

By: Representatives Byrd, Morgan, Evans
(45th), Guice, Horne, Pigott, Wallace,
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To: Ways and Means

HOUSE BILL NO. 612

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON WHO IS ISSUED A GRAND LODGE OF
3 MISSISSIPPI, FREE AND ACCEPTED MASONS, DISTINCTIVE MOTOR VEHICLE
4 OR MOTORCYCLE LICENSE TAG AND ALSO HAS A DISABILITY WHICH LIMITS
5 OR IMPAIRS THE ABILITY TO WALK OR HAS A CHILD, PARENT OR SPOUSE
6 WITH A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK MAY
7 BE ISSUED A SPECIAL DECAL INDICATING SUCH DISABILITY; TO BRING
8 FORWARD SECTION 27-19-56.14, MISSISSIPPI CODE OF 1972, WHICH
9 AUTHORIZES THE ISSUANCE OF GRAND LODGE OF MISSISSIPPI, FREE AND
10 ACCEPTED MASONS, DISTINCTIVE MOTOR VEHICLE AND MOTORCYCLE LICENSE
11 TAGS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
12 PURPOSES.

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

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

16 27-19-56. (1) (a) Upon application by any legal resident
17 of the State of Mississippi with a disability which limits or
18 impairs the ability to walk, or by the owner of a motor vehicle
19 who has a child, parent or spouse with a disability which limits
20 or impairs the ability to walk and the child, parent or spouse is
21 living with the applicant, the Department of Revenue shall prepare
22 and issue through the county tax collectors a special license
23 plate bearing the International Symbol of Access adopted by



24 Rehabilitation International in 1969 at its Eleventh World
25 Congress on Rehabilitation of the Disabled for not more than two
26 (2) vehicles that are registered in the applicant's name. The
27 initial application shall be accompanied by the certification of a
28 licensed physician that (i) the applicant or the applicant's
29 child, parent or spouse meets the definition of persons with
30 disabilities which limit or impair the ability to walk; and (ii)
31 that the physician has determined that the applicant or the
32 applicant's child, parent or spouse will have the disability for
33 at least five (5) years. The Department of Revenue shall prepare
34 and issue to the tax collectors of the various counties, decals
35 for placement on the special license plates. The decals shall
36 bear thereon the month in which the license plate was issued and
37 the year in which the special license plate will expire. The
38 special license plate issued under this section is valid for the
39 period of time that the license tag attached upon a motor vehicle
40 is issued pursuant to Section 27-19-31(1). A person to whom the
41 special license plate is issued may retain the special license
42 plate and may renew it by submitting to the county tax collector,
43 on or before its expiration, the certification of a licensed
44 physician that the physician has determined (i) that the applicant
45 or the applicant's child, parent or spouse meets the definition of
46 a person with a disability which limits or impairs the ability to
47 walk; and (ii) that the applicant or the applicant's child, parent
48 or spouse will have the disability for at least five (5) years.



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

54 (b) Upon application by any legal resident of the State
55 of Mississippi who has a disabled American veteran plate or tag
56 issued under Section 27-19-53 properly displayed on his vehicle
57 and a disability which limits or impairs the ability to walk, the
58 Department of Revenue shall prepare and issue through the county
59 tax collectors a special decal bearing the International Symbol of
60 Access adopted by Rehabilitation International in 1969 at its
61 Eleventh World Congress on Rehabilitation of the Disabled for not
62 more than two (2) vehicles that are registered in the applicant's
63 name and properly display the plate or tag issued under Section
64 27-19-53. The decal shall be affixed to the plate or tag issued
65 under Section 27-19-53. The initial application shall be
66 accompanied by the certification of a licensed physician that (i)
67 the applicant meets the definition of persons with disabilities
68 which limit or impair the ability to walk; and (ii) that the
69 physician has determined that the applicant will have the
70 disability for at least five (5) years. The Department of Revenue
71 shall prepare and issue to the tax collectors of the various
72 counties, decals for placement on the plate or tag issued under
73 Section 27-19-53. The decals shall bear thereon the month in



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

88 (c) Upon application by any legal resident of the State
89 of Mississippi who has a license tag issued under Section
90 27-19-56.14 properly displayed on his vehicle and has a disability
91 which limits or impairs the ability to walk or has a child, parent
92 or spouse with a disability which limits or impairs the ability to
93 walk and the child, parent or spouse is living with the applicant,
94 the Department of Revenue shall prepare and issue through the
95 county tax collectors a special decal bearing the International
96 Symbol of Access adopted by Rehabilitation International in 1969
97 at its Eleventh World Congress on Rehabilitation of the Disabled
98 for not more than two (2) vehicles that are registered in the



