

By: Representative Sanford

To: Ways and Means

HOUSE BILL NO. 5

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF SPECIAL MOTOR VEHICLE LICENSE PLATES AND
3 WINDSHIELD PLACARDS THAT MAY BE ISSUED TO A PERSON WHO HAS A
4 DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK OR TO THE
5 OWNER OF A MOTOR VEHICLE WHO HAS A CHILD, PARENT OR SPOUSE WITH
6 SUCH A DISABILITY AND THE CHILD, PARENT OR SPOUSE IS LIVING WITH
7 THE OWNER OF THE VEHICLE; AND FOR RELATED PURPOSES.

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

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

11 27-19-56. (1) (a) Upon application by any legal resident
12 of the State of Mississippi with a disability which limits or
13 impairs the ability to walk, or by the owner of a motor vehicle
14 who has a child, parent or spouse with a disability which limits
15 or impairs the ability to walk and the child, parent or spouse is
16 living with the applicant, the Department of Revenue shall prepare
17 and issue through the county tax collectors a special license
18 plate bearing the International Symbol of Access adopted by
19 Rehabilitation International in 1969 at its Eleventh World
20 Congress on Rehabilitation of the Disabled for not more than * * *



21 three (3) vehicles that are registered in the applicant's name.
22 The initial application shall be accompanied by the certification
23 of a licensed physician that (i) the applicant or the applicant's
24 child, parent or spouse meets the definition of persons with
25 disabilities which limit or impair the ability to walk; and (ii)
26 that the physician has determined that the applicant or the
27 applicant's child, parent or spouse will have the disability for
28 at least five (5) years. The Department of Revenue shall prepare
29 and issue to the tax collectors of the various counties, decals
30 for placement on the special license plates. The decals shall
31 bear thereon the month in which the license plate was issued and
32 the year in which the special license plate will expire. The
33 special license plate issued under this section is valid for the
34 period of time that the license tag attached upon a motor vehicle
35 is issued pursuant to Section 27-19-31(1). A person to whom the
36 special license plate is issued may retain the special license
37 plate and may renew it by submitting to the county tax collector,
38 on or before its expiration, the certification of a licensed
39 physician that the physician has determined (i) that the applicant
40 or the applicant's child, parent or spouse meets the definition of
41 a person with a disability which limits or impairs the ability to
42 walk; and (ii) that the applicant or the applicant's child, parent
43 or spouse will have the disability for at least five (5) years.
44 If an applicant fails to renew the special license plate before
45 its date of expiration, then he or she shall surrender the special



46 license plate to the county tax collector and the tax collector
47 shall issue to such person a regular license plate to replace the
48 special license plate.

49 (b) Upon application by any legal resident of the State
50 of Mississippi who has a disabled American veteran plate or tag
51 issued under Section 27-19-53 properly displayed on his vehicle
52 and a disability which limits or impairs the ability to walk, the
53 Department of Revenue shall prepare and issue through the county
54 tax collectors a special decal bearing the International Symbol of
55 Access adopted by Rehabilitation International in 1969 at its
56 Eleventh World Congress on Rehabilitation of the Disabled for not
57 more than * * * three (3) vehicles that are registered in the
58 applicant's name and properly display the plate or tag issued
59 under Section 27-19-53. The decal shall be affixed to the plate
60 or tag issued under Section 27-19-53. The initial application
61 shall be accompanied by the certification of a licensed physician
62 that (i) the applicant meets the definition of persons with
63 disabilities which limit or impair the ability to walk; and (ii)
64 that the physician has determined that the applicant will have the
65 disability for at least five (5) years. The Department of Revenue
66 shall prepare and issue to the tax collectors of the various
67 counties, decals for placement on the plate or tag issued under
68 Section 27-19-53. The decals shall bear thereon the month in
69 which the license plate or tag was issued and the year in which
70 the plate or tag will expire. The special decal is valid for the



71 period of time that the license tag attached upon a motor vehicle
72 is issued pursuant to Section 27-19-53. A person to whom the
73 special decal is issued may retain the decal and may renew it by
74 submitting to the county tax collector, on or before its
75 expiration, the certification of a licensed physician that the
76 physician has determined (i) that the applicant meets the
77 definition of a person with a disability which limits or impairs
78 the ability to walk; and (ii) that the applicant will have the
79 disability for at least five (5) years. If an applicant fails to
80 renew the special license plate decal before its date of
81 expiration, then he shall surrender the decal to the county tax
82 collector.

