

As Engrossed: 2/15/91 2/22/91 3/13/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 656 OF 1991
HOUSE BILL 1444

4 **By: Representative Jones, Representative Wyrick**

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For An Act To Be Entitled

8 "AN ACT TO REVISE THE 'HANDICAPPED PERSONS ACCESS TO
9 PARKING ACT OF 1985'; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. Arkansas Code 27-15-301 is hereby amended to read as
14 follows:

15 "27-15-301. Title. This subchapter shall be known as the 'Access To
16 Parking For Persons With Disabilities Act.'"

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18 SECTION 2. Arkansas Code §27-15-302(2) is hereby amended to read as
19 follows:

20 "(2) 'Person with a disability' means any individual who, as
21 determined by a licensed physician:

22 (A) Cannot walk one hundred (100) feet without stopping to rest;

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

26 (C) Is restricted by lung disease to such an extent that the person's
27 forced (respiratory) expiratory volume for one second, when measured by
28 spirometry, is less than one (1) liter, or the arterial oxygen tension is less
29 than sixty (60) mm/hg on room air at rest;

30 (D) Uses portable oxygen;

31 (E) Has a cardiac condition to the extent that the person's functional
32 limitations are classified in severity as Class III or Class IV according to
33 standards set by the American Heart Association; or

34 (F) Is severely limited in his/her ability to walk due to an arthritic,
35 neurological, or orthopedic condition."

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1 SECTION 3. Arkansas Code §27-15-303(b) is hereby amended to read as
2 follows:

3 "(b) The provisions of this section may be waived if the applicant can
4 document that a larger vehicle or special purpose vehicle would otherwise be
5 eligible to display the special license plate or special certificate."
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7 SECTION 4. Arkansas Code §27-15-305 is hereby amended to read as
8 follows:

9 "27-15-305. Penalties.

10 (a) Any individual who provides false information in order to acquire,
11 or who assists an unqualified person to acquire the special license plate or
12 the special certificate, and any person who abuses the privileges granted by
13 this subchapter shall be deemed guilty of a Class C misdemeanor;

14 (b) Any vehicle found to be parked in an area designated for the
15 exclusive use of any person with a disability, as provided in this subchapter,
16 on which is not displayed a special license plate, a special certificate, or
17 an official designation of another state as authorized in this subchapter or
18 which is found to be parked in an area designated for the exclusive use of any
19 person with a disability, if operated by a person who is not a person with a
20 disability, while not being used for the actual transporting of a person with
21 a disability, shall be subject to impoundment by the appropriate law
22 enforcement agency. In addition thereto, the owner of the vehicle shall, upon
23 conviction, be subject to a fine of not less than twenty-five dollars (\$25.00)
24 nor more than one hundred dollars (\$100) for each offense, plus applicable
25 towing, impoundment, and related fees, as well as court costs."
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27 SECTION 5. Arkansas Code §27-15-307 is hereby amended to read as
28 follows:

29 "27-15-307. Administration. The office shall:

30 (1) Develop an appropriate form, including provision for a sworn
31 statement of disability, for use by an applicant to request issuance of the
32 special license plate and the special certificate for a person with a
33 disability;

34 (2) Distribute a copy of this subchapter to all appropriate law
35 enforcement agencies charged with enforcement of the Motor Vehicle Code;

1 (3) Adopt procedures and promulgate rules to advise and inform the
2 general public of the provisions of this subchapter and the availability of
3 special license plates and special certificates;

4 (4) Request medical information directly related to determining the
5 eligibility of the applicant for a special license plate or special
6 certificate, which shall be held in strict confidence. Such medical
7 information shall only be required when the applicant is applying for the
8 initial issuance of a special license plate or special certificate authorized
9 under the provisions of §27-15-308;

10 (5) Maintain accurate records of the annual number of special license
11 plates and special certificates issued and in inventory; and

12 (6) Enter into the permanent record of each applicant the special
13 license number, or special certificate number, and type of allowable
14 disability of the applicant in a manner that will allow retrieval of the
15 information for statistical use."

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18 SECTION 6. Arkansas Code §27-15-308 is hereby amended to read as
19 follows:

20 "27-15-308. Special license plates and certificates.

21 (a) An owner of a motor vehicle described in §27-15-303 may
22 apply to the office for issuance of one (1) special license plate, to be
23 affixed to his vehicle, if the applicant, a dependent of the applicant, or any
24 individual who depends primarily on the applicant for more than sixty percent
25 (60%) of his transportation is disabled under the definition of a person with
26 a disability as defined in subdivision (2) of §27-15-302, or if the applicant
27 is an organization owning the vehicle for which the special license is to be
28 affixed, and the organization's vehicle is primarily used to transport persons
29 with disabilities as defined in subdivision (2) of §27-15-302.

30 (b)(1) The special license plate issued by the office shall contain the
31 international symbol of access, and a white figure on 'international blue'
32 background.

33 (2) The special license plate shall be issued at no additional charge.

