

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 753 of the Regular Session

As Engrossed: H3/13/07 H3/16/07 S3/23/07

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2249

4
5 By: Representative S. Prater
6 By: Senator Trusty

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9 **For An Act To Be Entitled**

10 AN ACT TO REVISE AND MODERNIZE THE ACCESS TO
11 PARKING FOR PERSONS WITH DISABILITIES ACT, § 27-
12 15-301 ET SEQ.; TO ENSURE THAT DRIVER EDUCATION
13 PROGRAMS AND THE DRIVER'S INSTRUCTION MANUAL
14 INCLUDE INFORMATION ABOUT PARKING FOR PERSONS
15 WITH A DISABILITY; AND FOR OTHER PURPOSES.

16
17 **Subtitle**

18 TO REVISE AND MODERNIZE THE ACCESS TO
19 PARKING FOR PERSONS WITH DISABILITIES
20 ACT AND TO ENSURE THAT BEGINNING DRIVERS
21 ARE GIVEN INFORMATION AND TESTED ON
22 PARKING FOR PERSONS WITH A DISABILITY.

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code § 27-15-306 is amended to read as follows:
28 27-15-306. Enforcement.

29 (a) Any law enforcement official in this state ~~is authorized to~~ may
30 enter upon ~~the~~ any public parking space, public parking lot, or public
31 parking facility of any public agency of ~~in~~ this state for the purpose of
32 enforcing the provisions of this subchapter with respect to *accessible*
33 parking for a person with a disability.

34 (b) Any law enforcement officer in this state ~~is authorized to~~ may
35 enter upon the parking space, parking lot, or parking facility of any private



1 agency in this state for the purpose of enforcing the provisions of this
2 subchapter with respect to accessible parking for a person with a disability.

3
4 *SECTION 2.* Effective January 1, 2008, Arkansas Code § 27-15-308 is
5 amended to read as follows:

6 27-15-308. Special license plates and certificates.

7 (a)(1) An owner of a motor vehicle described in § 27-15-303 may apply
8 to the Office of Motor Vehicle for issuance of one (1) special license plate,
9 to be affixed to his or her vehicle, if the applicant, a dependent of the
10 applicant, or any individual who depends primarily on the applicant for more
11 than sixty percent (60%) of his or her transportation is disabled under the
12 definition of a person with a disability, as defined in § 27-15-302(3), ~~or if~~
13 ~~the applicant is an organization owning the vehicle for which the special~~
14 ~~license is to be affixed and the organization's vehicle is primarily used to~~
15 ~~transport persons with disabilities, as defined in § 27-15-302(3).~~

16 (2)(A) Except as provided under subsections (d) and (e) of this
17 section, for every application for a special license plate issued under this
18 section, the Department of Finance and Administration shall produce a photo
19 identification card containing a color photograph of the person with a
20 disability who is either:

21 (i) Applying for the special license plate; or

22 (ii) Being transported by the vehicle for which the
23 special license plate is issued.

24 (B) The photo identification card issued under subsection
25 (a) of this section shall be carried on the person for verification of
26 identity.

27 (C) This subdivision (a)(2) applies to holders of or
28 applicants for special license plates issued under this section who do not
29 have a valid driver's license or identification card issued under the laws of
30 this state.

31 (3)(A) An owner of a motor vehicle that is issued a special
32 license plate under this section shall submit every four (4) years to the
33 Office of Motor Vehicle a physician recertification of the person with a
34 disability to be transported by the vehicle to continue to qualify for the
35 special license plate, unless the person with a disability has a permanent
36 disability.

1 (B) The photo identification card required in this
2 subsection must be renewed every four (4) years.

3 (4)(A) An organization that owns or leases a motor vehicle
4 described in § 27-15-303 that is used in the business of transporting persons
5 with disabilities may apply to the Office of Motor Vehicle for issuance of
6 one (1) special license plate to be affixed to the vehicle for each vehicle
7 used in the business.

8 (B) The requirements of a photo identification card and
9 physician recertification in this subsection (a) shall not apply to an
10 applicant in the business of transporting persons with a disability as
11 described in this subsection.

12 (b)(1) The special license plate issued by the office shall contain
13 the international symbol of access, ~~and a white figure on international blue~~
14 ~~background.~~

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

17 (c)(1)(A) A person with a disability may apply to the office for a
18 special person-with-a-disability certificate, subject to the photo
19 identification card requirements of subsection (a) of this section.

20 (2) The special certificate shall conform in size, color, and
21 construction as may be specified by federal rules issued by the United States
22 Secretary of Transportation, pursuant to Pub. L. No. 100-641.

