

By: Senator(s) Dearing

To: Highways and
TransportationSENATE BILL NO. 2385
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A VEHICLE WITH A SPECIAL DISABLED PERSON'S LICENSE
3 PLATE OR A DISABLED VETERAN LICENSE PLATE ISSUED UNDER SECTION
4 27-19-53 THAT IS BEING USED TO TRANSPORT DISABLED PERSONS MAY PARK
5 IN AN AREA SET ASIDE FOR PERSONS WHO ARE DISABLED WITHOUT
6 DISPLAYING A WINDSHIELD PLACARD; AND FOR RELATED PURPOSES.

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

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

10 27-19-56. (1) Upon application by any legal resident of the
11 State of Mississippi with a disability which limits or impairs the
12 ability to walk, the State Tax Commission shall prepare and issue
13 through the county tax collectors a special license plate bearing
14 the International Symbol of Access adopted by Rehabilitation
15 International in 1969 at its Eleventh World Congress on
16 Rehabilitation of the Disabled for not more than one (1) vehicle
17 that is registered in the applicant's name. The initial
18 application shall be accompanied by the certification of a
19 licensed physician that (a) the applicant meets the definition of
20 persons with disabilities which limit or impair the ability to
21 walk; and (b) that the physician has determined that the applicant
22 will have the disability for at least three (3) years. The State
23 Tax Commission shall prepare and issue to the tax collectors of
24 the various counties, decals for placement on the special license
25 plates. The decals shall bear thereon the month in which the
26 license plate was issued and the year in which the special license
27 plate will expire. The special license plate issued under this
28 section is valid for the period of time that the license tag
29 attached upon a motor vehicle is issued pursuant to Section



27-19-31(1). A person to whom the special license plate is issued may retain the special license plate and may renew it by submitting to the county tax collector, on or before its expiration, the certification of a licensed physician that the physician has determined (a) that the applicant meets the definition of a person with a disability which limits or impairs the ability to walk; and (b) that the applicant will have the disability for at least three (3) years. If an applicant fails to renew the special license plate before its date of expiration, then he shall surrender the special license plate to the county tax collector and the tax collector shall issue to such person a regular license plate to replace the special license plate.

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

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:

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

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

(c) 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

(d) Use portable oxygen; or

(e) 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



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

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

70 (2) The State Tax Commission shall prepare removable
71 windshield placards and such placards shall be issued and
72 periodically renewed upon the applications of persons with
73 disabilities which limit or impair the ability to walk. The
74 placards shall be issued, free of charge, to applicants through
75 the offices of the tax collectors of the counties. The initial
76 application shall be accompanied by the certification of a
77 licensed physician that the applicant meets the definition of
78 persons with disabilities which limit or impair the ability to
79 walk. These placards shall be valid for a period of three (3)
80 years from their date of issue and may be renewed in the same
81 manner as provided for the renewal of the special license plates
82 under subsection (1) of this section. The removable windshield
83 placard must be displayed on the left side of the vehicle
84 dashboard. The State Tax Commission shall prescribe the placement
85 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



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 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. 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 State Tax Commission shall prescribe the placement for motorcycles.

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

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

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

(c) A date of expiration, which shall be entered on the placard by the tax collector; and

(d) The seal of the State of Mississippi.

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



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

(b) A person who is charged with a violation of this section by parking a motor vehicle in an area set aside for persons who are disabled and failing properly to display (i) a removable windshield placard on the dash of the vehicle, (ii) a special license plate issued under this section upon the vehicle or (iii) a disabled American veteran tag or plate issued under Section 27-19-53 upon the 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 he 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. 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.



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

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

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

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

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

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



193 **SECTION 2.** This act shall take effect and be in force from
194 and after July 1, 2002.