34 (c)(1) A person with a disability may apply to the office for a
35 special, person with a disability, certificate.

1 (2) The special certificate shall conform in size, color, and
2 construction as may be specified by federal rules issued by the U.S. Secretary
3 of Transportation, pursuant to Public Law 100-641.

4 (3) When the special certificate is displayed on the inside, rearview
5 mirror, or the dashboard if the vehicle is of a type that does not have an
6 inside rearview mirror, of a vehicle described in §27-15-303 that is
7 transporting the person to whom the special certificate was issued, the owner
8 or operator of the motor vehicle shall be entitled to the same parking
9 privileges as the owner or operator of a vehicle bearing a special license
10 plate provided under subsection (a) of this section.

11 (4) The special certificate shall be issued free of charge, and shall
12 expire five (5) years from the last day of the month in which it is issued.
13 Provided, however, the applicant shall not be required to obtain
14 recertification of his qualifying disability in order to renew his special
15 certificate."

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17 SECTION 7. Arkansas Code §27-15-310 is hereby amended to read as
18 follows:

19 "27-15-310. Display of special license plate or certificate.

20 (a) No vehicle licensed by the State of Arkansas to operate on the
21 public highways shall display a special license plate issued for a vehicle
22 owned by a person with a disability, or a facsimile thereof, unless the owner
23 or primary user of the vehicle meets the definition of 'person with a
24 disability' as defined in subdivision (2) of §27-15-302.

25 (b) No vehicle shall display the special certificate unless the vehicle
26 is being used for the purpose of transporting the person to whom the special
27 certificate was issued."

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29 SECTION 8. Temporary Special Certificate.

30 (a) (1) A person with a disability, which, as determined by a licensed
31 physician is temporary in nature as opposed to permanent, may apply to the
32 office for a temporary, person with a disability, special certificate, and
33 upon request one (1) additional temporary, special certificate. Provided
34 further, that a person to whom has been issued a special license plate or a
35 special certificate may obtain one (1) temporary special certificate. The

1 intent herein being to provide any person with a disability at least one (1),
2 but not more than two (2), special indicia authorizing the use of parking
3 spaces reserved exclusively for persons with disabilities.

4 (2) The temporary special certificate shall conform in size, color, and
5 construction as may be specified by federal rules issued by the U.S. Secretary
6 of Transportation, pursuant to Public Law 100-641.

7 (3) When the temporary special certificate is displayed on the inside,
8 rearview mirror, or the dashboard if the vehicle is of a type that does not
9 have an inside rearview mirror, of a vehicle described in §27-15-303 that is
10 transporting the person to whom the temporary special certificate was issued,
11 the owner or operator of the motor vehicle shall be entitled to the same
12 parking privileges as the owner or operator of a vehicle bearing a special
13 license plate provided under §27-15-308(a).

14 (4) The temporary special certificate shall be issued free of charge,
15 and shall expire three (3) months from the last day of the month in which it
16 is issued.

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18 SECTION 9. Arkansas Code §27-15-311 is hereby amended to read as
19 follows:

20 "27-15-311. Reciprocity. Any motor vehicle licensed in another state
21 which exhibits a special license plate or other special authorized vehicle
22 designations issued by licensing authorities of other states for vehicles used
23 in the transportation of people with disabilities shall be accorded the
24 privileges as provided in this subchapter for similar vehicles licensed in
25 this state, as is required under the provisions of Public Law 100-643, and
26 rules issued pursuant thereto by the U.S. Secretary of Transportation."

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28 SECTION 10. Arkansas Code §27-15-312 is hereby amended to read as
29 follows:

30 "27-15-312. Parking privileges - Exceptions.

31 (a) A vehicle displaying a special license plate or special certificate
32 and being used for the actual transporting of the person with a disability:

33 (1) May be parked for unlimited periods in parking zones restricted as
34 to the length of parking time permitted;

35 (2) May be parked in zones reserved for special types of vehicles,

1 except for those zones authorized for the exclusive use by emergency vehicles
2 or ambulances, or authorized as bus stop areas or loading zones;

3 (3) Is not subject to any parking meter fees of this state or of any
4 political subdivision of it;

5 (4) Is permitted exclusive parking privileges in those areas designated
6 for parking by people with disabilities only.

7 (b) The provisions of this section pertaining to parking privileges for
8 people with disabilities shall supersede any local ordinances. However, they
9 shall not apply:

10 (1) To zones where stopping, standing, or parking is prohibited for all
11 vehicles;

12 (2) Where there is a local ordinance that prohibits parking during
13 heavy traffic periods such as rush hours or where parking would clearly
14 present a traffic hazard for the general public."

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16 SECTION 11. Arkansas Code §27-15-313 is hereby amended to read as
17 follows:

18 "27-15-313. Parking facilities on public property.

19 (a) Each public agency of this state, as defined in subdivision (3) of
20 §27-15-302, having jurisdiction over street parking or publicly owned and
21 operated parking lots and facilities, including spaces adjacent to public
22 buildings, shall provide a minimum number of specially designated and marked
23 motor vehicle parking spaces for the exclusive use of motor vehicles bearing a
24 special license plate or special certificate issued under the provisions of
25 this subchapter.

