

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 502: Handicap parking violation; charge dismissed upon proof to court of valid windshield placard.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

12 SECTION 1. Section 27-19-56, Mississippi Code of 1972, is
13 amended as follows:
14 27-19-56. (1) Upon application by any legal resident of the
15 State of Mississippi with a disability which limits or impairs the
16 ability to walk, the State Tax Commission shall prepare and issue
17 through the county tax collectors a special license plate bearing
18 the International Symbol of Access adopted by Rehabilitation
19 International in 1969 at its Eleventh World Congress on
20 Rehabilitation of the Disabled for not more than one (1) vehicle
21 that is registered in the applicant's name. The initial
22 application shall be accompanied by the certification of a
23 licensed physician that (a) the applicant meets the definition of
24 persons with disabilities which limit or impair the ability to
25 walk; and (b) that the physician has determined that the applicant
26 will have the disability for at least three (3) years. The State
27 Tax Commission shall prepare and issue to the tax collectors of

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

46 The terms "vehicle" and "motor vehicle," as used in this
47 section, includes motorcycles.

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

51 (a) Cannot walk two hundred (200) feet without stopping
52 to rest; or

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

56 (c) Are restricted by lung disease to such an extent
57 that the person's forced (respiratory) expiratory volume for one
58 (1) second, when measured by spirometry, is less than one (1)

59 liter, or the arterial oxygen tension is less than sixty (60)
60 mm/hg on room air at rest; or

61 (d) Use portable oxygen; or

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

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

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

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

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

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

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

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

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

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

121 (5) (a) It shall be unlawful to park a motor vehicle in an
122 area set aside for persons who are disabled if the motor vehicle
123 does not have displayed the removable windshield placard
124 authorized in this section. Any person who unlawfully parks a
125 motor vehicle in such areas, or who blocks such spaces or access
126 thereto, shall be guilty of a misdemeanor and, upon conviction
127 thereof, shall be fined not more than Two Hundred Dollars
128 (\$200.00) for each such violation. For the third and subsequent
129 offenses under this section, the offender's driver's license shall
130 be suspended for ninety (90) days by the Commissioner of Public
131 Safety in accordance with Section 63-1-53 in addition to any fine
132 imposed. The court shall not suspend or reduce any fine required
133 to be imposed under this subsection.

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

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

149 (7) All law enforcement officers are authorized to enforce
150 this section on public and private property. Provision of spaces
151 restricted to handicapped parking and proper marking of such

152 spaces shall be considered as intent and permission to enforce
153 such designated parking on private property. Only areas marked in
154 accordance with the Americans with Disabilities Act Accessibility
155 Guidelines or equivalent standards shall be enforced. Spaces
156 shall bear the International Symbol of Access.

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

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

171 (a) For a vehicle used to transport a person with a
172 permanent disability, that person's permanent windshield placard
173 must be displayed.

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

178 (10) Upon application by a nursing home, retirement home or
179 other institution that transports disabled persons, the State Tax
180 Commission may issue the special license plate authorized pursuant
181 to this section for not more than one (1) vehicle that is
182 registered in the applicant's name that is used to transport

183 disabled residents of the institution. Such institution shall
184 comply with all other laws regarding the registration of such
185 vehicle.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 TO ALLOW A NURSING HOME, RETIREMENT
8 HOME OR OTHER INSTITUTION THAT TRANSPORTS DISABLED PERSONS TO
9 APPLY FOR AND RECEIVE ONE SPECIAL LICENSE PLATE; AND FOR RELATED
10 PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
J. P. Compretta

X _____
Bennie L. Turner

X _____
Randy Mitchell

X _____
Neely C. Carlton

X _____
Charlie Smith

X _____
Alan Nunnelee