

By: Representative Morris

To: Transportation

HOUSE BILL NO. 502

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A PERSON WHO IS CHARGED WITH A VIOLATION OF THE
 3 LAW SETTING ASIDE SPECIAL PARKING AREAS FOR PERSONS WHO ARE
 4 DISABLED SHALL NOT BE CONVICTED FOR FAILING TO DISPLAY A SPECIAL
 5 WINDSHIELD PLACARD UPON PRESENTATION TO THE COURT OF PROOF THAT AT
 6 THE TIME OF THE CHARGED VIOLATION HE OR A PASSENGER IN THE VEHICLE
 7 POSSESSED A VALID PLACARD; AND FOR RELATED PURPOSES.

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

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

11 27-19-56. (1) Upon application by any legal resident of the
 12 State of Mississippi with a disability which limits or impairs the
 13 ability to walk, the State Tax Commission shall prepare and issue
 14 through the county tax collectors a special license plate bearing
 15 the International Symbol of Access adopted by Rehabilitation
 16 International in 1969 at its Eleventh World Congress on
 17 Rehabilitation of the Disabled for not more than one (1) vehicle
 18 that is registered in the applicant's name. The initial
 19 application shall be accompanied by the certification of a
 20 licensed physician that (a) the applicant meets the definition of
 21 persons with disabilities which limit or impair the ability to
 22 walk; and (b) that the physician has determined that the applicant
 23 will have the disability for at least three (3) years. The State
 24 Tax Commission shall prepare and issue to the tax collectors of
 25 the various counties, decals for placement on the special license
 26 plates. The decals shall bear thereon the month in which the
 27 license plate was issued and the year in which the special license
 28 plate will expire. The special license plate issued under this

29 section is valid for the period of time that the license tag
30 attached upon a motor vehicle is issued pursuant to Section
31 27-19-31(1). A person to whom the special license plate is issued
32 may retain the special license plate and may renew it by
33 submitting to the county tax collector, on or before its
34 expiration, the certification of a licensed physician that the
35 physician has determined (a) that the applicant meets the
36 definition of a person with a disability which limits or impairs
37 the ability to walk; and (b) that the applicant will have the
38 disability for at least three (3) years. If an applicant fails to
39 renew the special license plate before its date of expiration,
40 then he shall surrender the special license plate to the county
41 tax collector and the tax collector shall issue to such person a
42 regular license plate to replace the special license plate.

43 The terms "vehicle" and "motor vehicle," as used in this
44 section, includes motorcycles.

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

48 (a) Cannot walk two hundred (200) feet without stopping
49 to rest; or

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

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

58 (d) Use portable oxygen; or

59 (e) Have a cardiac condition to the extent that the
60 person's functional limitations are classified in severity as

61 Class III or Class IV according to standards set by the American
62 Heart Association; or

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

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

71 (2) The State Tax Commission shall prepare removable
72 windshield placards and such placards shall be issued and
73 periodically renewed upon the applications of persons with
74 disabilities which limit or impair the ability to walk. The
75 placards shall be issued, free of charge, to applicants through
76 the offices of the tax collectors of the counties. The initial
77 application shall be accompanied by the certification of a
78 licensed physician that the applicant meets the definition of
79 persons with disabilities which limit or impair the ability to
80 walk. These placards shall be valid for a period of three (3)
81 years from their date of issue and may be renewed in the same
82 manner as provided for the renewal of the special license plates
83 under subsection (1) of this section. The removable windshield
84 placard must be displayed on the left side of the vehicle
85 dashboard. The State Tax Commission shall prescribe the placement
86 for motorcycles.

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

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

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

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

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

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

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

118 (5) (a) It shall be unlawful to park a motor vehicle in an
119 area set aside for persons who are disabled if the motor vehicle
120 does not have displayed the removable windshield placard
121 authorized in this section. Any person who unlawfully parks a
122 motor vehicle in such areas, or who blocks such spaces or access
123 thereto, shall be guilty of a misdemeanor and, upon conviction
124 thereof, shall be fined not more than Two Hundred Dollars
125 (\$200.00) for each such violation. For the third and subsequent
126 offenses under this section, the offender's driver's license shall

127 be suspended for ninety (90) days by the Commissioner of Public
128 Safety in accordance with Section 63-1-53 in addition to any fine
129 imposed. The court shall not suspend or reduce any fine required
130 to be imposed under this subsection.

131 (b) A person who is charged with a violation of this
132 section by parking a motor vehicle in an area set aside for
133 persons who are disabled and failing properly to display a
134 removable windshield placard on the dash of the vehicle shall not
135 be convicted and shall have the charge dismissed upon presentation
136 to the court of proof that at the time of the charged violation he
137 or a passenger in the vehicle possessed a valid removable
138 windshield placard issued under this section.

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

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

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

159 permit or certificate bears the International Symbol of Access and
160 is displayed in a prominent place on the vehicle.

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

167 (a) For a vehicle used to transport a person with a
168 permanent disability, that person's permanent windshield placard
169 must be displayed.

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

174 SECTION 2. This act shall take effect and be in force from
175 and after July 1, 2001.