

By: Representative Robinson (84th) (By Request)

To: Transportation

HOUSE BILL NO. 1106

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE CARETAKERS OF DISABLED PERSONS TO OBTAIN A SPECIAL
3 TAG FOR DISABLED PERSONS; AND FOR RELATED PURPOSES.

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

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

7 27-19-56. (1) Upon application by any legal resident of the
8 State of Mississippi with a disability which limits or impairs the
9 ability to walk, the State Tax Commission shall prepare and issue
10 through the county tax collectors a special license plate bearing
11 the International Symbol of Access adopted by Rehabilitation
12 International in 1969 at its Eleventh World Congress on
13 Rehabilitation of the Disabled for not more than one (1) vehicle
14 that is registered in the applicant's name. The initial
15 application shall be accompanied by the certification of a
16 licensed physician that (a) the applicant meets the definition of
17 persons with disabilities which limit or impair the ability to
18 walk; and (b) that the physician has determined that the applicant
19 will have the disability for at least three (3) years. The State
20 Tax Commission shall prepare and issue to the tax collectors of
21 the various counties, decals for placement on the special license
22 plates. The decals shall bear thereon the month in which the
23 license plate was issued and the year in which the special license
24 plate will expire. The special license plate issued under this
25 section is valid for the period of time that the license tag
26 attached upon a motor vehicle is issued pursuant to Section
27 27-19-31(1). A person to whom the special license plate is issued



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

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

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

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

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

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

54 (d) Use portable oxygen; or

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

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



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

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

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



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

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

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

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

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

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

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



127 ninety (90) days by the Commissioner of Public Safety in
128 accordance with Section 63-1-53 in addition to any fine imposed.
129 The court shall not suspend or reduce any fine required to be
130 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 (i) a
134 removable windshield placard on the dash of the vehicle, (ii) a
135 special license plate issued under this section upon the vehicle
136 or (iii) a disabled American veteran tag or plate issued under
137 Section 27-19-53 upon the vehicle shall not be convicted and shall
138 have the charge dismissed upon presentation to the court of proof
139 by means of sworn oral testimony or sworn affidavit that at the
140 time of the charged violation he or a passenger in the vehicle
141 possessed a valid removable windshield placard issued under this
142 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 section, 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 or the vehicle must have a special license tag
174 issued under this section or Section 27-19-53 properly displayed.

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

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

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

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