99 applicant's name and properly display a tag issued under Section
100 27-19-56.14. The decal shall be affixed to the tag issued under
101 Section 27-19-56.14. The initial application shall be accompanied
102 by the certification of a licensed physician that (i) the
103 applicant or the applicant's child, parent or spouse meets the
104 definition of persons with disabilities which limit or impair the
105 ability to walk; and (ii) that the physician has determined that
106 the applicant or the applicant's child, parent or spouse will have
107 the disability for at least five (5) years. The special decal is
108 valid for the period of time that the license tag attached upon a
109 motor vehicle is issued pursuant to Section 27-19-56.14. A person
110 to whom the special decal is issued may retain the decal and may
111 renew it by submitting to the county tax collector, on or before
112 its expiration, the certification of a licensed physician that the
113 physician has determined (i) that the applicant or the applicant's
114 child, parent or spouse meets the definition of a person with a
115 disability which limits or impairs the ability to walk; and (ii)
116 that the applicant or the applicant's child, parent or spouse will
117 have the disability for at least five (5) years. If an applicant
118 fails to renew the special decal before its date of expiration,
119 then he shall surrender the decal to the county tax collector.

120 (* * *d) (i) The terms "vehicle" and "motor vehicle,"
121 as used in this section, include motorcycles.



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

1. Cannot walk two hundred (200) feet without stopping to rest; or
2. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
3. Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; or
4. Use portable oxygen; or
5. Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
6. Are severely limited in their ability to walk due to an arthritic, neurological or orthopedic condition.

(* * *e) An applicant for a special license plate or decal bearing the International Symbol of Access shall not be required to pay any fee or charge for the issuance of such license plate or decal separate from or in addition to the road and bridge privilege taxes, ad valorem taxes and registration fees otherwise



required by law to be paid for the issuance of a regular license plate for such vehicle.

(2) The Department of Revenue shall prepare removable windshield placards and such placards shall be issued and periodically renewed upon the applications of persons with disabilities which limit or impair the ability to walk, or upon the applications of owners of motor vehicles who have a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the owner of the motor vehicle. The placards shall be issued, free of charge, to applicants through the offices of the tax collectors of the counties. The initial application shall be accompanied by the certification of a licensed physician that the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk. These placards shall be valid for the period of time that the license tag attached upon a motor vehicle is issued pursuant to Section 27-19-31(1) and may be renewed in the same manner as provided for the renewal of the special license plates or decals under subsection (1) of this section. The removable windshield placard must be displayed on the left side of the vehicle dashboard or by hanging it on the rearview mirror of the vehicle. The Department of Revenue shall prescribe the placement for motorcycles.



(3) The Department of Revenue shall provide for the issuance of a temporary removable windshield placard, upon the application of a person with a disability which limits or impairs the ability to walk, or upon the application of the owner of a motor vehicle who has a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the owner of the motor vehicle. Temporary removable windshield placards authorized by this subsection shall be prepared by the Department of Revenue and shall be issued, free of charge, to applicants through the offices of the tax collectors of the counties. Application for a temporary removable windshield placard must be accompanied by the certification of a licensed physician that the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk. The certification shall also include the period of time that the physician determines the applicant or the applicant's child, parent or spouse will have the disability, not to exceed six (6) months. The temporary removable windshield placard must be displayed on the left side of the vehicle dashboard or by hanging it on the rearview mirror of the vehicle. The temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six (6) months from the date of issuance. The Department of Revenue shall prescribe the placement for motorcycles.



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

198 (a) The International Symbol of Access, which is at
199 least three (3) inches in height, centered on the placard (the
200 color of the removable windshield placard shall be white on a blue
201 shield; and the temporary removable windshield placard shall be
202 white on a red shield);

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

205 (c) A date of expiration; and

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

207 (5) (a) It shall be unlawful to park a motor vehicle in an
208 area set aside for persons who are disabled if the motor vehicle
209 does not (i) have displayed the removable windshield placard
210 authorized in this section with the date of expiration visible,
211 (ii) have the special license plate issued under this section
212 properly displayed upon the motor vehicle, (iii) have the disabled
213 American veteran tag or plate issued under Section 27-19-53
214 properly displayed upon the motor vehicle, (iv) have the disabled
215 Purple Heart Medal recipient tag or plate issued under Section
216 27-19-56.5 properly displayed upon the motor vehicle, * * * (v)
217 have the disabled Bronze Star recipient tag or plate issued under
218 Section 27-19-56.62 properly displayed upon the motor vehicle, or
219 (vi) have a license tag issued under Section 27-19-56.14 and
220 bearing the special decal issued under subsection (1)(c) of this



