

State of Arkansas  
82nd General Assembly  
Regular Session, 1999

*As Engrossed S3/23/99*

## A Bill

HOUSE BILL 2142

By: Representative T. Thomas  
By: Senator Bisbee

### For An Act To Be Entitled

"AN ACT TO AMEND THE 'HANDICAPPED PERSONS ACCESS TO  
PARKING ACT OF 1985', AS AMENDED BY ACT 656 OF 1991;  
TO ESTABLISH PENALTIES FOR VIOLATIONS; TO ESTABLISH  
APPORTIONMENT OF FINES; AND FOR OTHER PURPOSES."

### Subtitle

"TO AMEND THE 'HANDICAPPED PERSONS ACCESS  
TO PARKING ACT OF 1985', AS AMENDED BY  
ACT 656 OF 1991; TO ESTABLISH PENALTIES  
FOR VIOLATIONS; TO ESTABLISH  
APPORTIONMENT OF FINES."

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

SECTION 1. Arkansas Code 27-15-302 is hereby amended to read as  
follows:

"27-15-302. Definitions.

(1) 'Office' means the Office of Motor Vehicle of the Revenue Division  
of the Department of Finance and Administration;

(2) 'Person with a disability' means any individual who, as determined  
by a licensed physician:

(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

1 person's forced (respiratory) expiratory volume for one (1) second, when  
2 measured by spirometry, is less than one (1) liter, or the arterial oxygen  
3 tension is less than sixty (60) mm/hg on room air at rest;

4 (D) Uses portable oxygen; or

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

8 ~~(F) Is severely limited in his or her ability to walk due to an~~  
9 ~~arthritic, neurological, or orthopedic condition;~~

10 (3) 'Public agency' means any department, office, or agency of the  
11 State of Arkansas, or any city, county, school district, or other public  
12 agency of this state or of its political subdivisions; and

13 (4) 'Private agency' means any person, firm, association, organization,  
14 or entity, other than a public agency doing business with, or providing  
15 accommodations for the public, whose customary and normal operations include  
16 the providing of parking spaces as a means of accommodating the general public  
17 or a select clientele or membership;

18 (5) 'Access aisle' means a ramp designed, constructed and marked for  
19 access by a mobility-impaired person, a striped or marked passenger loading  
20 and unloading area, or striped access area adjacent to a parking space  
21 designed and marked for access by mobility or sight-impaired persons."

22  
23 SECTION 2. Arkansas Code 27-15-305 is hereby amended to read as  
24 follows:

25 "27-15-305. Penalties.

26 (a) Any individual who provides false information in order to acquire,  
27 or who assists an unqualified person to acquire, the special license plate or  
28 the special certificate, and any person who abuses the privileges granted by  
29 this subchapter shall be deemed guilty of a Class C ~~A~~ misdemeanor.

30 (b) Any vehicle found to be parked in an area designated for the  
31 exclusive use of any person with a disability including the access aisle, as  
32 provided in this subchapter, on which is not displayed a special license  
33 plate, a special certificate, or an official designation of another state as  
34 authorized in this subchapter, or which is found to be parked in an area  
35 designated for the exclusive use of any person with a disability, if operated  
36 by a person who is not a person with a disability, while not being used for

1 the actual transporting of a person with a disability, shall be subject to  
2 impoundment by the appropriate law enforcement agency. In addition thereto,  
3 the owner of the vehicle shall, upon conviction, be subject to a fine of not  
4 less than ~~twenty-five dollars (\$25.00)~~ one hundred dollars (\$100) nor more  
5 than ~~one hundred dollars (\$100)~~ five hundred dollars (\$500) for the first  
6 offense and not less than two hundred fifty dollars (\$250) nor more than one  
7 thousand dollars (\$1,000) for the second and subsequent offense ~~for each~~  
8 ~~offense~~, plus applicable towing, impoundment, and related fees, as well as  
9 court costs.

10 (c) Thirty percent (30%) of every fine and fee collected under  
11 this section by a law enforcement agency and court of competent jurisdiction  
12 shall be for the purpose of funding activities of the Governor's Commission on  
13 People with Disabilities and shall be collected and paid to a special fund  
14 established and maintained by the Treasurer of State. Seventy percent (70%)  
15 of the funds collected from fines and fees collected under this section shall  
16 be paid to the local municipality in which the violation occurred to assist  
17 that political subdivision in paying the expenses it incurs in complying with  
18 requirements of the Americans with Disabilities Act."

