

By: Representative Fleming

To: Transportation

HOUSE BILL NO. 1017

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE ANY PRIVATE PROPERTY OWNER TO TOW AWAY ANY VEHICLE,
3 WHICH IS PARKED ON THE OWNER'S PRIVATE PROPERTY, THAT IS IN
4 VIOLATION OF DISABLED PARKING RESTRICTIONS AT THE VEHICLE OWNER'S
5 EXPENSE; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

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

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

56 (d) Use portable oxygen; or

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



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

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

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

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



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

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

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

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

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

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

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



127 violation. For the third and subsequent offenses under this
128 section, the offender's driver's license shall be suspended for
129 ninety (90) days by the Commissioner of Public Safety in
130 accordance with Section 63-1-53 in addition to any fine imposed.
131 The court shall not suspend or reduce any fine required to be
132 imposed under this subsection.

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

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

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



159 (b) Any owner of private property may tow away a
160 vehicle that is parked on the owner's private property in
161 violation of the disabled parking restrictions set forth in this
162 section at the vehicle owner's expense. In addition, the vehicle
163 owner may be subject to any fines or other penalties provided in
164 this section.

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

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

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

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

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

190 (10) Upon application by a nursing home, retirement home or
191 other institution that transports disabled persons, the State Tax



192 Commission may issue the special license plate authorized pursuant
193 to this section for not more than one (1) vehicle that is
194 registered in the applicant's name that is used to transport
195 disabled residents of the institution. Such institution shall
196 comply with all other laws regarding the registration of such
197 vehicle.

198 **SECTION 2.** This act shall take effect and be in force from
199 and after July 1, 2003.

