

By: Senator(s) Smith

To: Finance

SENATE BILL NO. 2081

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO ALLOW MOTOR VEHICLES DISPLAYING THE DISABLED AMERICAN VETERANS
3 TAG OR PLATE TO PARK IN AREAS SET ASIDE FOR PERSONS WHO ARE
4 DISABLED; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI

6 **SECTION 1.** Section 27-19-56, Mississippi Code of 1972, is
7 amended as follows:

8 27-19-56. (1) Upon application by any legal resident of the
9 State of Mississippi with a disability which limits or impairs the
10 ability to walk, the State Tax Commission shall prepare and issue
11 through the county tax collectors a special license plate bearing
12 the International Symbol of Access adopted by Rehabilitation
13 International in 1969 at its Eleventh World Congress on
14 Rehabilitation of the Disabled for not more than one (1) vehicle
15 that is registered in the applicant's name. The initial
16 application shall be accompanied by the certification of a
17 licensed physician that (a) the applicant meets the definition of
18 persons with disabilities which limit or impair the ability to
19 walk; and (b) that the physician has determined that the applicant
20 will have the disability for at least three (3) years. The State
21 Tax Commission shall prepare and issue to the tax collectors of
22 the various counties, decals for placement on the special license
23 plates. The decals shall bear thereon the month in which the
24 license plate was issued and the year in which the special license
25 plate will expire. The special license plate issued under this
26 section is valid for the period of time that the license tag
27 attached upon a motor vehicle is issued pursuant to Section
28 27-19-31(1). A person to whom the special license plate is issued



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

40 The terms "vehicle" and "motor vehicle," as used in this
41 section, includes motorcycles.

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

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

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

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

55 (d) Use portable oxygen; or

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

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



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

68 (2) The State Tax Commission shall prepare removable
69 windshield placards and such placards shall be issued and
70 periodically renewed upon the applications of persons with
71 disabilities which limit or impair the ability to walk. The
72 placards shall be issued, free of charge, to applicants through
73 the offices of the tax collectors of the counties. The initial
74 application shall be accompanied by the certification of a
75 licensed physician that the applicant meets the definition of
76 persons with disabilities which limit or impair the ability to
77 walk. These placards shall be valid for a period of three (3)
78 years from their date of issue and may be renewed in the same
79 manner as provided for the renewal of the special license plates
80 under subsection (1) of this section. The removable windshield
81 placard must be displayed on the left side of the vehicle
82 dashboard. The State Tax Commission shall prescribe the placement
83 for 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) (a) It shall be unlawful to park a motor vehicle in an
116 area set aside for persons who are disabled if the motor vehicle
117 does not have displayed the removable windshield placard
118 authorized in this section or the disabled American veterans plate
119 or tag authorized in Section 27-19-53. Any person who unlawfully
120 parks a motor vehicle in such areas, or who blocks such spaces or
121 access thereto, shall be guilty of a misdemeanor and, upon
122 conviction thereof, shall be fined not more than Two Hundred
123 Dollars (\$200.00) for each such violation. For the third and
124 subsequent offenses under this section, the offender's driver's
125 license shall be suspended for ninety (90) days by the
126 Commissioner of Public Safety in accordance with Section 63-1-53



127 in addition to any fine imposed. The court shall not suspend or
128 reduce any fine required to be imposed under this subsection.

129 (b) A person who is charged with a violation of this
130 section by parking a motor vehicle in an area set aside for
131 persons who are disabled and failing properly to display a
132 removable windshield placard on the dash of the vehicle or the
133 disabled American veterans plate or tag authorized in Section
134 27-19-53 shall not be convicted, and shall have the charge
135 dismissed upon presentation to the court of proof by means of
136 sworn oral testimony or sworn affidavit that at the time of the
137 charged violation he or a passenger in the vehicle possessed a
138 valid removable windshield placard issued under this section or
139 the disabled American veterans plate or tag authorized in Section
140 27-19-53.

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

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

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



160 under this section provided the license plate, decal, placard,
161 permit or certificate bears the International Symbol of Access and
162 is displayed in a prominent place on the vehicle.

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

169 (a) For a vehicle used to transport a person with a
170 permanent disability, that person's permanent windshield placard
171 or the disabled American veterans plate or tag authorized in
172 Section 27-19-53 must be displayed.

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

177 (10) Upon application by a nursing home, retirement home or
178 other institution that transports disabled persons, the State Tax
179 Commission may issue the special license plate authorized pursuant
180 to this section for not more than one (1) vehicle that is
181 registered in the applicant's name that is used to transport
182 disabled residents of the institution. Such institution shall
183 comply with all other laws regarding the registration of such
184 vehicle.

185 **SECTION 2.** This act shall take effect and be in force from
186 and after July 1, 2002.

