

By: Representative Green

To: Transportation

HOUSE BILL NO. 1185

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN APPLICANT FOR A LICENSE TAG FOR THE DISABLED
3 MUST HAVE THE DISABILITY FOR AT LEAST FIVE YEARS; TO PROVIDE THAT
4 THE REMOVABLE WINDSHIELD PLACARD SHALL BE VALID FOR A PERIOD OF
5 TIME THAT THE LICENSE TAG ON A MOTOR VEHICLE IS ISSUED; TO PROVIDE
6 THAT THE REMOVABLE WINDSHIELD PLACARD MUST BE HUNG FROM THE REAR
7 VIEW MIRROR; AND FOR RELATED PURPOSES.

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

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

11 27-19-56. (1) Upon application by any legal resident of the
12 State of Mississippi with a disability which limits or impairs the
13 ability to walk, the State Tax Commission shall prepare and issue
14 through the county tax collectors a special license plate bearing
15 the International Symbol of Access adopted by Rehabilitation
16 International in 1969 at its Eleventh World Congress on
17 Rehabilitation of the Disabled for not more than one (1) vehicle
18 that is registered in the applicant's name. The initial
19 application shall be accompanied by the certification of a
20 licensed physician that (a) the applicant meets the definition of
21 persons with disabilities which limit or impair the ability to
22 walk; and (b) that the physician has determined that the applicant
23 will have the disability for at least five (5) years. The State
24 Tax Commission shall prepare and issue to the tax collectors of
25 the various counties, decals for placement on the special license
26 plates. The decals shall bear thereon the month in which the
27 license plate was issued and the year in which the special license
28 plate will expire. The special license plate issued under this
29 section is valid for the period of time that the license tag



30 attached upon a motor vehicle is issued pursuant to Section
31 27-19-31(1). A person to whom the special license plate is issued
32 may retain the special license plate and may renew it by
33 submitting to the county tax collector, on or before its
34 expiration, the certification of a licensed physician that the
35 physician has determined (a) that the applicant meets the
36 definition of a person with a disability which limits or impairs
37 the ability to walk; and (b) that the applicant will have the
38 disability for at least five (5) years. If an applicant fails to
39 renew the special license plate before its date of expiration,
40 then he shall surrender the special license plate to the county
41 tax collector and the tax collector shall issue to such person a
42 regular license plate to replace the special license plate.

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

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

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

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

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

58 (d) Use portable oxygen; or

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



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

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

71 (2) The State Tax Commission shall prepare removable
72 windshield placards and such placards shall be issued and
73 periodically renewed upon the applications of persons with
74 disabilities which limit or impair the ability to walk. The
75 placards shall be issued, free of charge, to applicants through
76 the offices of the tax collectors of the counties. The initial
77 application shall be accompanied by the certification of a
78 licensed physician that the applicant meets the definition of
79 persons with disabilities which limit or impair the ability to
80 walk. These placards shall be valid for the period of time that
81 the license tag for the motor vehicle is issued under Section
82 27-19-31(1), and may be renewed in the same manner as provided for
83 the renewal of the special license plates under subsection (1) of
84 this section. The removable windshield placard must be hung from
85 the rear view mirror. The State Tax Commission shall prescribe
86 the placement for motorcycles.

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



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

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

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

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

115 (c) A date of expiration * * *; 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 hung from the rear view mirror, (ii)
138 a 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, 2003.

