

By: Representatives Banks, Paden

To: Public Health and Human Services; Transportation

HOUSE BILL NO. 651

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A DISABLED PERSON TO WHOM A SPECIAL MOTOR VEHICLE
3 LICENSE PLATE OR DECAL IS ISSUED FOR THE PURPOSE OF ALLOWING SUCH
4 PERSON SPECIAL PARKING PRIVILEGES MAY RETAIN THE SPECIAL LICENSE
5 PLATE AND RENEW IT ANNUALLY WITHOUT BEING REQUIRED TO SUBMIT AN
6 ADDITIONAL CERTIFICATION OF A PHYSICIAN THAT THE APPLICANT MEETS
7 THE DEFINITION OF PERSONS WITH DISABILITIES; AND FOR RELATED
8 PURPOSES.

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

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

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



22 (2) vehicles that are registered in the applicant's name. The
23 initial application shall be accompanied by the certification of a
24 licensed physician that (i) the applicant or the applicant's
25 child, parent or spouse meets the definition of persons with
26 disabilities which limit or impair the ability to walk; and (ii)
27 that the physician has determined that the applicant or the
28 applicant's child, parent or spouse will have the disability for
29 at least five (5) years. The Department of Revenue shall prepare
30 and issue to the tax collectors of the various counties, decals
31 for placement on the special license plates. The decals shall
32 bear thereon the month in which the license plate was issued and
33 the year in which the special license plate will expire. The
34 special license plate issued under this section is valid for the
35 period of time that the license tag attached upon a motor vehicle
36 is issued pursuant to Section 27-19-31(1). A person to whom the
37 special license plate is issued may retain the special license
38 plate and may renew it * * * annually without being required to
39 submit to the county tax collector certification of a licensed
40 physician. If an applicant fails to renew the special license
41 plate before its date of expiration, then he or she shall
42 surrender the special license plate to the county tax collector
43 and the tax collector shall issue to such person a regular license
44 plate to replace the special license plate.

45 (b) Upon application by any legal resident of the State
46 of Mississippi who has a disabled American veteran plate or tag



47 issued under Section 27-19-53 properly displayed on his vehicle
48 and a disability which limits or impairs the ability to walk, the
49 Department of Revenue shall prepare and issue through the county
50 tax collectors a special decal bearing the International Symbol of
51 Access adopted by Rehabilitation International in 1969 at its
52 Eleventh World Congress on Rehabilitation of the Disabled for not
53 more than two (2) vehicles that are registered in the applicant's
54 name and properly display the plate or tag issued under Section
55 27-19-53. The decal shall be affixed to the plate or tag issued
56 under Section 27-19-53. The initial application shall be
57 accompanied by the certification of a licensed physician that (i)
58 the applicant meets the definition of persons with disabilities
59 which limit or impair the ability to walk; and (ii) that the
60 physician has determined that the applicant will have the
61 disability for at least five (5) years. The Department of Revenue
62 shall prepare and issue to the tax collectors of the various
63 counties, decals for placement on the plate or tag issued under
64 Section 27-19-53. The decals shall bear thereon the month in
65 which the license plate or tag was issued and the year in which
66 the plate or tag will expire. The special decal is valid for the
67 period of time that the license tag attached upon a motor vehicle
68 is issued pursuant to Section 27-19-53. A person to whom the
69 special decal is issued may retain the decal and may renew
70 it * * * annually without being required to submit to the county
71 tax collector certification of a licensed physician. If an



72 applicant fails to renew the special license plate decal before
73 its date of expiration, then he shall surrender the decal to the
74 county tax collector.

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

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

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

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

85 3. Are restricted by lung disease to such an
86 extent that the person's forced (respiratory) expiratory volume
87 for one (1) second, when measured by spirometry, is less than one
88 (1) liter, or the arterial oxygen tension is less than sixty (60)
89 mm/hg on room air at rest; or

90 4. Use portable oxygen; or

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

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



97 (d) An applicant for a special license plate or decal
98 bearing the International Symbol of Access shall not be required
99 to pay any fee or charge for the issuance of such license plate or
100 decal separate from or in addition to the road and bridge
101 privilege taxes, ad valorem taxes and registration fees otherwise
102 required by law to be paid for the issuance of a regular license
103 plate for such vehicle.

104 (2) The Department of Revenue shall prepare removable
105 windshield placards and such placards shall be issued and
106 periodically renewed upon the applications of persons with
107 disabilities which limit or impair the ability to walk, or upon
108 the applications of owners of motor vehicles who have a child,
109 parent or spouse with a disability which limits or impairs the
110 ability to walk and the child, parent or spouse is living with the
111 owner of the motor vehicle. The placards shall be issued, free of
112 charge, to applicants through the offices of the tax collectors of
113 the counties. The initial application shall be accompanied by the
114 certification of a licensed physician that the applicant or the
115 applicant's child, parent or spouse meets the definition of
116 persons with disabilities which limit or impair the ability to
117 walk. These placards shall be valid for the period of time that
118 the license tag attached upon a motor vehicle is issued pursuant
119 to Section 27-19-31(1) and may be renewed in the same manner as
120 provided for the renewal of the special license plates or decals
121 under subsection (1) of this section. The removable windshield



122 placard must be displayed on the left side of the vehicle
123 dashboard or by hanging it on the rearview mirror of the vehicle.
124 The Department of Revenue shall prescribe the placement for
125 motorcycles.

