

By: Representatives Davis, Howell, Moore

To: Transportation

## HOUSE BILL NO. 1251

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT EACH PARKING SPACE SET ASIDE FOR PERSONS WHO ARE  
3 DISABLED SHALL HAVE DISPLAYED ON THE SIGN DESIGNATING SUCH SPACE  
4 THAT A FINE OF \$200.00 SHALL BE IMPOSED FOR A PERSON WHO  
5 UNLAWFULLY PARKS IN SUCH SPACE; AND FOR RELATED 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. Each such  
125 space set aside for persons who are disabled shall have displayed  
126 on the sign designating such space that a fine of Two Hundred

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

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

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

157 (7) All law enforcement officers are authorized to enforce  
158 this section on public and private property. Provision of spaces  
159 restricted to handicapped parking and proper marking of such

160 spaces shall be considered as intent and permission to enforce  
161 such designated parking on private property. Any owner of private  
162 property may tow away a vehicle that is parked on the owner's  
163 private property in violation of the disabled parking restrictions  
164 set forth in this section at the vehicle owner's expense. In  
165 addition, the vehicle owner may be subject to any fines or other  
166 penalties provided in this section. Only areas marked in  
167 accordance with the Americans with Disabilities Act Accessibility  
168 Guidelines or equivalent standards shall be enforced. Spaces  
169 shall bear the International Symbol of Access. Each such space  
170 set aside for persons who are disabled shall have displayed on the  
171 sign designating such space that a fine of Two Hundred Dollars  
172 (\$200.00) shall be imposed for a person who unlawfully parks in  
173 such space.

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, 2007.