83 (c) (i) The terms "vehicle" and "motor vehicle," as
84 used in this section, include motorcycles.

85 (ii) The term "persons with disabilities which
86 limit or impair the ability to walk" when used in this section
87 means those persons who, as determined by a licensed physician:

88 1. Cannot walk two hundred (200) feet without
89 stopping to rest; or

90 2. Cannot walk without the use of, or
91 assistance from, a brace, cane, crutch, another person, prosthetic
92 device, wheelchair, or other assistive device; or

93 3. Are restricted by lung disease to such an
94 extent that the person's forced (respiratory) expiratory volume
95 for one (1) second, when measured by spirometry, is less than one



96 (1) liter, or the arterial oxygen tension is less than sixty (60)
97 mm/hg on room air at rest; or

98 4. Use portable oxygen; or

99 5. Have a cardiac condition to the extent
100 that the person's functional limitations are classified in
101 severity as Class III or Class IV according to standards set by
102 the American Heart Association; or

103 6. Are severely limited in their ability to
104 walk due to an arthritic, neurological or orthopedic condition.

105 (d) An applicant for a special license plate or decal
106 bearing the International Symbol of Access shall not be required
107 to pay any fee or charge for the issuance of such license plate or
108 decal separate from or in addition to the road and bridge
109 privilege taxes, ad valorem taxes and registration fees otherwise
110 required by law to be paid for the issuance of a regular license
111 plate for such vehicle.

112 (2) The Department of Revenue shall prepare removable
113 windshield placards and such placards shall be issued and
114 periodically renewed upon the applications of persons with
115 disabilities which limit or impair the ability to walk, or upon
116 the applications of owners of motor vehicles who have a child,
117 parent or spouse with a disability which limits or impairs the
118 ability to walk and the child, parent or spouse is living with the
119 owner of the motor vehicle. The placards shall be issued, free of
120 charge, to applicants through the offices of the tax collectors of



121 the counties. The initial application shall be accompanied by the
122 certification of a licensed physician that the applicant or the
123 applicant's child, parent or spouse meets the definition of
124 persons with disabilities which limit or impair the ability to
125 walk. These placards shall be valid for the period of time that
126 the license tag attached upon a motor vehicle is issued pursuant
127 to Section 27-19-31(1) and may be renewed in the same manner as
128 provided for the renewal of the special license plates or decals
129 under subsection (1) of this section. The removable windshield
130 placard must be displayed on the left side of the vehicle
131 dashboard or by hanging it on the rearview mirror of the vehicle.
132 The Department of Revenue shall prescribe the placement for
133 motorcycles.

134 (3) The Department of Revenue shall provide for the issuance
135 of a temporary removable windshield placard, upon the application
136 of a person with a disability which limits or impairs the ability
137 to walk, or upon the application of the owner of a motor vehicle
138 who has a child, parent or spouse with a disability which limits
139 or impairs the ability to walk and the child, parent or spouse is
140 living with the owner of the motor vehicle. Temporary removable
141 windshield placards authorized by this subsection shall be
142 prepared by the Department of Revenue and shall be issued, free of
143 charge, to applicants through the offices of the tax collectors of
144 the counties. Application for a temporary removable windshield
145 placard must be accompanied by the certification of a licensed



146 physician that the applicant or the applicant's child, parent or
147 spouse meets the definition of persons with disabilities which
148 limit or impair the ability to walk. The certification shall also
149 include the period of time that the physician determines the
150 applicant or the applicant's child, parent or spouse will have the
151 disability, not to exceed six (6) months. The temporary removable
152 windshield placard must be displayed on the left side of the
153 vehicle dashboard or by hanging it on the rearview mirror of the
154 vehicle. The temporary removable windshield placard shall be
155 valid for a period of time for which the physician has determined
156 that the applicant will have the disability, not to exceed six (6)
157 months from the date of issuance. The Department of Revenue shall
158 prescribe the placement for motorcycles.

