

By: Representative King

To: Transportation

HOUSE BILL NO. 1208  
(As Passed the House)

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; TO  
6 REQUIRE THE HANDICAP LICENSE TAG AND ANY WINDSHIELD PLACARDS TO BE  
7 RETURNED TO THE TAX COLLECTOR UPON THE DEATH OF THE PERSON TO WHOM  
8 SUCH TAG OR PLACARD WAS ISSUED; AND FOR RELATED PURPOSES.

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

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

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

30 on or before its expiration, the certification of a licensed  
31 physician that the physician has determined (a) that the applicant  
32 meets the definition of a person with a disability which limits or  
33 impairs the ability to walk; and (b) that the applicant will have  
34 the disability for at least five (5) years. If an applicant fails  
35 to renew the special license plate before its date of expiration,  
36 then he shall surrender the special license plate to the county  
37 tax collector and the tax collector shall issue to such person a  
38 regular license plate to replace the special license plate. Upon  
39 the death of the person to whom a special license plate or  
40 windshield placard has been issued under this section, the  
41 executor, administrator or personal representative of the estate  
42 of the deceased shall surrender the special license plate and any  
43 windshield placards to the tax collector. It shall be unlawful,  
44 punishable as provided in subsection (5) of this section, for any  
45 person, after the death of the decedent, to use or attempt to use  
46 the special license plate or windshield placard issued to the  
47 decedent.

48 The terms "vehicle" and "motor vehicle," as used in this  
49 section, includes motorcycles.

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

53 (a) Cannot walk two hundred (200) feet without stopping  
54 to rest; or

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

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

63 (d) Use portable oxygen; or

64 (e) Have a cardiac condition to the extent that the  
65 person's functional limitations are classified in severity as  
66 Class III or Class IV according to standards set by the American

67 Heart Association; or

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

70 An applicant for a special license plate bearing the  
71 International Symbol of Access shall not be required to pay any  
72 fee or charge for the issuance of such license plate separate from  
73 or in addition to the road and bridge privilege taxes, ad valorem  
74 taxes and registration fees otherwise required by law to be paid  
75 for the issuance of a regular license plate for such vehicle.

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

92 (3) The State Tax Commission shall provide for the issuance  
93 of a temporary removable windshield placard, upon the application  
94 of a person with a disability which limits or impairs the ability  
95 to walk. Temporary removable windshield placards authorized by  
96 this subsection shall be prepared by the State Tax Commission and  
97 shall be issued, free of charge, to applicants through the offices  
98 of the tax collectors of the counties. Application for a  
99 temporary removable windshield placard must be accompanied by the

100 certification of a licensed physician that the applicant meets the  
101 definition of persons with disabilities which limit or impair the  
102 ability to walk. The certification shall also include the period  
103 of time that the physician determines the applicant will have the  
104 disability, not to exceed six (6) months. The temporary removable  
105 windshield placard must be displayed on the left side of the  
106 vehicle dashboard. The temporary removable windshield placard  
107 shall be valid for a period of time for which the physician has  
108 determined that the applicant will have the disability, not to  
109 exceed six (6) months from the date of issuance. The State Tax  
110 Commission shall prescribe the placement for motorcycles.

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

113 (a) The International Symbol of Access, which is at  
114 least three (3) inches in height, centered on the placard (the  
115 color of the removable windshield placard shall be white on a blue  
116 shield; and the temporary removable windshield placard shall be  
117 white on a red shield);

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

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

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

123 (5) It shall be unlawful to park a motor vehicle in an area  
124 set aside for persons who are disabled if the motor vehicle does  
125 not have displayed a windshield placard authorized in this  
126 section. Any person who unlawfully parks a motor vehicle in such  
127 areas, or who blocks such spaces or access thereto, shall be  
128 guilty of a misdemeanor and, upon conviction thereof, shall be  
129 fined not more than Two Hundred Dollars (\$200.00) for each such  
130 violation. For the third and subsequent offenses under this  
131 section, the offender's driver's license shall be suspended for  
132 ninety (90) days by the Commissioner of Public Safety in

133 accordance with Section 63-1-53 in addition to any fine imposed.  
134 The court shall not suspend or reduce any fine required to be  
135 imposed under this subsection.

136 (6) Any person who, for the purpose of obtaining a  
137 special license plate or windshield placard under this  
138 section, files with the county tax collector a physician's  
139 certification, knowing the certification to be false or to  
140 have been fraudulently obtained, shall be guilty of a misdemeanor  
141 and, upon conviction, shall be fined not more than Two Hundred  
142 Dollars (\$200.00).

143 (7) All law enforcement officers are authorized to enforce  
144 this section on public and private property. Provision of spaces  
145 restricted to handicapped parking and proper marking of such  
146 spaces shall be considered as intent and permission to enforce  
147 such designated parking on private property. Only areas marked in  
148 accordance with the Americans with Disabilities Act Accessibility  
149 Guidelines or equivalent standards shall be enforced. Spaces  
150 shall bear the International Symbol of Access.

151 (8) Motor vehicles displaying a special license plate,  
152 license plate decal, placard or parking certificate or permit  
153 bearing the International Symbol of Access issued to a person with  
154 a disability by any other state or district subject to the laws of  
155 the United States shall be allowed the special parking privileges  
156 under this section provided the license plate, decal, placard,  
157 permit or certificate bears the International Symbol of Access and  
158 is displayed in a prominent place on the vehicle.

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

165 (a) For a vehicle used to transport a person with a

166 permanent disability, that person's permanent windshield placard  
167 must be displayed.

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

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