

**Hall of the House of Representatives**  
90th General Assembly - Regular Session, 2015  
**Amendment Form**

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**Subtitle of House Bill No. 1649**

THE VAN ACCESSIBLE PARKING ACT.

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**Amendment No. 1 to House Bill No. 1649**

Amend House Bill No. 1649 as originally introduced:

Delete everything after the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 27-15-302, concerning definitions regarding parking for persons with a disability, is amended to add an additional subdivision to read as follows:

(7) "Van accessible parking decal" means a designated special decal to be affixed to a special plate, special certificate, or temporary special certificate displayed on a vehicle that is:

(A) Used to transport a person who has limited or no use of his or her legs;

(B) Used to transport a wheelchair, a three-wheeled or four-wheeled scooter, or a similar device; and

(C) Indicia of authorization for the use of a van accessible parking space.

SECTION 2. Arkansas Code § 27-15-304(a)(1), concerning application for a temporary special certificate for a person with a disability, is amended to read as follows:

(a)(1) A person with a disability, which, as determined by a licensed physician, is temporary in nature as opposed to permanent, may apply to the Office of Motor Vehicle for a temporary person-with-a-disability special certificate, which may include an affixed temporary van accessible parking decal, and, upon request, one (1) additional temporary special certificate which may include an additional affixed van accessible parking decal.

SECTION 3. Arkansas Code § 27-15-305(b)(1)-(2), concerning parking in an area designated for exclusive use of a person with a disability and the amount of the fine upon conviction for a violation, is amended to read as follows:

(b)(1) ~~Any~~ A motor vehicle found to be parked in an area designated for the exclusive use of ~~any~~ a person with a disability, including the access aisle, as provided in this subchapter shall be subject to impoundment by the appropriate law enforcement agency if;

(A) ~~on which is~~ The vehicle does not ~~displayed~~ display a



van accessible parking decal affixed to a special license plate or special certificate, a special license plate, a special certificate, or an official designation of another state as authorized in this subchapter; or

(B) ~~which is~~ The vehicle is found to be parked in an area designated for the exclusive use of any a person with a disability, if; and

(C) The vehicle is operated by a person who is not a person with a disability while not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency.

(2) In addition ~~thereto~~, the owner of the vehicle shall upon conviction be subject to a fine of not less than ~~one hundred dollars (\$100)~~ two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500) for the first offense and not less than ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs.

(A) The fine for a first offense shall be reduced to one hundred dollars (\$100) upon successful completion of a class approved by the Governor's Commission on People with Disabilities to promote education and awareness of compliance with parking and related public accomodation issues under the Americans with Disabilities Act of 1990, Pub. L. No. 101-325.

SECTION 4. Arkansas Code § 27-15-305(c), concerning the use of fines collected in district court under this section for the expense of compliance with requirements of the Americans with Disabilities Act of 1990, is amended to read as follows:

(c)(1) ~~Thirty percent (30%)~~ Fifty percent (50%) of all fines collected under this section in district court ~~or city court~~ shall be ~~for the purpose of funding activities of~~ directed to the Governor's Commission on People with Disabilities and shall be collected and remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by the section, for deposit into a special fund established and maintained by the Treasurer of State. The funds shall be authorized for use by the commission for the following purpose:

(A) Thirty percent (30%) for scholarship awards; and

(B) Twenty percent (20%) for education and small business grants;

(2) ~~Seventy percent (70%)~~ Fifty percent (50%) of the fines collected in district court ~~or city court~~ under this section shall be paid by the tenth day of each month to the city general fund of the town or city in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. Pub. L. No. 101-325.

SECTION 5. Arkansas Code § 27-15-307(1), concerning the administration of parking privileges for persons with disabilities, is amended to read as follows:

(1) Develop an appropriate form, including provision for a sworn statement of disability, for use by an applicant to request issuance under this subchapter of:

(A) ~~the~~ A special license plate;

(B) ~~and the~~ A special certificate for a person with a disability; and

(C) A van accessible parking permit.

SECTION 6. Arkansas Code § 27-15-307(7), concerning the administration of parking privileges for persons with disabilities, is amended to read as follows:

(7) Include a notice with each application for a special license plate or special certificate informing the applicant and any other person driving for the applicant of the requirements of this subchapter and further specifically informing the applicant that the privilege to park in spaces reserved for persons with disabilities shall be available only when the person for whom the special plate, ~~or special certificate, or van accessible parking decal~~ was issued or a the person with a the disability is actually in the vehicle.

SECTION 7. Arkansas Code § 27-15-307 is amended to add a new subdivision to read as follows:

(8)(A) Request information directly related to determining the eligibility of the applicant for a van accessible parking decal.

(B) The requested information shall verify that the person for whom the van accessible parking decal was issued is a person that requires the use of a wheelchair, a three-wheeled or four-wheeled scooter, or a similar device that is commonly used to transport persons who have limited or no use of their legs.

SECTION 8. Arkansas Code § 27-15-308, concerning special license plates and special certificates to transport persons with disabilities, is amended to add an additional subsection to read as follows:

(f) A person with a disability may apply to the office for issuance of one (1) van accessible parking decal to be affixed to a special license plate or special certificate if the person qualifies for van accessible parking as defined in § 27-15-312(a)(2)(A).

SECTION 9. Arkansas Code § 27-15-310, concerning display of a special license plate or certificate, is amended to add an additional subdivision to read as follows:

(c) No vehicle shall display a special license plate with an affixed van accessible parking decal or a special certificate with an affixed van accessible parking decal, unless the vehicle is being used for the purpose of transporting the person with a disability for whom the van accessible parking decal was issued.

SECTION 10. Arkansas Code § 27-15-312(a), concerning van accessible parking privileges, is amended to read as follows:

(a)(1) A vehicle displaying a van accessible parking decal that is affixed to a special license plate, or special certificate, special license plate, or a special certificate and being used for the actual transporting of a person with a disability is permitted exclusive parking privileges in those areas designated for parking only by persons with disabilities.

(2)(A) Except as provided under subdivision (a)(2)(B) of this section, a parking space reserved for a person with a disability that is

designated as "van accessible" shall be used exclusively by ~~vehicles~~ a vehicle that:

(i) ~~load~~ Loads or ~~unload~~ unloads a wheelchair, a three-wheeled or four-wheeled scooter, or a similar device that is commonly used to transport persons who have limited or no use of their legs; and

(ii) Displays a van accessible parking decal.

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

SECTION 11. Arkansas Code § 27-15-315(a), concerning the regulation of signs to enforce the provisions of this subchapter, is amended to read as follows:

(a) For the purposes of this subchapter and for the purposes of enforcing any law of this state relating to penalizing ~~owners or operators of vehicles~~ an owner or operator who ~~park~~ parks a vehicle in a ~~spaces~~ space designated for use by ~~persons with disabilities~~ a person with a disability and whose ~~vehicles~~ vehicle ~~do~~ does not properly and legally display a special license plate or special certificate with an affixed van accessible parking decal, a special license plate, or a special certificate provided under this subchapter, it shall be presumed that the identification of areas designated for use by persons with disabilities is regulatory in nature and that the identified areas are intended for exclusive use by persons with disabilities whose vehicles are properly identified and that penalties should be imposed on the owner or operator of a vehicle parked in those areas whose vehicle is not properly identified.

SECTION 12. EFFECTIVE DATE. This act is effective on and after July 1, 2016.

The Amendment was read \_\_\_\_\_  
By: Representative J. Mayberry  
DRF/CLW - 03-16-2015 16:25:49  
DRF116 \_\_\_\_\_ Chief Clerk