221 section properly displayed upon the motor vehicle. Any person who
222 unlawfully parks a motor vehicle in such areas, or who blocks such
223 spaces or access thereto, shall be guilty of a misdemeanor and,
224 upon conviction thereof, shall be fined not more than Two Hundred
225 Dollars (\$200.00) for each such violation. For the third and
226 subsequent offenses under this section, the offender's driver's
227 license shall be suspended for ninety (90) days by the
228 Commissioner of Public Safety in accordance with Section 63-1-53
229 in addition to any fine imposed. The court shall not suspend or
230 reduce any fine required to be imposed under this subsection.

231 (b) A person who is charged with a violation of this
232 section by parking a motor vehicle in an area set aside for
233 persons who are disabled and failing properly to display (i) a
234 removable windshield placard on the dash of the vehicle or by
235 hanging it on the rearview mirror of the vehicle, (ii) a special
236 license plate issued under this section upon the vehicle, (iii) a
237 disabled American veteran tag or plate issued under Section
238 27-19-53, (iv) have the disabled Purple Heart Medal recipient tag
239 or plate issued under Section 27-19-56.5 properly displayed upon
240 the motor vehicle, * * * (v) have the disabled Bronze Star
241 recipient tag or plate issued under Section 27-19-56.62 properly
242 displayed upon the motor vehicle, or (vi) a license tag issued
243 under Section 27-19-56.14 and bearing the special decal issued
244 under subsection (1) (c) of this section properly displayed upon
245 the motor vehicle, shall not be convicted and shall have the



charge dismissed upon presentation to the court of proof by means of sworn oral testimony or sworn affidavit that at the time of the charged violation such person or a passenger in the vehicle possessed a valid removable windshield placard issued under this section.

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

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



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

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

(a) For a vehicle used to transport a person with a permanent disability, that person's permanent windshield placard must be displayed or the vehicle must have a special license tag issued under this section or Section 27-19-53 properly displayed or the vehicle must have a license tag issued under Section 27-19-56.14 and bearing the special decal issued under subsection (1)(c) of this section properly displayed.

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



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

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

SECTION 2. Section 27-19-56.14, Mississippi Code of 1972, is brought forward as follows:

27-19-56.14. (1) Any owner of a motor vehicle or motorcycle, or both, who is (a) a member of the Grand Lodge of Mississippi, Free and Accepted Masons, his wife, daughter, mother, sister or widow, or (b) a person approved by a Master Mason in good standing with the Grand Lodge of Mississippi, Free and Accepted Masons, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Thirty Dollars (\$30.00), shall be entitled to a special motor



vehicle license tag or motorcycle license tag, as applicable,
which displays the Freemason emblem and displays the words "Grand
Lodge of Mississippi."

(2) The tags shall be of such color and design as the
Department of Revenue shall prescribe subject to the approval of
the Mississippi License Tag Commission.

(3) Application for the special license tags shall be made
to the county tax collector on forms prescribed by the Department
of Revenue. Applicants for such distinctive license tags shall
present to the issuing official documentation from the Grand Lodge
of Mississippi as prescribed by the Department of Revenue. The
application and the additional fee, less five percent (5%) thereof
to be retained by the tax collector, shall be remitted to the
Department of Revenue on a monthly basis as prescribed by the
department. The portion of the additional fee retained by the tax
collector shall be deposited into the county general fund.

(4) The special license tag shall be issued for a one-year
period. The additional annual fee shall be due and payable at the
time of renewal registration.

(5) The Department of Revenue shall deposit all fees into
the State Treasury on the day received. At the end of each month,
the Department of Revenue shall certify the total fees collected
under this section to the State Treasurer who shall distribute
such collections as follows:



344 (a) Twenty-five Dollars (\$25.00) of each additional fee
345 collected on special license tags shall be deposited in a special
346 fund hereby created in the State Treasury to the credit of the
347 Grand Lodge of Mississippi. The funds shall be available for
348 expenditure at the discretion of the Grand Lodge of Mississippi.

349 (b) The remainder of each such additional fee shall be
350 deposited to the credit of the State Highway Fund to be expended
351 solely for the repair, maintenance, construction or reconstruction
352 of highways.

353 **SECTION 3.** This act shall take effect and be in force from
354 and after July 1, 2020.