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

30 (4) The special certificate shall be issued free of charge and
31 shall expire ~~two (2)~~ four (4) years from the last day of the month in which
32 it is issued. ~~Provided, however, the applicant shall not be required to~~
33 ~~obtain recertification of his or her qualifying disability in order to renew~~
34 ~~the special certificate.~~

35 (5)(A) If a person to whom a special certificate or license
36 plate has been issued moves to another state, the person shall surrender the

1 special certificate or plate to the office.

2 (B) If a person to whom a special certificate or license
3 plate has been issued dies, the special certificate or license plate shall be
4 returned to the office within thirty (30) days after the death of the person
5 to whom the special certificate or plate was issued.

6 (6)(A) The photo identification card issued under this section
7 shall be issued upon payment of a transaction fee of five dollars (\$5.00) and
8 shall expire four (4) years from the last day of the month in which it is
9 issued.

10 (B) The transaction fee shall be deposited as special
11 revenue into the State Central Services Fund to be used exclusively for the
12 benefit of the Revenue Division of the Department of Finance and
13 Administration.

14 (C) The transaction fee shall be credited as supplemental
15 and in addition to all other funds as may be deposited for the benefit of the
16 division.

17 (D) The transaction fee shall not be considered or
18 credited to the division as direct revenue.

19 (d)(1) In lieu of the photo identification card issued under this
20 section, a person who holds a valid driver's license or identification card
21 issued under the laws of this state may choose to have an endorsement on his
22 or her driver's license or identification card that authorizes parking in
23 areas designated as parking for a person with a disability.

24 (2) If a driver's license endorsement or identification card
25 endorsement is chosen under this section, then the issuance and expiration of
26 the driver's license shall correspond with the expiration date of the special
27 person-with-a-disability certificate issued under this section.

28 (3)(A) The Office of Motor Vehicle shall not charge an
29 additional fee for adding the endorsement on a currently issued driver's
30 license or identification card.

31 (B) Any person who applies for and does not currently have
32 a driver's license or identification card and requests the endorsement shall
33 pay only the fee required under current law for the issuance of a driver's
34 license or identification card and shall not pay an additional fee for the
35 endorsement.

36 (e)(1) A person who is a resident of a facility that provides long-

1 term medical care or personal care is not required to obtain a photo
 2 identification card that displays a photograph of the person with a
 3 disability but instead shall carry on the person documentation from the
 4 administrator of the facility attesting that the person is a resident of the
 5 facility.

6 (2) This subsection (e) applies to the following facilities
 7 including without limitation:

8 (A) A licensed nursing home;

9 (B) A licensed residential care facility; or

10 (C) A licensed assisted living facility.

11
 12 SECTION 3. Arkansas Code § 27-15-312(a), regarding parking privileges
 13 for persons with disabilities, is amended to read as follows:

14 (a)(1) A vehicle displaying a special license plate or special
 15 certificate and being used for the actual transporting of a person with a
 16 disability is permitted exclusive parking privileges in those areas
 17 designated for parking only by persons with disabilities.

18 (2)(A) ~~Vehicles Except as provided under subdivision (a)(2)(B)~~
 19 of this section, a parking space reserved for a person with a disability that
 20 is designated as "van accessible" shall be used exclusively by vehicles that
 21 load or unload a wheelchair, ~~or other related mobility device~~ a three- or
 22 four-wheeled scooter, or a similar device that is commonly used to transport
 23 persons who have limited or no use of their legs shall be authorized to load
 24 or unload or otherwise use those parking spaces reserved exclusively for
 25 persons with disabilities and designated "van accessible".

26 (B) If the parking lot or parking facility has only one
 27 (1) parking space reserved for a person with a disability, then the
 28 limitation of use under subsection (a)(2)(A) shall not apply

29
 30 SECTION 4. Arkansas Code § 27-15-315 is amended to read as follows:

31
 32 27-15-315. Signs regulatory in nature.

33 (a) For the purposes of this subchapter and for the purposes of
 34 enforcing any law of this state relating to penalizing owners or operators of
 35 vehicles who park vehicles in spaces designated for use by persons with
 36 disabilities and whose vehicles do not properly and legally display a special

1 license plate or a special certificate provided under this subchapter, it
 2 shall be ~~assumed~~ presumed that the identification of areas designated for use
 3 by persons with disabilities is regulatory in nature and that the identified
 4 areas are intended for exclusive use by persons with disabilities whose
 5 vehicles are properly identified and that penalties should be imposed on the
 6 owner or operator of a vehicle parked in those areas whose vehicle is not
 7 properly identified.