19  
20 SECTION 3. Arkansas Code 27-15-306(b) is hereby amended to read as  
21 follows:

22 "(b) Any law enforcement officer in this state is authorized to enter  
23 upon the parking space of any private agency in this state for the purpose of  
24 enforcing the provisions of this subchapter with respect to accessible  
25 parking, ~~unless the private agency has notified the law enforcement agency~~  
26 ~~that intrusion upon such property by law enforcement officers is prohibited~~  
27 ~~without the issuance of an appropriate court order."~~

28  
29 SECTION 4. Arkansas Code 27-15-314(b) is hereby amended to read as  
30 follows:

31 "(b) The minimum number of parking spaces shall comply with the  
32 requirements of the Americans with Disabilities Act ~~The failure of a private~~  
33 ~~agency to provide, in number or specification, parking spaces for people with~~  
34 ~~disabilities as required of public agencies in § 27-15-313 shall in no way be~~  
35 ~~deemed to:-~~

36 ~~(1) Authorize or permit unauthorized vehicles to park in a parking space~~

1 ~~which contains a sign or other appropriate marking designating the parking~~  
2 ~~space as space reserved for parking for people with disabilities; or~~  
3 ~~(2) Relieve any law enforcement officer of the responsibility of arresting~~  
4 ~~persons for violating the laws of this state which prohibit the parking of~~  
5 ~~vehicles that do not display a special license plate or special certificate in~~  
6 ~~parking spaces designated for people with disabilities."~~

7  
8 SECTION 5. Arkansas Code 27-15-402 is amended to read as follows:

9 "27-15-402. Penalty.

10 (a) Any person violating the provisions of this subchapter, or  
11 attempting to secure the benefits of this subchapter, who is not entitled to  
12 the benefits of it, shall be guilty of a misdemeanor.

13 (b)(1) Upon conviction, a violator shall be required to pay the normal  
14 license fee for legally issued license plates and, in addition, shall be fined  
15 in the sum of not less than ~~one hundred dollars (\$100)~~ five hundred dollars  
16 (\$500) nor more than one thousand dollars (\$1,000).

17 (2) Costs as provided by law in misdemeanor offenses shall be  
18 assessed."

19  
20 SECTION 6. Arkansas Code 27-15-313 is repealed.

21 ~~27-15-313. Parking facilities on public property.~~

22 ~~(a) Each public agency of this state, as defined in § 27-15-302(3),~~  
23 ~~having jurisdiction over street parking or publicly owned and operated parking~~  
24 ~~lots and facilities, including spaces adjacent to public buildings, shall~~  
25 ~~provide a minimum number of specially designated and marked motor vehicle~~  
26 ~~parking spaces for the exclusive use of motor vehicles bearing a special~~  
27 ~~license plate or special certificate issued under the provisions of this~~  
28 ~~subchapter.~~

29 ~~(b) The following minimum number of parking spaces shall be provided~~  
30 ~~for special persons with disabilities vehicle parking:~~

31 ~~(1) One (1) space in the immediate vicinity of a building which~~  
32 ~~houses the public agency, including, but not limited to, state office~~  
33 ~~buildings, courthouses, and city halls, if no parking for the public is~~  
34 ~~provided on the premises of these buildings;~~

35 ~~(2) For publicly maintained and operated parking facilities~~  
36 ~~intended for public use, one (1) parking space is recommended for parking for~~

~~people with disabilities for the first twenty (20) parking spaces, or fraction thereof, and one (1) additional parking space for people with disabilities for the next eighty (80) parking spaces, or fraction thereof, and one (1) additional parking space for people with disabilities for each additional one hundred (100) parking spaces, or fraction thereof, after the first one hundred (100) parking spaces;~~

~~(3) A minimum of four (4) parking spaces for people with disabilities shall be provided at physical restoration rehabilitation centers and hospitals.~~

~~(c) Such parking spaces shall be designated and located as follows:~~

~~(1) All spaces shall be accessible thereto by curb ramp or curb cut, when necessary to allow access to the buildingserved, and shall be located so that the user will not be compelled to wheel behind parked vehicles;~~

~~(2) Parallel parking spaces next to a curb shall be separated from the space in front or behind by a minimum five foot (5') striped "NO PARKING" area. This area shall be connected to the curb by a curb cut or ramp at a maximum inclination ratio of 12:1. Such curb cuts or ramps shall have tactile markings, and shall be connected to sidewalks by a curb cut or ramp as listed in this subsection;~~

~~(3) Curbs adjacent to parking spaces designated for parking for people with disabilities shall be of a height which will not interfere with the opening and closing of motor vehicle doors.~~

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

1

*/s/ T. Thomas*