26 (b) The following minimum number of parking spaces shall be provided
27 for special, persons with disabilities, vehicle parking:

28 (1) One (1) space in the immediate vicinity of a building which houses
29 the public agency including, but not limited to, state office buildings,
30 courthouses, and city halls, if no parking for the public is provided on the
31 premises of these buildings;

32 (2) For publicly maintained and operated parking facilities

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34 intended for public use, one (1) parking space is recommended for parking for
35 people with disabilities for the first twenty (20) parking spaces, or fraction

1 thereof, and one (1) additional parking space for people with disabilities for
2 the next eighty (80) parking spaces, or fraction thereof, and one (1)
3 additional parking space for people with disabilities for each additional one
4 hundred (100) parking spaces, or fraction thereof, after the first one hundred
5 (100) parking spaces;

6 (3) A minimum of four (4) parking spaces for people with disabilities
7 shall be provided at physical restoration rehabilitation centers and
8 hospitals.

9 (c) Such parking spaces shall be designated and located as follows:

10 (1) All spaces shall be accessible thereto by curb ramp or curb cut,
11 when necessary to allow access to the building served, and shall be located so
12 that the user will not be compelled to wheel behind parked vehicles;

13 (2) Parallel parking spaces next to a curb shall be separated from the
14 space in front or behind by a minimum five foot (5') striped 'no parking'
15 area. This area shall be connected to the curb by a curb cut or ramp at a
16 maximum inclination ratio of 12:1. Such curb cuts or ramps shall have tactile
17 markings, and shall be connected to sidewalks by a curb cut or ramp as listed
18 in this subsection;

19 (3) Curbs adjacent to parking spaces designated for parking for people
20 with disabilities shall be of a height which will not interfere with the
21 opening and closing of motor vehicle doors."

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23 SECTION 12. Arkansas Code §27-15-314 is hereby amended to read as
24 follows:

25 "27-15-314. Parking spaces by private agencies.

26 (a) Any business firm or other person licensed to do business with the
27 public or owning or operating a business which provides parking access to the
28 public may provide specially designated and marked motor vehicle parking
29 spaces for the exclusive use of people with disabilities who have been issued
30 a special license plate or special certificate. Private businesses intended
31 for use by the public, which are constructed after January 1, 1992 and private
32 businesses which undertake significant physical modifications or alterations
33 of their premises after January 1, 1992 shall provide parking spaces in such
34 number and otherwise in accordance with the standards set forth in Section
35 §27-15-313 for parking spaces for people with disabilities.

1 (b) The failure of a private agency to provide, in number or
2 specification, parking spaces for people with disabilities as required of
3 public agencies in Section §27-15-313 shall in no way be deemed to:

4 (1) Authorize or permit unauthorized vehicles to park in a parking
5 space which contains a sign or other appropriate marking designating the
6 parking space as space reserved for parking for people with disabilities; or

7 (2) Relieve any law enforcement officer of the responsibility of
8 arresting persons for violating the laws of this state which prohibit the
9 parking of vehicles that do not display a special license plate or special
10 certificate, in parking spaces designated for people with disabilities."

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12 SECTION 13. Arkansas Code §27-15-315 is hereby amended to read as
13 follows:

14 "27-15-315. Signs regulatory in nature.

15 (a) For the purposes of this subchapter, and for the purposes of
16 enforcing any law of this state relating to penalizing owners or operators of
17 vehicles who park vehicles in spaces designated for use by people with
18 disabilities, and whose vehicles do not properly and legally display a special
19 license plate or a special certificate provided under this subchapter, it
20 shall be assumed that the identification of areas designated for use by people
21 with disabilities is regulatory in nature and that the identified areas are
22 intended for exclusive use by people with disabilities whose vehicles are
23 properly identified, and that penalties should be imposed on the owner or
24 operator of a vehicle parked in those areas whose vehicle is not properly
25 identified.

26 (b) For the purposes of this subchapter and for the purposes of
27 enforcing any laws of this state related to parking areas for people with
28 disabilities, sign R7-8, listed in the Manual of Uniform Traffic Control
29 Devices (Rev. 12/79) shall be displayed on each parking space for people with
30 disabilities, and shall be regulatory in nature.

31 (c) The blue and white international symbol of access accompanied by
32 appropriate regulatory language, including, but not limited to, 'Handicapped
33 Parking', 'Reserved for Handicapped', 'Permit Required - Towing Enforced',
34 etc., may be used in lieu of sign R7-8, if the sign was erected prior to
35 January 1, 1992, and shall be regulatory in nature."

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SECTION 14. Arkansas Codes §27-15-201, §27-15-202, §27-15-203, §27-15-304, and §27-15-309 are hereby repealed.

SECTION 15. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same into the Code.

SECTION 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 17. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Myra Jones et al

APPROVED: 3-20-91