8 ~~(b)(1) For the purposes of this subchapter and for the purposes of~~
 9 ~~enforcing any laws of this state related to parking areas for persons with~~
 10 ~~disabilities, sign R7-8, listed in the Manual of Uniform Traffic Control~~
 11 ~~Devices (Rev. 12/79) shall be~~ Any of the following designations that are
 12 displayed on each parking space for persons with disabilities and visible to
 13 the driver's eye level shall be enforced as provided under this subchapter
 14 and are regulatory in nature;

15 ~~(e)(A) The~~ A sign that displays the blue and white international
 16 symbol of access, accompanied by one (1) or more of the phrases referenced
 17 under subdivision (b)(1)(B) of this section;

18 ~~(B) accompanied by appropriate regulatory language, including,~~
 19 ~~but not limited to, "Handicapped Parking", "Reserved for Handicapped",~~
 20 ~~"Permit Required - Towing Enforced", etc., may be used in lieu of sign R7-8~~
 21 ~~if the sign was erected prior to January 1, 1992, and shall be regulatory in~~
 22 ~~nature.~~ A sign that states any of the following:

23 (i) "Disabled Parking";

24 (ii) "Van Accessible";

25 (iii) "Handicapped Parking";

26 (iv) "Reserved for Handicapped";

27 (v) "Reserved Parking" with the blue and white
 28 international symbol of access; or

29 (vi) "Permit Required - Towing Enforced"; or

30 (C) A sign that is compliant with R7-8, R7-8a, or R7-8b of the
 31 Manual on Uniform Traffic Control Devices promulgated by the Federal Highway
 32 Administration of the United States Department of Transportation.

33 (2) Corresponding pavement markings of the blue and white
 34 international symbol of access are preferred but not required for enforcement
 35 of this subchapter.

36

1 SECTION 5. Arkansas Code § 27-16-706 is amended to read as follows:

2 The driver's license test shall include written questions concerning:

3 (1) The effects of the consumption of beverage alcohol products
4 and the use of illegal drugs, prescription drugs, and nonprescription drugs
5 on the ability of a person to operate a motor vehicle; ~~and~~

6 (2) The legal and financial consequences resulting from
7 violations of the state's laws prohibiting the operation of a motor vehicle
8 while under the influence of alcohol or drugs;

9 (3) Accessible parking for a person with a disability; and

10 (4) Penalties for the unauthorized use of parking designated for
11 the exclusive use of a person with a disability.

12
13 SECTION 6. Arkansas Code Title 27, Chapter 18, Subchapter 1 is amended
14 to add an additional section to read as follows:

15 27-18-110. Instruction on accessible parking for persons with
16 disabilities.

17 (a) The driver's instruction manual issued by the Department of
18 Arkansas State Police shall include information related to accessible parking
19 for a person with a disability, including without limitation:

20 (1) The importance of accessible parking for a person with a
21 disability; and

22 (2) The penalties for the unauthorized use of parking designated
23 for the exclusive use of a person with a disability.

24 (b) The Department of Arkansas State Police may coordinate with the
25 Arkansas Governor's Commission on People with Disabilities in developing
26 information to include in the manual.

27
28 SECTION 7. Arkansas Code Title 6, Chapter 16, Subchapter 5 is amended
29 to add an additional section to read as follows:

30 6-16-508. Accessible parking for persons with disabilities.

31 (a) After receiving approval of materials from the Commissioner of
32 Education and the Director of the Division of Health of the Department of
33 Health and Human Services, the Arkansas Governor's Commission on People with
34 Disabilities may provide educational and instructional materials regarding
35 accessible parking for persons with disabilities to school districts for use
36 in the classroom.

1 (b) Driver education courses and high school health classes shall
2 include information or instructional materials regarding accessibility issues
3 for persons with disabilities.

4 (c) Inclusion of educational information or instructional materials
5 under this section is mandated beginning with the 2008-2009 school fiscal
6 year.

7
8 SECTION 8. Arkansas Code § 27-15-302, regarding definitions under the
9 Access to Parking for Persons with Disabilities Act, § 27-15-301 et seq., is
10 amended to add an additional subdivision to read as follows:

11 (6)(A) "Permanent disability" means a medically determined
12 condition that is continuous without the possibility of improvement and that
13 substantially impacts a person's mobility.

14 (B) "Permanent disability" includes:

15 (i) A spinal cord injury;

16 (ii) A genetic ambulatory disorder;

17 (iii) An amputation;

18 (iv) Spina bifida;

19 (v) Multiple sclerosis;

20 (vi) Chronic heart disease; or

21 (vii) Any other medically determined permanent
22 condition that substantially impacts a person's mobility.

23
24 /s/ S. Prater

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26 APPROVED: 4/2/2007