

By: Senator(s) Simmons

To: Finance

SENATE BILL NO. 2880

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A PERSON WHO IS A VETERAN OF SERVICE IN THE ARMED
3 FORCES OF THE UNITED STATES WHO IS RATED AS HAVING A 100%
4 SERVICE-CONNECTED DISABILITY BY THE VETERAN'S ADMINISTRATION TO
5 OBTAIN A LICENSE PLATE OR WINDSHIELD PLACARD FOR THE DISABLED; AND
6 FOR RELATED PURPOSES.

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

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

10 27-19-56. (1) Upon application by any legal resident of the
11 State of Mississippi with a disability which limits or impairs the
12 ability to walk, the State Tax Commission shall prepare and issue
13 through the county tax collectors a special license plate bearing
14 the International Symbol of Access adopted by Rehabilitation
15 International in 1969 at its Eleventh World Congress on
16 Rehabilitation of the Disabled for not more than one (1) vehicle
17 that is registered in the applicant's name. The initial
18 application shall be accompanied by;

19 (a) The certification of a licensed physician that:

20 (i) The applicant meets the definition of persons
21 with disabilities which limit or impair the ability to walk; and

22 (ii) That the physician has determined that the
23 applicant will have the disability for at least five (5) years; or

24 (b) Proof that the applicant is a veteran of service in
25 the Armed Forces of the United States who is rated as having a one
26 hundred percent (100%) service-connected disability by the
27 Veterans' Administration.

28 The State Tax Commission shall prepare and issue to the tax
29 collectors of the various counties, decals for placement on the

30 special license plates. The decals shall bear thereon the month
31 in which the license plate was issued and the year in which the
32 special license plate will expire. The special license plate
33 issued under this section is valid for the period of time that the
34 license tag attached upon a motor vehicle is issued pursuant to
35 Section 27-19-31(1). A person to whom the special license plate
36 is issued may retain the special license plate and may renew it by
37 submitting to the county tax collector, on or before its
38 expiration:

39 (a) The certification of a licensed physician that the
40 physician has determined:

41 (i) That the applicant meets the definition of a
42 person with a disability which limits or impairs the ability to
43 walk; and

44 (ii) That the applicant will have the disability
45 for at least five (5) years; or

46 (b) Proof that the applicant is a veteran of service in
47 the Armed Forces of the United States who is rated as having a one
48 hundred percent (100%) service-connected disability by the
49 Veterans' Administration.

50 If an applicant fails to renew the special license plate
51 before its date of expiration, then he shall surrender the special
52 license plate to the county tax collector and the tax collector
53 shall issue to such person a regular license plate to replace the
54 special license plate.

55 The terms "vehicle" and "motor vehicle," as used in this
56 section, includes motorcycles.

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

60 (a) Cannot walk two hundred (200) feet without stopping
61 to rest; or

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

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

70 (d) Use portable oxygen; or

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

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

77 An applicant for a special license plate bearing the
78 International Symbol of Access shall not be required to pay any
79 fee or charge for the issuance of such license plate separate from
80 or in addition to the road and bridge privilege taxes, ad valorem
81 taxes and registration fees otherwise required by law to be paid
82 for the issuance of a regular license plate for such vehicle.

83 (2) The State Tax Commission shall prepare removable
84 windshield placards and such placards shall be issued and
85 periodically renewed upon the applications of persons with
86 disabilities which limit or impair the ability to walk. The
87 placards shall be issued, free of charge, to applicants through
88 the offices of the tax collectors of the counties. The initial
89 application shall be accompanied by the certification of a
90 licensed physician that the applicant meets the definition of
91 persons with disabilities which limit or impair the ability to
92 walk or by proof that the applicant is a veteran of service in the
93 Armed Forces of the United States who is rated as having a one
94 hundred percent (100%) service-connected disability by the

95 Veterans' Administration. These placards shall be valid for the
96 period of time that the license tag attached upon a motor vehicle
97 is issued pursuant to Section 27-19-31(1) and may be renewed in
98 the same manner as provided for the renewal of the special license
99 plates under subsection (1) of this section. The removable
100 windshield placard must be displayed on the left side of the
101 vehicle dashboard or by hanging it on the rearview mirror of the
102 vehicle. The State Tax Commission shall prescribe the placement
103 for motorcycles.

