

By: Representative King

To: Transportation

HOUSE BILL NO. 1208

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO DELETE REFERENCE TO THE ISSUANCE OF DECALS FOR PLACEMENT UPON
3 HANDICAP LICENSE TAGS; TO EXTEND THE TIME PERIOD FOR WHICH A
4 PHYSICIAN MUST CERTIFY A PERSON AS MOBILITY IMPAIRED IN ORDER TO
5 QUALIFY THAT PERSON TO BE ISSUED A HANDICAP LICENSE TAG; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 27-19-56, Mississippi Code of 1972, is
9 amended as follows:

10 27-19-56. (1) Upon application by any legal resident of the
11 State of Mississippi with a disability which limits or impairs the
12 ability to walk, the State Tax Commission shall prepare and issue
13 through the county tax collectors a special license plate bearing
14 the International Symbol of Access adopted by Rehabilitation
15 International in 1969 at its Eleventh World Congress on
16 Rehabilitation of the Disabled for not more than one (1) vehicle
17 that is registered in the applicant's name. The initial
18 application shall be accompanied by the certification of a
19 licensed physician that (a) the applicant meets the definition of
20 persons with disabilities which limit or impair the ability to
21 walk; and (b) that the physician has determined that the applicant
22 will have the disability for at least five (5) years. * * * The
23 special license plate issued under this section is valid for the
24 period of time that the license tag attached upon a motor vehicle
25 is issued pursuant to Section 27-19-31(1). A person to whom the
26 special license plate is issued may retain the special license
27 plate and may renew it by submitting to the county tax collector,
28 on or before its expiration, the certification of a licensed

29 physician that the physician has determined (a) that the applicant
30 meets the definition of a person with a disability which limits or
31 impairs the ability to walk; and (b) that the applicant will have
32 the disability for at least three (3) years. If an applicant
33 fails to renew the special license plate before its date of
34 expiration, then he shall surrender the special license plate to
35 the county tax collector and the tax collector shall issue to such
36 person a regular license plate to replace the special license
37 plate.

38 The terms "vehicle" and "motor vehicle," as used in this
39 section, includes motorcycles.

40 The term "persons with disabilities which limit or impair the
41 ability to walk" when used in this section means those persons
42 who, as determined by a licensed physician:

43 (a) Cannot walk two hundred (200) feet without stopping
44 to rest; or

45 (b) Cannot walk without the use of, or assistance from,
46 a brace, cane, crutch, another person, prosthetic device,
47 wheelchair, or other assistive device; or

48 (c) Are restricted by lung disease to such an extent
49 that the person's forced (respiratory) expiratory volume for one
50 (1) second, when measured by spirometry, is less than one (1)
51 liter, or the arterial oxygen tension is less than sixty (60)
52 mm/hg on room air at rest; or

53 (d) Use portable oxygen; or

54 (e) Have a cardiac condition to the extent that the
55 person's functional limitations are classified in severity as
56 Class III or Class IV according to standards set by the American
57 Heart Association; or

58 (f) Are severely limited in their ability to walk due
59 to an arthritic, neurological or orthopedic condition.

60 An applicant for a special license plate bearing the
61 International Symbol of Access shall not be required to pay any
62 fee or charge for the issuance of such license plate separate from
63 or in addition to the road and bridge privilege taxes, ad valorem
64 taxes and registration fees otherwise required by law to be paid
65 for the issuance of a regular license plate for such vehicle.

66 (2) The State Tax Commission shall prepare removable
67 windshield placards and such placards shall be issued and
68 periodically renewed upon the applications of persons with
69 disabilities which limit or impair the ability to walk. The
70 placards shall be issued, free of charge, to applicants through
71 the offices of the tax collectors of the counties. The initial
72 application shall be accompanied by the certification of a
73 licensed physician that the applicant meets the definition of
74 persons with disabilities which limit or impair the ability to
75 walk. These placards shall be valid for the period of time that
76 the license tag is issued pursuant to Section 27-19-31(1), and may
77 be renewed in the same manner as provided for the renewal of the
78 special license plates under subsection (1) of this section. The
79 removable windshield placard must be displayed on the left side of
80 the vehicle dashboard. The State Tax Commission shall prescribe
81 the placement for motorcycles.

