

By: Senator(s) Rayborn

To: Finance

SENATE BILL NO. 2437

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO INCREASE TO FIVE YEARS THE AMOUNT OF TIME THAT A PHYSICIAN MUST
3 CERTIFY THAT A PERSON WILL HAVE A DISABILITY IN ORDER FOR SUCH
4 PERSON TO BE ELIGIBLE TO RECEIVE A SPECIAL LICENSE TAG FOR
5 DISABLED PERSONS; TO PROVIDE THAT WINDSHIELD PLACARDS ISSUED BY
6 THE STATE TAX COMMISSION SHALL BE VALID FOR THE PERIOD OF TIME
7 THAT LICENSE TAGS ATTACHED UPON A MOTOR VEHICLE ARE VALID; AND FOR
8 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.

39 The terms "vehicle" and "motor vehicle," as used in this
40 section, include motorcycles.

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

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

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

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

54 (d) Use portable oxygen; or

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

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

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

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

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

100 determined that the applicant will have the disability, not to
101 exceed six (6) months from the date of issuance. The State Tax
102 Commission shall prescribe the placement for motorcycles.

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

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

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

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

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

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

128 (6) Any person who, for the purpose of obtaining a special
129 license plate or windshield placard under this section, files with
130 the county tax collector a physician's certification, knowing the
131 certification to be false or to have been fraudulently obtained,
132 shall be guilty of a misdemeanor and, upon conviction, shall be

133 fined not more than Two Hundred Dollars (\$200.00).

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

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

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

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

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

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