

"AN ACT TO AMEND THE HANDICAPPED PERSONS ACCESS TO PARKING ACT OF 1985 TO MAKE IT APPLICABLE TO VEHICLES BEARING DISABLED VETERAN'S LICENSE PLATES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (A) of Section 7 of Act 907 of 1985, the same being Arkansas Statutes 75-296.9 (A), is hereby amended to read as follows:

"(A) A vehicle displaying a disabled veteran license plate or the special decal or special certificate and being used for the actual transporting of the handicapped person:

- (1) may be parked for unlimited periods in parking zones restricted as to the length of parking time permitted;
- (2) may be parked in zones reserved for special types of vehicles, except for those zones authorized for exclusive use by emergency vehicles or ambulances or authorized as bus stop areas or loading zones;
- (3) is not subject to any parking meter fees of this State or of any political subdivision thereof;
- (4) is permitted exclusive parking privileges in those areas designated for parking by handicapped persons only."

SECTION 2. Subsection (1) of Section 8 of Act 907 of 1985, the same being Arkansas Statutes 75-296.10 (1), is hereby amended to read as follows:

"(1) HANDICAPPED PARKING FACILITIES ON PUBLIC PROPERTY. Each public agency of this State, as defined in subsection (3) of Section 2 of this Act, having jurisdiction over street parking or publicly-owned and operated parking lots and facilities, including spaces adjacent to public agency buildings, shall provide a minimum number of specially-designated and marked motor vehicle parking spaces for the exclusive use of motor vehicles bearing a disabled veteran license plate or a special handicapped person decal or special certificate issued under the provisions of this Act."

SECTION 3. Section 9 of Act 907 of 1985, the same being Arkansas Statutes 75-296.11, is hereby amended to read as follows:

"Section 9. PARKING SPACES PROVIDED BY PRIVATE AGENCIES. Any business firm or other person licensed to do business with the public or owning or operating a business which provides parking access to the public, may provide specially-designated and marked motor vehicle parking spaces for the exclusive use of handicapped persons who have been issued a special handicapped person motor vehicle decal or special certificate or a disabled veteran license plate. Insofar as is practicable, private agencies shall provide parking spaces in number and in accordance with the standards set forth in Section 7 of this Act for handicapped parking spaces on property belonging to or used by public agencies. Provided, however, that the failure of a private agency to provide in number or specification handicapped parking spaces as required of public agencies in Section 7 of this Act, shall in no way be deemed to (i) authorize or permit unauthorized vehicles to park in a parking space which contains a sign or other appropriate marking designating the parking space as space reserved for handicapped parking, or (ii) relieve any law enforcement officer of the responsibility of arresting persons for violating the laws of this State which prohibit the parking of vehicles which do not possess the special decal as being a handicapped person's vehicle or a special certificate or a disabled veteran license plate, from unlawfully parking in parking spa-

ces designated for handicapped person parking."

SECTION 4. Subsection (A) of Section 10 of Act 907 of 1985, the same being Arkansas Statutes 75-296.12 (A), is hereby amended to read as follows:

"(A) For the purposes of this Act and for the purposes of enforcing any law of this State relating to penalizing owners or operators of vehicles who park vehicles in spaces designated for use by handicapped persons, and whose vehicles do not properly and legally display the special handicapped person decal or special certificate provided under this Act, or a disabled veteran license plate, it shall be assumed that the identification of areas designated for use by handicapped persons is 'regulatory' in nature and that the identified areas are intended for exclusive use of handicapped persons whose vehicles are properly identified, and that penalties be imposed on the owner or operator of a vehicle parked in such areas whose vehicle is not properly identified."

SECTION 5. Subsection (B) of Section 12 of Act 907 of 1985, the same being Arkansas Statutes 75-296.14 (B), is hereby amended to read as follows:

"(B) Any vehicle found to be parked in an area designated for the exclusive use of handicapped persons, as provided in this Act, on which is not displayed a disabled veteran license plate or a special handicapped person decal or special certificate or an official designation of another state as authorized in this Act, or which is found to be parked in an area designated for the exclusive use of handicapped persons, if operated by a person who is not a handicapped person, while not being used for the actual transporting of a handicapped person, shall be subject to impoundment by the appropriate law enforcement agency, and in addition thereto, the owner of such vehicle shall, upon conviction thereof, be subject to a fine of not less than Twenty-Five Dollars (\$25.00), nor more than one Hundred Dollars (\$100.00) for each offense, plus applicable towing, impoundment, and related fees, and court costs."

APPROVED: February 18, 1987