82 (3) The State Tax Commission shall provide for the issuance
83 of a temporary removable windshield placard, upon the application
84 of a person with a disability which limits or impairs the ability
85 to walk. Temporary removable windshield placards authorized by
86 this subsection shall be prepared by the State Tax Commission and
87 shall be issued, free of charge, to applicants through the offices
88 of the tax collectors of the counties. Application for a
89 temporary removable windshield placard must be accompanied by the
90 certification of a licensed physician that the applicant meets the
91 definition of persons with disabilities which limit or impair the
92 ability to walk. The certification shall also include the period
93 of time that the physician determines the applicant will have the
94 disability, not to exceed six (6) months. The temporary removable
95 windshield placard must be displayed on the left side of the
96 vehicle dashboard. The temporary removable windshield placard
97 shall be valid for a period of time for which the physician has
98 determined that the applicant will have the disability, not to

99 exceed six (6) months from the date of issuance. The State Tax
100 Commission shall prescribe the placement for motorcycles.

101 (4) The removable windshield placard and the temporary
102 removable windshield placard shall be two-sided and shall include:

103 (a) The International Symbol of Access, which is at
104 least three (3) inches in height, centered on the placard (the
105 color of the removable windshield placard shall be white on a blue
106 shield; and the temporary removable windshield placard shall be
107 white on a red shield);

108 (b) An identification number and, on the reverse side,
109 the name of the individual to whom the placard is issued;

110 (c) A date of expiration, which shall be entered on the
111 placard by the tax collector; and

112 (d) The seal of the State of Mississippi.

113 (5) It shall be unlawful to park a motor vehicle in an area
114 set aside for persons who are disabled if the motor vehicle does
115 not have displayed the removable windshield placard authorized in
116 this section. Any person who unlawfully parks a motor vehicle in
117 such areas, or who blocks such spaces or access thereto, shall be
118 guilty of a misdemeanor and, upon conviction thereof, shall be
119 fined not more than Two Hundred Dollars (\$200.00) for each such
120 violation. For the third and subsequent offenses under this
121 section, the offender's driver's license shall be suspended for
122 ninety (90) days by the Commissioner of Public Safety in
123 accordance with Section 63-1-53 in addition to any fine imposed.
124 The court shall not suspend or reduce any fine required to be
125 imposed under this subsection.

126 (6) Any person who, for the purpose of obtaining a
127 special license plate or windshield placard under this
128 section, files with the county tax collector a physician's
129 certification, knowing the certification to be false or to
130 have been fraudulently obtained, shall be guilty of a misdemeanor
131 and, upon conviction, shall be fined not more than Two Hundred

132 Dollars (\$200.00).

133 (7) All law enforcement officers are authorized to enforce
134 this section on public and private property. Provision of spaces
135 restricted to handicapped parking and proper marking of such
136 spaces shall be considered as intent and permission to enforce
137 such designated parking on private property. Only areas marked in
138 accordance with the Americans with Disabilities Act Accessibility
139 Guidelines or equivalent standards shall be enforced. Spaces
140 shall bear the International Symbol of Access.

141 (8) Motor vehicles displaying a special license plate,
142 license plate decal, placard or parking certificate or permit
143 bearing the International Symbol of Access issued to a person with
144 a disability by any other state or district subject to the laws of
145 the United States shall be allowed the special parking privileges
146 under this section provided the license plate, decal, placard,
147 permit or certificate bears the International Symbol of Access and
148 is displayed in a prominent place on the vehicle.

149 (9) Parking in any area set aside for persons who are
150 disabled is limited to vehicles which, immediately before or after
151 the utilization of such an area, are used to transport a person
152 with a disability which limits or impairs the ability to walk.
153 The identification required to park in such an area, except as
154 provided in subsection (8) of this section, is as follows:

155 (a) For a vehicle used to transport a person with a
156 permanent disability, that person's permanent windshield placard
157 must be displayed.

158 (b) For a vehicle being used by a person who has a
159 temporary disability which limits or impairs the ability to walk,
160 or which is being used to transport such a person, a temporary
161 windshield placard must be displayed.

162 SECTION 2. This act shall take effect and be in force from
163 and after July 1, 1999.