104 (3) The State Tax Commission shall provide for the issuance
105 of a temporary removable windshield placard, upon the application
106 of a person with a disability which limits or impairs the ability
107 to walk. Temporary removable windshield placards authorized by
108 this subsection shall be prepared by the State Tax Commission and
109 shall be issued, free of charge, to applicants through the offices
110 of the tax collectors of the counties. Application for a
111 temporary removable windshield placard must be accompanied by the
112 certification of a licensed physician that the applicant meets the
113 definition of persons with disabilities which limit or impair the
114 ability to walk. The certification shall also include the period
115 of time that the physician determines the applicant will have the
116 disability, not to exceed six (6) months. The temporary removable
117 windshield placard must be displayed on the left side of the
118 vehicle dashboard or by hanging it on the rearview mirror of the
119 vehicle. The temporary removable windshield placard shall be
120 valid for a period of time for which the physician has determined
121 that the applicant will have the disability, not to exceed six (6)
122 months from the date of issuance. The State Tax Commission shall
123 prescribe the placement for motorcycles.

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

126 (a) The International Symbol of Access, which is at
127 least three (3) inches in height, centered on the placard (the

128 color of the removable windshield placard shall be white on a blue
129 shield; and the temporary removable windshield placard shall be
130 white on a red shield);

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

133 (c) A date of expiration; and

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

135 (5) (a) It shall be unlawful to park a motor vehicle in an
136 area set aside for persons who are disabled if the motor vehicle
137 does not (i) have displayed the removable windshield placard
138 authorized in this section with the date of expiration visible,
139 (ii) have the special license plate issued under this section
140 properly displayed upon the motor vehicle, or (iii) have the
141 disabled American veteran tag or plate issued under Section
142 27-19-53 properly displayed upon the motor vehicle. Any person
143 who unlawfully parks a motor vehicle in such areas, or who blocks
144 such spaces or access thereto, shall be guilty of a misdemeanor
145 and, upon conviction thereof, shall be fined not more than Two
146 Hundred Dollars (\$200.00) for each such violation. For the third
147 and subsequent offenses under this section, the offender's
148 driver's license shall be suspended for ninety (90) days by the
149 Commissioner of Public Safety in accordance with Section 63-1-53
150 in addition to any fine imposed. The court shall not suspend or
151 reduce any fine required to be imposed under this subsection.

152 (b) A person who is charged with a violation of this
153 section by parking a motor vehicle in an area set aside for
154 persons who are disabled and failing properly to display (i) a
155 removable windshield placard on the dash of the vehicle or by
156 hanging it on the rearview mirror of the vehicle, (ii) a special
157 license plate issued under this section upon the vehicle or (iii)
158 a disabled American veteran tag or plate issued under Section
159 27-19-53 upon the vehicle shall not be convicted and shall have
160 the charge dismissed upon presentation to the court of proof by

161 means of sworn oral testimony or sworn affidavit that at the time
162 of the charged violation he or a passenger in the vehicle
163 possessed a valid removable windshield placard issued under this
164 section.

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

171 (7) All law enforcement officers are authorized to enforce
172 this section on public and private property. Provision of spaces
173 restricted to handicapped parking and proper marking of such
174 spaces shall be considered as intent and permission to enforce
175 such designated parking on private property. Any owner of private
176 property may tow away a vehicle that is parked on the owner's
177 private property in violation of the disabled parking restrictions
178 set forth in this section at the vehicle owner's expense. In
179 addition, the vehicle owner may be subject to any fines or other
180 penalties provided in this section. Only areas marked in
181 accordance with the Americans with Disabilities Act Accessibility
182 Guidelines or equivalent standards shall be enforced. Spaces
183 shall bear the International Symbol of Access.

184 (8) Motor vehicles displaying a special license plate,
185 license plate decal, placard or parking certificate or permit
186 bearing the International Symbol of Access issued to a person with
187 a disability by any other state or district subject to the laws of
188 the United States shall be allowed the special parking privileges
189 under this section provided the license plate, decal, placard,
190 permit or certificate bears the International Symbol of Access and
191 is displayed in a prominent place on the vehicle.

192 (9) Parking in any area set aside for persons who are
193 disabled is limited to vehicles which, immediately before or after

194 the utilization of such an area, are used to transport a person
195 with a disability which limits or impairs the ability to walk.
196 The identification required to park in such an area, except as
197 provided in subsection (8) of this section, is as follows:

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

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

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

209 (10) Upon application by a nursing home, retirement home or
210 other institution that transports disabled persons, the State Tax
211 Commission may issue the special license plate authorized pursuant
212 to this section for not more than one (1) vehicle that is
213 registered in the applicant's name that is used to transport
214 disabled residents of the institution. Such institution shall
215 comply with all other laws regarding the registration of such
216 vehicle.

217 **SECTION 2.** This act shall take effect and be in force from
218 and after July 1, 2005.