

By: Representative Banks

To: Transportation

HOUSE BILL NO. 1402

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A DISABLED PERSON TO WHOM A SPECIAL MOTOR VEHICLE
3 LICENSE PLATE IS ISSUED FOR THE PURPOSE OF ALLOWING SUCH PERSON
4 SPECIAL PARKING PRIVILEGES MAY RETAIN THE SPECIAL LICENSE PLATE
5 AND RENEW IT ANNUALLY WITHOUT BEING REQUIRED TO SUBMIT AN
6 ADDITIONAL CERTIFICATION OF A PHYSICIAN THAT THE APPLICANT MEETS
7 THE DEFINITION OF PERSONS WITH DISABILITIES; AND FOR RELATED
8 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 annually
34 without being required to submit an additional certification of a
35 physician, upon complying with the motor vehicle laws relating to
36 registration and licensing of motor vehicles, and upon payment of
37 all taxes and fees prescribed by law for private carriers of
38 passengers, pickup trucks and other noncommercial motor vehicles.
39 If an applicant fails to renew the special license plate before
40 its date of expiration, then he shall surrender the special
41 license plate to the county tax collector and the tax collector
42 shall issue to such person a regular license plate to replace the
43 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 that
82 the license tag attached upon a motor vehicle is issued pursuant
83 to Section 27-19-31(1) and may be renewed in the same manner as
84 provided for the renewal of the special license plates under
85 subsection (1) of this section. The removable windshield placard
86 must be displayed on the left side of the vehicle dashboard or by
87 hanging it on the rearview mirror of the vehicle. The State Tax
88 Commission shall prescribe the 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 on the left side of the
103 vehicle dashboard or by hanging it on the rearview mirror of the
104 vehicle. The temporary removable windshield placard shall be
105 valid for a period of time for which the physician has determined
106 that the applicant will have the disability, not to exceed six (6)
107 months from the date of issuance. The State Tax Commission shall
108 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 on the dash of the vehicle or by
141 hanging it on the rearview mirror of the vehicle, (ii) a special
142 license plate issued under this section upon the vehicle or (iii)
143 a disabled American veteran tag or plate issued under Section
144 27-19-53 upon the vehicle shall not be convicted and shall have
145 the charge dismissed upon presentation to the court of proof by
146 means of sworn oral testimony or sworn affidavit that at the time
147 of the charged violation he or a passenger in the vehicle
148 possessed a valid removable windshield placard issued under this
149 section.

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

156 (7) All law enforcement officers are authorized to enforce
157 this section on public and private property. Provision of spaces
158 restricted to handicapped parking and proper marking of such
159 spaces shall be considered as intent and permission to enforce
160 such designated parking on private property. Any owner of private
161 property may tow away a vehicle that is parked on the owner's
162 private property in violation of the disabled parking restrictions

163 set forth in this section at the vehicle owner's expense. In
164 addition, the vehicle owner may be subject to any fines or other
165 penalties provided in this section. Only areas marked in
166 accordance with the Americans with Disabilities Act Accessibility
167 Guidelines or equivalent standards shall be enforced. Spaces
168 shall bear the International Symbol of Access.

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

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

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

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

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

194 (10) Upon application by a nursing home, retirement home or
195 other institution that transports disabled persons, the State Tax

196 Commission may issue the special license plate authorized pursuant
197 to this section for not more than one (1) vehicle that is
198 registered in the applicant's name that is used to transport
199 disabled residents of the institution. Such institution shall
200 comply with all other laws regarding the registration of such
201 vehicle.

202 **SECTION 2.** This act shall take effect and be in force from
203 and after July 1, 2004.