Department of Finance and Administration

Legislative Impact Statement

Bill: HB1649 Amendment Number: H1 (3/18/15 Engrossment)
Bill Subtitle: THE VAN ACCESSIBLE PARKING ACT.

Basic Change : Sponsor: Representative J. Mayberry
The bill adds a new definition "Van accessible parking decal" to the Arkansas Code to mean a designated special decal to be affixed to a special plate, special certificate (placard), or temporary special certificate displayed on a vehicle transporting a person who has limited or no use of his or her legs and used to transport a wheel chair or a similar device. The bill adds new language to state that a motor vehicle parked in a designated disabled parking area, including the access aisle for a van accessible only area, may be impounded if a van accessible parking decal is not affixed to a special plate or placard. The bill increases the fine for unauthorized parking in designated areas as follows:

First offense - From not less than $100 and not more than $250 to not less than $250 and not more than $500;
Second and subsequent Offenses – From not less than $250 and not more than $1,000 to not less than $500 and not more than $1,000.

Under current law,30% of fines collected by district court or city court are for funding activities of the Governor's Commission on People with Disabilities and deposited to a special fund established and maintained by the Treasurer's Office. 70% is paid to the city general fund of the town or city in which the violation occurred to offset expenses incurred for compliance with the Americans with Disabilities Act. Under the bill, 50% would continue to be deposited to the special fund, and the bill specifies that, of that 50%, 30% would be for scholarship awards, and 20% would be for education and small business grants. Under the bill, rather than 70% being paid to the city general fund, 50% would be paid to that fund.

Under current law the Office of Motor Vehicle is required to develop statement of disability forms for applicants to request special plates and placards. The bill adds that the Office is also required to develop such forms to request a van accessible parking permit. The bill requires the Office to request information directly related to determining the eligibility an applicant requesting a van accessible parking decal. This requested information relates to use of a wheel chair or similar device. The bill specifies that only vans displaying the new van accessible decal may park in spaces reserved for van accessible parking unless the business has only one reserved space for persons with a disability parking. The bill specifies that a vehicle displaying special plates, placards, and van accessible decals may only park in special designated spaces if the vehicle is transporting a person with a disability.

Revenue Impact :
Possible increase in revenue to Governor's Commission on People with Disabilities and city general funds of towns or cities where violations occur, due to the increase in penalties.

Taxpayer Impact :
Persons with disabilities who must use a wheel chair or similar devise, and are transported by a van would, be eligible for the new special decal.

Resources Required :
No additional resources required.

Time Required :
Adequate time is provided.

Procedural Changes :
Program the motor vehicle computer system to track plates and placards that have the registered with new van accessible decal.

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Legal Analysis :

Amendment No. 1 to HB1649 creates the Van Accessible Parking Act, which establishes and regulates the use of a specialty "van accessible parking decal" for qualifying applicants with vehicles designed to load and unload wheelchairs, scooters or similar devices. DFA would be required to obtain the actual decals for use under this bill to comply with § 27-15-307(1), as proposed. DFA must also amend current disability application forms to include "van accessible parking decals."

HB1649 increases the minimum fines for related parking violations from $100 and $250 for first and second offenses, respectively, to $250 and $500. It also provides for a reduction of the first offense fine to $100 upon completion of an approved class. The division of fines collected is amended to 50% directed to the Governor's Commission on People with Disabilities and 50% to the city in which the violation occurred. There is no provision on fine disbursement for violations occurring outside of city limits.

HB1649 is effective on and after July 1, 2016.