

By: Senator(s) Dickerson, Gordon

To: Highways and  
Transportation

SENATE BILL NO. 2709

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT AN APPLICANT FOR A SPECIAL LICENSE PLATE FOR  
3 DISABLED PERSONS HAS A DISABILITY THAT WILL IMPAIR HIS ABILITY TO  
4 WALK FOR AT LEAST FIVE YEARS; TO PROVIDE THAT REMOVABLE WINDSHIELD  
5 PLACARDS FOR DISABLED PERSONS SHALL BE VALID FOR THE PERIOD OF  
6 TIME THAT THE LICENSE TAG ATTACHED ON A MOTOR VEHICLE IS ISSUED;  
7 TO PROVIDE THAT SUCH PLACARDS MUST BE DISPLAYED BY HANGING IT FROM  
8 THE REARVIEW MIRROR OF THE VEHICLE; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

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

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

59 (d) Use portable oxygen; or

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



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

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

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

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



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

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

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

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

117 (c) A date of expiration \* \* \*; and

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

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



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

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

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

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



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

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

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

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

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

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



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