126 (3) The Department of Revenue shall provide for the issuance
127 of a temporary removable windshield placard, upon the application
128 of a person with a disability which limits or impairs the ability
129 to walk, or upon the application of the owner of a motor vehicle
130 who has a child, parent or spouse with a disability which limits
131 or impairs the ability to walk and the child, parent or spouse is
132 living with the owner of the motor vehicle. Temporary removable
133 windshield placards authorized by this subsection shall be
134 prepared by the Department of Revenue and shall be issued, free of
135 charge, to applicants through the offices of the tax collectors of
136 the counties. Application for a temporary removable windshield
137 placard must be accompanied by the certification of a licensed
138 physician that the applicant or the applicant's child, parent or
139 spouse meets the definition of persons with disabilities which
140 limit or impair the ability to walk. The certification shall also
141 include the period of time that the physician determines the
142 applicant or the applicant's child, parent or spouse will have the
143 disability, not to exceed six (6) months. The temporary removable
144 windshield placard must be displayed on the left side of the
145 vehicle dashboard or by hanging it on the rearview mirror of the
146 vehicle. The temporary removable windshield placard shall be



147 valid for a period of time for which the physician has determined
148 that the applicant will have the disability, not to exceed six (6)
149 months from the date of issuance. The Department of Revenue shall
150 prescribe the placement for motorcycles.

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

153 (a) The International Symbol of Access, which is at
154 least three (3) inches in height, centered on the placard (the
155 color of the removable windshield placard shall be white on a blue
156 shield; and the temporary removable windshield placard shall be
157 white on a red shield);

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

160 (c) A date of expiration; and

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

162 (5) (a) It shall be unlawful to park a motor vehicle in an
163 area set aside for persons who are disabled if the motor vehicle
164 does not (i) have displayed the removable windshield placard
165 authorized in this section with the date of expiration visible,
166 (ii) have the special license plate issued under this section
167 properly displayed upon the motor vehicle, (iii) have the disabled
168 American veteran tag or plate issued under Section 27-19-53
169 properly displayed upon the motor vehicle, or (iv) have the
170 disabled Purple Heart Medal recipient tag or plate issued under
171 Section 27-19-56.5 properly displayed upon the motor vehicle. Any



172 person who unlawfully parks a motor vehicle in such areas, or who
173 blocks such spaces or access thereto, shall be guilty of a
174 misdemeanor and, upon conviction thereof, shall be fined not more
175 than Two Hundred Dollars (\$200.00) for each such violation. For
176 the third and subsequent offenses under this section, the
177 offender's driver's license shall be suspended for ninety (90)
178 days by the Commissioner of Public Safety in accordance with
179 Section 63-1-53 in addition to any fine imposed. The court shall
180 not suspend or reduce any fine required to be imposed under this
181 subsection.

182 (b) A person who is charged with a violation of this
183 section by parking a motor vehicle in an area set aside for
184 persons who are disabled and failing properly to display (i) a
185 removable windshield placard on the dash of the vehicle or by
186 hanging it on the rearview mirror of the vehicle, (ii) a special
187 license plate issued under this section upon the vehicle, (iii) a
188 disabled American veteran tag or plate issued under Section
189 27-19-53, or (iv) have the disabled Purple Heart Medal recipient
190 tag or plate issued under Section 27-19-56.5 properly displayed
191 upon the motor vehicle shall not be convicted and shall have the
192 charge dismissed upon presentation to the court of proof by means
193 of sworn oral testimony or sworn affidavit that at the time of the
194 charged violation such person or a passenger in the vehicle
195 possessed a valid removable windshield placard issued under this
196 section.



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

203 (7) All law enforcement officers are authorized to enforce
204 this section on public and private property. Provision of spaces
205 restricted to handicapped parking and proper marking of such
206 spaces shall be considered as intent and permission to enforce
207 such designated parking on private property. Any owner of private
208 property may tow away a vehicle that is parked on the owner's
209 private property in violation of the disabled parking restrictions
210 set forth in this section at the vehicle owner's expense. In
211 addition, the vehicle owner may be subject to any fines or other
212 penalties provided in this section. Only areas marked in
213 accordance with the Americans with Disabilities Act Accessibility
214 Guidelines or equivalent standards shall be enforced. Spaces
215 shall bear the International Symbol of Access.

216 (8) Motor vehicles displaying a special license plate,
217 license plate decal, placard or parking certificate or permit
218 bearing the International Symbol of Access issued to a person with
219 a disability by any other state or district subject to the laws of
220 the United States shall be allowed the special parking privileges
221 under this section provided the license plate, decal, placard,



222 permit or certificate bears the International Symbol of Access and
223 is displayed in a prominent place on the vehicle.

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

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

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

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

241 (10) Upon application by a nursing home, retirement home or
242 other institution that transports disabled persons, the Department
243 of Revenue may issue the special license plate authorized pursuant
244 to this section for not more than one (1) vehicle that is
245 registered in the applicant's name that is used to transport
246 disabled residents of the institution. Such institution shall



247 comply with all other laws regarding the registration of such
248 vehicle.

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

