

By: Senator(s) Dickerson, Gordon

To: Highways and
Transportation

SENATE BILL NO. 2709
(As Passed the Senate)

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 MUST HAVE A DISABILITY THAT WILL IMPAIR HIS
4 ABILITY TO WALK FOR AT LEAST FIVE YEARS; TO PROVIDE THAT REMOVABLE
5 WINDSHIELD PLACARDS FOR DISABLED PERSONS SHALL BE VALID FOR THE
6 PERIOD OF TIME THAT THE LICENSE TAG ATTACHED ON A MOTOR VEHICLE IS
7 ISSUED; TO PROVIDE THAT SUCH PLACARDS MUST BE DISPLAYED BY HANGING
8 IT FROM THE REARVIEW MIRROR OF THE VEHICLE; AND FOR RELATED
9 PURPOSES.

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

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

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



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

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

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

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

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

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

60 (d) Use portable oxygen; or

61 (e) Have a cardiac condition to the extent that the
62 person's functional limitations are classified in severity as



63 Class III or Class IV according to standards set by the American
64 Heart Association; or

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

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

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

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



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

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

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

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

118 (c) A date of expiration * * *; and

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

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



129 guilty of a misdemeanor and, upon conviction thereof, shall be
130 fined not more than Two Hundred Dollars (\$200.00) for each such
131 violation. For the third and subsequent offenses under this
132 section, the offender's driver's license shall be suspended for
133 ninety (90) days by the Commissioner of Public Safety in
134 accordance with Section 63-1-53 in addition to any fine imposed.
135 The court shall not suspend or reduce any fine required to be
136 imposed under this subsection.

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

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

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



161 Guidelines or equivalent standards shall be enforced. Spaces
162 shall bear the International Symbol of Access.

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

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

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

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

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

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



194 comply with all other laws regarding the registration of such
195 vehicle.

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

