

By: Senator(s) Dickerson, Gordon

To: Highways and
Transportation

SENATE BILL NO. 2709
(As Sent to Governor)

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 ON THE
8 LEFT SIDE OF THE VEHICLE DASHBOARD OR BY HANGING IT FROM THE
9 REARVIEW MIRROR OF THE VEHICLE; TO AUTHORIZE ANY OWNER OF PRIVATE
10 PROPERTY TO TOW AWAY A VEHICLE PARKED ON PRIVATE PROPERTY IN
11 VIOLATION OF THE DISABLED PARKING RESTRICTIONS ESTABLISHED UNDER
12 THIS SECTION; AND FOR RELATED PURPOSES.

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

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

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



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

48 The terms "vehicle" and "motor vehicle," as used in this
49 section, includes motorcycles.

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

53 (a) Cannot walk two hundred (200) feet without stopping
54 to rest; or

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

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

63 (d) Use portable oxygen; or

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



66 Class III or Class IV according to standards set by the American
67 Heart Association; or

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

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

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

94 (3) The State Tax Commission shall provide for the issuance
95 of a temporary removable windshield placard, upon the application
96 of a person with a disability which limits or impairs the ability
97 to walk. Temporary removable windshield placards authorized by
98 this subsection shall be prepared by the State Tax Commission and



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

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

116 (a) The International Symbol of Access, which is at
117 least three (3) inches in height, centered on the placard (the
118 color of the removable windshield placard shall be white on a blue
119 shield; and the temporary removable windshield placard shall be
120 white on a red shield);

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

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

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

125 (5) (a) It shall be unlawful to park a motor vehicle in an
126 area set aside for persons who are disabled if the motor vehicle
127 does not (i) have displayed the removable windshield placard
128 authorized in this section, (ii) have the special license plate
129 issued under this section properly displayed upon the motor
130 vehicle, or (iii) have the disabled American veteran tag or plate
131 issued under Section 27-19-53 properly displayed upon the motor



132 vehicle. Any person who unlawfully parks a motor vehicle in such
133 areas, or who blocks such spaces or access thereto, shall be
134 guilty of a misdemeanor and, upon conviction thereof, shall be
135 fined not more than Two Hundred Dollars (\$200.00) for each such
136 violation. For the third and subsequent offenses under this
137 section, the offender's driver's license shall be suspended for
138 ninety (90) days by the Commissioner of Public Safety in
139 accordance with Section 63-1-53 in addition to any fine imposed.
140 The court shall not suspend or reduce any fine required to be
141 imposed under this subsection.

142 (b) A person who is charged with a violation of this
143 section by parking a motor vehicle in an area set aside for
144 persons who are disabled and failing properly to display (i) a
145 removable windshield placard on the dash of the vehicle or by
146 hanging it on the rearview mirror of the vehicle, (ii) a special
147 license plate issued under this section upon the vehicle or (iii)
148 a disabled American veteran tag or plate issued under Section
149 27-19-53 upon the vehicle shall not be convicted and shall have
150 the charge dismissed upon presentation to the court of proof by
151 means of sworn oral testimony or sworn affidavit that at the time
152 of the charged violation he or a passenger in the vehicle
153 possessed a valid removable windshield placard issued under this
154 section.

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

161 (7) All law enforcement officers are authorized to enforce
162 this section on public and private property. Provision of spaces
163 restricted to handicapped parking and proper marking of such
164 spaces shall be considered as intent and permission to enforce



165 such designated parking on private property. Any owner of private
166 property may tow away a vehicle that is parked on the owner's
167 private property in violation of the disabled parking restrictions
168 set forth in this section at the vehicle owner's expense. In
169 addition, the vehicle owner may be subject to any fines or other
170 penalties provided in this section. Only areas marked in
171 accordance with the Americans with Disabilities Act Accessibility
172 Guidelines or equivalent standards shall be enforced. Spaces
173 shall bear the International Symbol of Access.

174 (8) Motor vehicles displaying a special license plate,
175 license plate decal, placard or parking certificate or permit
176 bearing the International Symbol of Access issued to a person with
177 a disability by any other state or district subject to the laws of
178 the United States shall be allowed the special parking privileges
179 under this section provided the license plate, decal, placard,
180 permit or certificate bears the International Symbol of Access and
181 is displayed in a prominent place on the vehicle.

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

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

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



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

199 (10) Upon application by a nursing home, retirement home or
200 other institution that transports disabled persons, the State Tax
201 Commission may issue the special license plate authorized pursuant
202 to this section for not more than one (1) vehicle that is
203 registered in the applicant's name that is used to transport
204 disabled residents of the institution. Such institution shall
205 comply with all other laws regarding the registration of such
206 vehicle.

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

