and index finger; 2) Gently squeeze Placard so that the bottom end slightly curls; 3) Slip sleeve over end and work up to cover picture and name.
- ☞ You must be a registered and titled owner of a vehicle to apply for a HP plate or a DV plate. **If you are applying for a DV plate, the Disabled Veteran Letter for a DV plate from the Veterans Administration must be submitted with your application stating your disability and that it is service connected.**
- ☞ Each disabled placard is assigned to an individual and may be used in any private passenger vehicle. The disabled person must be exiting or entering the vehicle for proper use of the placard. **A person with a placard CANNOT park in a Handicap space while picking up another person other than the person photographed on the placard.**
- ☞ Be courteous to those driving vehicles with lifts or ramps. If no other HP spaces are vacant, please leave van accessible spaces with a cross-hatched area available for vehicles that require additional space.
- ☞ An HP plate or DV plate is assigned to a registered and titled owner of a vehicle and may ONLY be used by that individual upon exiting or entering that vehicle when parking at HP locations.
- ☞ Certain disabilities may require a competency road exam or the surrender of your driver's license. A competency road exam is an exam designed to evaluate the applicant's driving skills and/or assess for certain license restrictions.

Please see other side for the disabled parking rules.

T21768-0115

E. Memorandum from the RMV's Medical Affairs Bureau - Page 2

DO NOT

- ✗ **Do Not** drive while your disabled placard is hung from your rearview mirror.
- ✗ **Do Not** let anyone use your disabled placard parking privileges. This abuse of your disabled placard is punishable by a \$500 fine, loss of your disabled parking privileges, and 30-day suspension of your operators license.
- ✗ **Do Not** park illegally. You must obey all parking rules and regulations or be subject to the fines imposed.
- ✗ **Do Not** park in cross-hatch areas (Zebra Stripes), which are reserved for van ramp/lift access. Parking on a cross-hatch is subject to a \$100-\$300 fine.
- ✗ **Do Not** use your disabled placard/plate or DV plate parking privileges if you are not entering or exiting the vehicle.
- ✗ **Do Not** use your disabled placard in a vehicle weighing 10,000 lbs or more.
- ✗ **Do Not** display your disabled placard when the vehicle is in motion. This is potentially a \$50.00 fine.
- ✗ **Do Not** leave your disabled placard in an unlocked vehicle.
- ✗ **Do Not** use your disabled placard after its expiration date. You may be fined.

DO

- ✓ **Do** display your placard while parking in a HP location. It should be hung from your rearview mirror facing **towards the front of the vehicle**. You may use the privacy sleeve to cover personal information. The privacy sleeve **MUST** be removed if so requested by law enforcement.
- ✓ **Do** park in an HP location when you need to exit the vehicle.
- ✓ **Do** use your disabled parking privileges in any designated HP location.
- ✓ **Do** realize that (when used and displayed properly) your disabled parking privilege exempts you from parking meter fees in Massachusetts.
- ✓ **Do** lock your vehicle and close the windows when using your disabled placard.
- ✓ **Do** obey all parking rules and regulations.

**USE OF A PHOTOCOPY OF
YOUR DISABLED PLACARD IS
UNLAWFUL AND PUNISHABLE
BY FINE OR IMPRISONMENT.**