

2 State of Arkansas

3 94th General Assembly

4 Third Extraordinary Session, 2024

A Bill

JMB/JMB

HOUSE BILL

5
6 By: Representative Gramlich

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AUTHORIZE CERTAIN MEDICAL PROFESSIONALS TO
11 CERTIFY TO THE OFFICE OF MOTOR VEHICLE ELIGIBILITY
12 FOR A SPECIAL LICENSE PLATE, CERTIFICATE, OR PARKING
13 DECAL FOR A PERSON WITH A DISABILITY; AND FOR OTHER
14 PURPOSES.

16 Subtitle

17 TO AUTHORIZE CERTAIN MEDICAL
18 PROFESSIONALS TO CERTIFY TO THE OFFICE OF
19 MOTOR VEHICLE ELIGIBILITY FOR A SPECIAL
20 LICENSE PLATE, CERTIFICATE, OR PARKING
21 DECAL FOR A PERSON WITH A DISABILITY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code § 17-80-120(a)(1), concerning the signature
28 authority for advanced practice registered nurses and physician assistants,
29 is amended to read as follows:

30 (1) ~~Certification of disability for patients to receive disabled~~
31 ~~parking permits or placards from the Office of Motor Vehicle to the Office of~~
32 Motor Vehicle that a patient is a person with a disability for the purposes
33 of the Access to Parking for Persons with Disabilities Act, § 27-15-301 et
34 seq.; or
35

1 SECTION 2. Arkansas Code Title 17, Chapter 93, Subchapter 1, is amended
2 to add an additional section to read as follows:

3 17-93-104. Certification for purposes of the Access to Parking for
4 Persons with Disabilities Act.

5 (a) A physical therapist licensed under this chapter is authorized to
6 certify to the Office of Motor Vehicle that a patient is a person with a
7 disability for the purposes of the Access to Parking for Persons with
8 Disabilities Act, § 27-15-301 et seq.

9 (b) This section does not expand the scope of practice of a physical
10 therapist.

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12 SECTION 3. Arkansas Code § 27-15-302(4), concerning the definition of
13 "person with a disability" within the Access to Parking for Persons with
14 Disabilities Act, is amended to read as follows:

15 (4) "Person with a disability" means any individual who, as determined
16 by a ~~licensed physician~~ certifying authority:

17 (A) Cannot walk one hundred feet (100') without stopping
18 to rest;

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

22 (C) Is restricted by lung disease to such an extent that
23 the person's forced respiratory expiratory volume for one (1) second, when
24 measured by spirometry, is less than one liter (1 L), or the arterial oxygen
25 tension is less than sixty millimeters of mercury (60 mmHg) on room air at
26 rest;

27 (D) Uses portable oxygen; or

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

31
32 SECTION 4. Arkansas Code § 27-15-302, concerning definitions within
33 the Access to Parking for Persons with Disabilities Act, is amended to add an
34 additional subdivision to read as follows:

35 (8) "Certifying authority" means:

36 (A) A licensed physician;

1 (B) An advanced practice registered nurse as authorized
2 under § 17-80-120;

3 (C) A physician assistant as authorized under § 17-80-120;
4 or

5 (D) A physical therapist as authorized under § 17-93-104.
6

7 SECTION 5. Arkansas Code § 27-15-304(a)(1), concerning temporary
8 special certificates under the Access to Parking for Persons with
9 Disabilities Act, is amended to read as follows:

10 (a)(1) A person with a disability, ~~which, as~~ determined by a ~~licensed~~
11 ~~physician, is~~ certifying authority to be temporary in nature as opposed to
12 permanent, may apply to the Office of Motor Vehicle for a temporary person-
13 with-a-disability special certificate, which may include a temporary van-
14 accessible parking decal, and, upon request, one (1) additional temporary
15 special certificate, which may include an additional van-accessible parking
16 decal.
17

18 SECTION 6. Arkansas Code § 27-15-307(8)(B), concerning the
19 administration of the Access to Parking for Persons with Disabilities Act, is
20 amended to read as follows:

21 (B) Verify with a letter from a ~~physician~~ certifying
22 authority stating that the person for whom the van-accessible parking decal
23 is issued is a person with a disability that requires the use of a
24 wheelchair, a three-wheeled or four-wheeled scooter, a four-wheeled walker
25 with a seat, or a similar device that is commonly used to transport persons
26 who have limited or no use of their legs.
27

28 SECTION 7. Arkansas Code § 27-15-308(a)(3)-(4), concerning the
29 eligibility for and renewal of a special license plate or certificate for a
30 person with a disability within the Access to Parking for Persons with
31 Disabilities Act, is amended to read as follows:

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

1 ~~disability~~ The Office of Motor Vehicle shall require recertification of the
2 condition of the person with a disability by a certifying authority one (1)
3 time every four (4) years for a disability that is temporary in nature.

4 (ii) Recertification shall not be required for a
5 disability that is permanent in nature.

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

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

13 (B) ~~The requirements of a photo identification card and~~
14 ~~physician recertification in this subsection~~ recertification provisions of
15 subdivisions (a)(3)(A)-(B) of this section shall not apply to an applicant in
16 the business of transporting persons with disabilities as described in this
17 subsection.

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20 Referred by Representative Gramlich

21 Prepared by: JMB/JMB
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