

By: Representative Franks

To: Ways and Means

HOUSE BILL NO. 788

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT A GOVERNMENTAL ENTITY FROM CHARGING A FEE FOR THE
3 PURPOSE OF ALLOWING A MOTOR VEHICLE TO PARK IN AN AREA SET ASIDE
4 FOR PERSONS WHO ARE DISABLED; AND FOR RELATED PURPOSES.

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

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

8 27-19-56. (1) Upon application by any legal resident of the
9 State of Mississippi with a disability which limits or impairs the
10 ability to walk, the State Tax Commission shall prepare and issue
11 through the county tax collectors a special license plate bearing
12 the International Symbol of Access adopted by Rehabilitation
13 International in 1969 at its Eleventh World Congress on
14 Rehabilitation of the Disabled for not more than one (1) vehicle
15 that is registered in the applicant's name. The initial
16 application shall be accompanied by the certification of a
17 licensed physician that (a) the applicant meets the definition of
18 persons with disabilities which limit or impair the ability to
19 walk; and (b) that the physician has determined that the applicant
20 will have the disability for at least five (5) years. The State
21 Tax Commission shall prepare and issue to the tax collectors of
22 the various counties, decals for placement on the special license
23 plates. The decals shall bear thereon the month in which the
24 license plate was issued and the year in which the special license
25 plate will expire. The special license plate issued under this
26 section is valid for the period of time that the license tag
27 attached upon a motor vehicle is issued pursuant to Section
28 27-19-31(1). A person to whom the special license plate is issued

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

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

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

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

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

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

55 (d) Use portable oxygen; or

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

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

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

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

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

95 ability to walk. The certification shall also include the period
96 of time that the physician determines the applicant will have the
97 disability, not to exceed six (6) months. The temporary removable
98 windshield placard must be displayed on the left side of the
99 vehicle dashboard or by hanging it on the rearview mirror of the
100 vehicle. The temporary removable windshield placard shall be
101 valid for a period of time for which the physician has determined
102 that the applicant will have the disability, not to exceed six (6)
103 months from the date of issuance. The State Tax Commission shall
104 prescribe the placement for motorcycles.

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

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

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

114 (c) A date of expiration; and

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

116 (5) (a) It shall be unlawful to park a motor vehicle in an
117 area set aside for persons who are disabled if the motor vehicle
118 does not (i) have displayed the removable windshield placard
119 authorized in this section with the date of expiration visible,
120 (ii) have the special license plate issued under this section
121 properly displayed upon the motor vehicle, or (iii) have the
122 disabled American veteran tag or plate issued under Section
123 27-19-53 properly displayed upon the motor vehicle. Any person
124 who unlawfully parks a motor vehicle in such areas, or who blocks
125 such spaces or access thereto, shall be guilty of a misdemeanor
126 and, upon conviction thereof, shall be fined not more than Two
127 Hundred Dollars (\$200.00) for each such violation. For the third

128 and subsequent offenses under this section, the offender's
129 driver's license shall be suspended for ninety (90) days by the
130 Commissioner of Public Safety in accordance with Section 63-1-53
131 in addition to any fine imposed. The court shall not suspend or
132 reduce any fine required to be imposed under this subsection.

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

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

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

161 penalties provided in this section. Only areas marked in
162 accordance with the Americans with Disabilities Act Accessibility
163 Guidelines or equivalent standards shall be enforced. Spaces
164 shall bear the International Symbol of Access.

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

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

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

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

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

190 (10) Upon application by a nursing home, retirement home or
191 other institution that transports disabled persons, the State Tax
192 Commission may issue the special license plate authorized pursuant
193 to this section for not more than one (1) vehicle that is

194 registered in the applicant's name that is used to transport
195 disabled residents of the institution. Such institution shall
196 comply with all other laws regarding the registration of such
197 vehicle.

198 (11) No agency, department, institution instrumentality or
199 political subdivision of the state, and no agency, department,
200 institution instrumentality of any political subdivision of the
201 state, may charge any fee as a condition for allowing a motor
202 vehicle to park in an area set aside for persons who are disabled
203 if the vehicle properly displays a special license plate, license
204 plate decal, placard or parking certificate or permit as
205 authorized under this section.

206 **SECTION 2.** This act shall take effect and be in force from
207 and after July 1, 2007.