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

161 (a) The International Symbol of Access, which is at
162 least three (3) inches in height, centered on the placard (the
163 color of the removable windshield placard shall be white on a blue
164 shield; and the temporary removable windshield placard shall be
165 white on a red shield);

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

168 (c) A date of expiration; and

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



170 (5) (a) It shall be unlawful to park a motor vehicle in an
171 area set aside for persons who are disabled if the motor vehicle
172 does not (i) have displayed the removable windshield placard
173 authorized in this section with the date of expiration visible,
174 (ii) have the special license plate issued under this section
175 properly displayed upon the motor vehicle, (iii) have the disabled
176 American veteran tag or plate issued under Section 27-19-53
177 properly displayed upon the motor vehicle, or (iv) have the
178 disabled Purple Heart Medal recipient tag or plate issued under
179 Section 27-19-56.5 properly displayed upon the motor vehicle. Any
180 person who unlawfully parks a motor vehicle in such areas, or who
181 blocks such spaces or access thereto, shall be guilty of a
182 misdemeanor and, upon conviction thereof, shall be fined not more
183 than Two Hundred Dollars (\$200.00) for each such violation. For
184 the third and subsequent offenses under this section, the
185 offender's driver's license shall be suspended for ninety (90)
186 days by the Commissioner of Public Safety in accordance with
187 Section 63-1-53 in addition to any fine imposed. The court shall
188 not suspend or reduce any fine required to be imposed under this
189 subsection.

190 (b) A person who is charged with a violation of this
191 section by parking a motor vehicle in an area set aside for
192 persons who are disabled and failing properly to display (i) a
193 removable windshield placard on the dash of the vehicle or by
194 hanging it on the rearview mirror of the vehicle, (ii) a special



195 license plate issued under this section upon the vehicle, (iii) a
196 disabled American veteran tag or plate issued under Section
197 27-19-53, or (iv) have the disabled Purple Heart Medal recipient
198 tag or plate issued under Section 27-19-56.5 properly displayed
199 upon the motor vehicle shall not be convicted and shall have the
200 charge dismissed upon presentation to the court of proof by means
201 of sworn oral testimony or sworn affidavit that at the time of the
202 charged violation such person or a passenger in the vehicle
203 possessed a valid removable windshield placard issued under this
204 section.

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

211 (7) All law enforcement officers are authorized to enforce
212 this section on public and private property. Provision of spaces
213 restricted to handicapped parking and proper marking of such
214 spaces shall be considered as intent and permission to enforce
215 such designated parking on private property. Any owner of private
216 property may tow away a vehicle that is parked on the owner's
217 private property in violation of the disabled parking restrictions
218 set forth in this section at the vehicle owner's expense. In
219 addition, the vehicle owner may be subject to any fines or other



220 penalties provided in this section. Only areas marked in
221 accordance with the Americans with Disabilities Act Accessibility
222 Guidelines or equivalent standards shall be enforced. Spaces
223 shall bear the International Symbol of Access.

224 (8) Motor vehicles displaying a special license plate,
225 license plate decal, placard or parking certificate or permit
226 bearing the International Symbol of Access issued to a person with
227 a disability by any other state or district subject to the laws of
228 the United States shall be allowed the special parking privileges
229 under this section provided the license plate, decal, placard,
230 permit or certificate bears the International Symbol of Access and
231 is displayed in a prominent place on the vehicle.

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

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

242 (b) For a vehicle being used by a person who has a
243 temporary disability which limits or impairs the ability to walk,



244 or which is being used to transport such a person, a temporary
245 windshield placard must be displayed.

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

249 (10) Upon application by a nursing home, retirement home or
250 other institution that transports disabled persons, the Department
251 of Revenue may issue the special license plate authorized pursuant
252 to this section for not more than one (1) vehicle that is
253 registered in the applicant's name that is used to transport
254 disabled residents of the institution. Such institution shall
255 comply with all other laws regarding the registration of such
256 vehicle.

257 **SECTION 2.** This act shall take effect and be in force from
258 and after July 1, 2018.

