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OPINION	:	No. 80-912
	:	
of	:	<u>JANUARY 14, 1981</u>
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The Honorable Edward V. Roberts, Director, Department of Rehabilitation,
has requested an opinion on the following question:

May disabled persons who meet the requirements of Vehicle Code section 22511.5, which allows disabled persons to park for unlimited times in parking zones otherwise restricted as to time, lawfully park for unlimited times in white zones, which are restricted to stopping for the period of time specified by ordinance, for loading and unloading passengers and for depositing mail?

CONCLUSION

Disabled persons who meet the requirements of Vehicle Code section 22511.5, which allows disabled persons to park for unlimited times in parking zones otherwise restricted as to time, may not lawfully park for unlimited times in white zones,

which are restricted to stopping for the period of time specified by ordinance, for loading and unloading passengers and for depositing mail.

ANALYSIS

As part of a system of parking regulations established in the Vehicle code, section 21458¹ provides:

“Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used, and the colors indicate as follows:

“(a) Red indicates no stopping, standing, or parking, whether the vehicle is attended or unattended, except that a bus may stop in a red zone marked or signposted as a bus loading zone.

“(b) Yellow indicates stopping only for the purpose of loading or unloading of passengers or freight for such time as may be specified by local ordinance

“(c) White indicates stopping only for loading or unloading of passengers *for such time as may be specified by local ordinance* or for the purpose of depositing mail in an adjacent mailbox.

“(d) Green indicates time limit parking specified by local ordinance.

“(e) Blue indicates parking limited exclusively to the vehicles of physically handicapped persons.

“Regulations indicated as above provided shall be effective upon such days and during such hours or times as may be prescribed by local ordinances.” (Emphasis added.)

With respect to the various parking restrictions and regulations, the Legislature has made a number of accommodations to the special needs of physically disabled persons.² Among such accommodations is that which is set forth in subdivision (b) of section 22511.5 which provides that:

¹ All section references herein are to the Vehicle Code unless otherwise specified.

² See, for example, sections 21458(e), 22507.8, 22511.7, and 22511.8 establishing exclusive parking spaces for physically handicapped persons; section 22507.5 exempting handicapped

“Disabled persons shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.”³

As indicated above, subdivision (c) of section 21458 establishes white zones for passenger loading and unloading “for such time as may be specified by local ordinance.” The question that we consider here is whether the privilege afforded to disabled persons by subdivision (b) of section 22511.5 to park for unlimited periods in zones restricted as to time authorizes those persons to park for unlimited periods in such white zones. Of primary significance in relation to this question is the studied selection of terminology in section 21458 employed by the Legislature in setting forth the types of local parking regulations to be indicated by the various colored curb markings. In this regard we note that while providing for the prohibition of “stopping, standing or parking” in some zones (red: § 21458 subd. (a)), the Legislature contemplates “stopping” for specified purposes in other zones (yellow and white: § 21458 subds. (b) and (c)), and “parking” under limited circumstances in still other zones (green and blue: § 21458 subds. (d) and (e)).

Pertinent to this variation in the words used in section 21458 to designate the particular activity that is regulated is the rule that “[W]hen the Legislature has used . . . two different words, not identical in meaning, in the same paragraph, it is presumed that the Legislature knew the distinction in the meanings between the two and used the two words intending them to have a different meaning and effect.” (*In re Karpf* (1970) 10 Cal. App. 3d 355, 365; *accord, Anthony v. Superior Court* (1980) 109 Cal. App. 3d 346, 355; *Charles S. v. Board of Education* (1971) 20 Cal. App. 3d 83, 95; see also *Fischer v. County of Shasta* (1956) 46 Cal. 2d 771, 776.) Accordingly, we must presume that when the Legislature used the word “stopping” in connection with yellow and white zones, it meant something different than “parking,” the word it used in connection with green and blue zones.

persons from parking restrictions in residential areas, section 22511 allowing specified disabled veterans to park in restricted zones and in metered spaces without payment of fees.

³ Subdivision (a) of section 22511.5 specifies the various infirmities and impairments which render a person disabled within the meaning of the section. Subdivisions (c), (d), (e) and (f) of the section provide for the distinguishing license plate or placards that a disabled person must display as a condition to exercising the parking privilege provided for in the section, and for the procedures relating to the issuance of such plates or placards.

This presumption is particularly cogent in view of the fact that the Legislature has defined these two ‘terms for purposes of their use in the Vehicle Code. The definition in section 587 provides that “[s]top or stopping’ when prohibited shall mean any cessation of movement of a vehicle, whether occupied or not, [with exceptions not pertinent here].” In section 463 it is provided that “[p]ark or parking’ shall mean the standing of a vehicle, whether occupied or not, *otherwise than temporary for the purpose of and while actually engaged in loading or unloading merchandise or passengers.*” (Emphasis added.)

Thus, as defined in the Vehicle Code, the term “parking” expressly excludes a temporary stop for the loading or unloading of goods or passengers.⁴ It can be seen that in section 21458 the Legislature’s use of the terms “stopping” and “parking” in connection with the various colored curb markings is precisely consistent with the Vehicle Code’s definition of those terms in section 463 and in section 587, for when it designated yellow and white curbs to signify passenger and freight loading and unloading zones, it provided only for “stopping” for such specified temporary purposes, whereas in connection with green and blue curbs signifying zones not limited to any specific short term purposes, it used the term—“parking.” Therefore, when the Legislature in section 22511.5 subdivision (b) granted to disabled persons the privilege “to park for unlimited periods in parking zones restricted as to the length of time parking is permitted . . .” (emphasis added), it manifestly was not referring to zones where only “stopping” was permitted, even where such “stopping,” as opposed to “parking” was restricted as to length of time. (See § 21458 subd. (c) authorizing local authorities to specify time limits for “stopping” in white zones.)

Accordingly, because only “stopping” for the specified purposes is permitted in white zones (§ 21458 subd. (c)), we conclude that section 22511.5 subdivision (b) does

⁴ This definition comports with the definition of “parking” enunciated by a number of courts in other jurisdictions. For example, in *Ford v. Sevens* (Minn. 1968) 157 N.W 2d 510 513, the Court stated “‘Stopping at a curb for the purpose of taking in or letting out passengers or occupants of a car is not parking.’ [Citation omitted.] It seems to be well established that the term ‘park,’ as used in a statute or ordinance, does not comprehend or include merely temporary or momentary stoppage but rather connotes a stoppage with the intent of permitting the vehicle to remain standing for an appreciable length of time “(*Accord, Lacour v. Continental Southern Lines. Inc.* (La. App. 1960) 124 S.2d 588, 594, *Messick v. Barham* (Va. 1952) 73 S.E. 2d 530, 534, *Naylor v. Dragoon* (Vt. 1951) 80 A 2d 600, 603.) The Vehicle Code definition of “parking” is also consonant with a general definition of the term set forth by a California appellate court in *Fleming v. Flick* (1934) 140 Cal. App. 14, 30: “. . . ‘the term “park” has been defined by the courts as meaning, in substance, the voluntary act of leaving a car on the main-traveled portion of the highway when not in use. It means something more than a mere temporary or momentary stoppage on the road for a necessary purpose”’ (*Accord. 62 Ops. Cal. Atty. Gen. 4, 6* (1979).)

not afford disabled persons the privilege to park in white zones free from the limitations otherwise applicable in such zones. *****