

By: Senator(s) Dearing

To: Highways and  
Transportation

SENATE BILL NO. 2385  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A VEHICLE WITH A SPECIAL DISABLED PERSON'S LICENSE  
3 PLATE OR A DISABLED VETERAN LICENSE PLATE ISSUED UNDER SECTION  
4 27-19-53 THAT IS BEING USED TO TRANSPORT DISABLED PERSONS MAY PARK  
5 IN AN AREA SET ASIDE FOR PERSONS WHO ARE DISABLED WITHOUT  
6 DISPLAYING A WINDSHIELD PLACARD; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

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

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

57 (d) Use portable oxygen; or

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



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

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

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

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



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

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

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

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

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

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

117 (5) (a) It shall be unlawful to park a motor vehicle in an  
118 area set aside for persons who are disabled if the motor vehicle  
119 does not (i) have displayed the removable windshield placard  
120 authorized in this section, (ii) have the special license plate  
121 issued under this section properly displayed upon the motor  
122 vehicle, or (iii) have the disabled American veteran tag or plate  
123 issued under Section 27-19-53 properly displayed upon the motor  
124 vehicle. Any person who unlawfully parks a motor vehicle in such  
125 areas, or who blocks such spaces or access thereto, shall be  
126 guilty of a misdemeanor and, upon conviction thereof, shall be  
127 fined not more than Two Hundred Dollars (\$200.00) for each such



128 violation. For the third and subsequent offenses under this  
129 section, the offender's driver's license shall be suspended for  
130 ninety (90) days by the Commissioner of Public Safety in  
131 accordance with Section 63-1-53 in addition to any fine imposed.  
132 The court shall not suspend or reduce any fine required to be  
133 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 (i) a  
137 removable windshield placard on the dash of the vehicle, (ii) a  
138 special license plate issued under this section upon the vehicle  
139 or (iii) a disabled American veteran tag or plate issued under  
140 Section 27-19-53 upon the vehicle shall not be convicted and shall  
141 have the charge dismissed upon presentation to the court of proof  
142 by means of sworn oral testimony or sworn affidavit that at the  
143 time of the charged violation he or a passenger in the vehicle  
144 possessed a valid removable windshield placard issued under this  
145 section.

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

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



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

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

174 (a) For a vehicle used to transport a person with a  
175 permanent disability, that person's permanent windshield placard  
176 must be displayed or the vehicle must have a special license tag  
177 issued under this section or Section 27-19-53 properly displayed.

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

182 Any person who parks in an area set aside for persons who are  
183 disabled in violation of this subsection shall be punished as  
184 provided for in subsection (5) of this section.

185 (10) Upon application by a nursing home, retirement home or  
186 other institution that transports disabled persons, the State Tax  
187 Commission may issue the special license plate authorized pursuant  
188 to this section for not more than one (1) vehicle that is  
189 registered in the applicant's name that is used to transport  
190 disabled residents of the institution. Such institution shall  
191 comply with all other laws regarding the registration of such  
192 vehicle.



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

