

By: Senator(s) Hewes

To: Finance

SENATE BILL NO. 2075

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IT SHALL BE UNLAWFUL TO USE A REMOVABLE WINDSHIELD
3 PLACARD TO PARK IN AN AREA SET ASIDE FOR THE DISABLED UNLESS THE
4 DATE OF EXPIRATION OF THE PLACARD IS VISIBLE; AND FOR RELATED
5 PURPOSES.

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

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

9 27-19-56. (1) Upon application by any legal resident of the
10 State of Mississippi with a disability which limits or impairs the
11 ability to walk, the State Tax Commission shall prepare and issue
12 through the county tax collectors a special license plate bearing
13 the International Symbol of Access adopted by Rehabilitation
14 International in 1969 at its Eleventh World Congress on
15 Rehabilitation of the Disabled for not more than one (1) vehicle
16 that is registered in the applicant's name. The initial
17 application shall be accompanied by the certification of a
18 licensed physician that (a) the applicant meets the definition of
19 persons with disabilities which limit or impair the ability to
20 walk; and (b) that the physician has determined that the applicant
21 will have the disability for at least five (5) years. The State
22 Tax Commission shall prepare and issue to the tax collectors of
23 the various counties, decals for placement on the special license
24 plates. The decals shall bear thereon the month in which the
25 license plate was issued and the year in which the special license
26 plate will expire. The special license plate issued under this
27 section is valid for the period of time that the license tag
28 attached upon a motor vehicle is issued pursuant to Section

29 27-19-31(1). A person to whom the special license plate is issued
30 may retain the special license plate and may renew it by
31 submitting to the county tax collector, on or before its
32 expiration, the certification of a licensed physician that the
33 physician has determined (a) that the applicant meets the
34 definition of a person with a disability which limits or impairs
35 the ability to walk; and (b) that the applicant will have the
36 disability for at least five (5) years. If an applicant fails to
37 renew the special license plate before its date of expiration,
38 then he shall surrender the special license plate to the county
39 tax collector and the tax collector shall issue to such person a
40 regular license plate to replace the special license plate.

41 The terms "vehicle" and "motor vehicle," as used in this
42 section, includes motorcycles.

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

46 (a) Cannot walk two hundred (200) feet without stopping
47 to rest; or

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

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

56 (d) Use portable oxygen; or

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

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

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

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

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

94 certification of a licensed physician that the applicant meets the
95 definition of persons with disabilities which limit or impair the
96 ability to walk. The certification shall also include the period
97 of time that the physician determines the applicant will have the
98 disability, not to exceed six (6) months. The temporary removable
99 windshield placard must be displayed on the left side of the
100 vehicle dashboard or by hanging it on the rearview mirror of the
101 vehicle. The temporary removable windshield placard shall be
102 valid for a period of time for which the physician has determined
103 that the applicant will have the disability, not to exceed six (6)
104 months from the date of issuance. The State Tax Commission shall
105 prescribe the 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 with the date of expiration visible,
121 (ii) have the special license plate issued under this section
122 properly displayed upon the motor vehicle, or (iii) have the
123 disabled American veteran tag or plate issued under Section
124 27-19-53 properly displayed upon the motor vehicle. Any person
125 who unlawfully parks a motor vehicle in such areas, or who blocks
126 such spaces or access thereto, shall be guilty of a misdemeanor

127 and, upon conviction thereof, shall be fined not more than Two
128 Hundred Dollars (\$200.00) for each such violation. For the third
129 and subsequent offenses under this section, the offender's
130 driver's license shall be suspended for ninety (90) days by the
131 Commissioner of Public Safety in accordance with Section 63-1-53
132 in addition to any fine imposed. The court shall not suspend or
133 reduce any fine required to be 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 on the dash of the vehicle or by
138 hanging it on the rearview mirror of the vehicle, (ii) a special
139 license plate issued under this section upon the vehicle or (iii)
140 a disabled American veteran tag or plate issued under Section
141 27-19-53 upon the vehicle shall not be convicted and shall have
142 the charge dismissed upon presentation to the court of proof by
143 means of sworn oral testimony or sworn affidavit that at the time
144 of the charged violation he or a passenger in the vehicle
145 possessed a valid removable windshield placard issued under this
146 section.

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

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

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

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

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

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

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

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

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

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

199 **SECTION 2.** This act shall take effect and be in force from
200 and after its passage.