

INTERIM STUDY PROPOSAL 2023-112

State of Arkansas

94th General Assembly

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A Bill

JMB/JMB

HOUSE BILL

By: Representative Gramlich

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

For An Act To Be Entitled

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

Subtitle

TO AUTHORIZE CERTAIN MEDICAL
PROFESSIONALS TO CERTIFY TO THE OFFICE OF
MOTOR VEHICLE ELIGIBILITY FOR A SPECIAL
LICENSE PLATE, CERTIFICATE, OR PARKING
DECAL FOR A PERSON WITH A DISABILITY.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Uses portable oxygen; or

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

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

(8) "Certifying authority" means:

(A) A licensed physician;

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

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

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

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

(a)(1) A person with a disability, ~~which, as~~ determined by a ~~licensed physician, is~~ certifying authority to be 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 a temporary van-accessible parking decal, and, upon request, one (1) additional temporary special certificate, which may include an additional van-accessible parking decal.

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

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

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

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

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

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

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

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

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

Referred by Representative Gramlich

Prepared by: JMB/JMB