

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 148

4
5 By: Senator Scott
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For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE 'ACCESS TO
10 PARKING FOR PERSONS WITH DISABILITIES ACT', ARKANSAS
11 CODE 27-15-301 -- 27-15-315, TO DISCONTINUE THE
12 ISSUANCE OF SPECIAL LICENSE PLATES FOR PERSONS WITH
13 DISABILITIES AND TO PROVIDE FOR ISSUANCE OF SPECIAL
14 CERTIFICATES FOR PERSONS WITH DISABILITIES; TO REQUIRE
15 SUCH SPECIAL CERTIFICATES TO CONTAIN A PHOTOGRAPH OF
16 THE PERSON FOR WHOM ISSUED; AND FOR OTHER PURPOSES."

Subtitle

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19 "TO AMEND VARIOUS SECTIONS OF THE ACCESS
20 TO PARKING FOR PERSONS WITH DISABILITIES
21 ACT TO ELIMINATE ABUSES AND PROMOTE
22 ENFORCEMENT OF THE ACT."
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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 27-15-303(b) is amended to read as follows:

28 "(b) The provisions of this section may be waived if the applicant can
29 document that a larger vehicle or special purpose vehicle would otherwise be
30 eligible to display the ~~special license plate or special certificate.~~"
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32 SECTION 2. Arkansas Code 27-15-305 is amended to read as follows:

33 "27-15-305. Penalties.

34 (a) Any individual who provides false information in order to acquire,
35 or who assists an unqualified person to acquire, ~~the special license plate or~~
36 ~~the~~ a special person with a disability certificate, and any person who abuses

1 the privileges granted by this subchapter shall be deemed guilty of a Class C
2 misdemeanor.

3 (b) Any vehicle found to be parked in an area designated for the
4 exclusive use of any person with a disability, as provided in this subchapter,
5 on which is not displayed a ~~special license plate~~, a special certificate, or
6 an official designation of another state as authorized in this subchapter, or
7 which is found to be parked in an area designated for the exclusive use of any
8 person with a disability, if operated by a person who is not a person with a
9 disability, while not being used for the actual transporting of a person with
10 a disability, shall be subject to impoundment by the appropriate law
11 enforcement agency. In addition thereto, the owner of the vehicle shall, upon
12 conviction, be subject to a fine of not less than twenty-five dollars (\$25.00)
13 nor more than one hundred dollars (\$100) for each offense, plus applicable
14 towing, impoundment, and related fees, as well as court costs."

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16 SECTION 3. Arkansas Code 27-15-307 is amended to read as follows:

17 "27-15-307. Administration.

18 The office shall:

19 (1) Develop an appropriate form, including provision for a sworn
20 statement of disability, for use by an applicant to request issuance of ~~the~~
21 ~~special license plate and~~ the special certificate for a person with a
22 disability;

23 (2) Distribute a copy of this subchapter to all appropriate law
24 enforcement agencies charged with enforcement of the Motor Vehicle Code;

25 (3) Adopt procedures and promulgate rules to advise and inform the
26 general public of the provisions of this subchapter and the availability of
27 ~~special license plates and~~ special certificates;

28 (4) Request medical information directly related to determining the
29 eligibility of the applicant for a ~~special license plate or~~ special
30 certificate, which shall be held in strict confidence. ~~Such medical~~
31 ~~information shall only be required when the applicant is applying for the~~
32 ~~initial issuance of a special license plate or special certificate authorized~~
33 ~~under the provisions of § 27-15-308;~~

34 (5) Maintain accurate records of the annual number of ~~special license~~
35 ~~plates and~~ special certificates issued and in inventory; and

36 (6) Enter into the permanent record of each applicant the ~~special~~

1 ~~license number, or~~ special certificate number, and type of allowable
 2 disability of the applicant in a manner that will allow retrieval of the
 3 information for statistical use.”

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 5 SECTION 4. Arkansas Code 27-15-308 is amended to read as follows:

6 “27-15-308. Special ~~license plates and~~ persons with disabilities
 7 certificates.

8 (a) An owner of a motor vehicle described in § 27-15-303 may apply to
 9 the office for issuance of ~~one (1) special license plate, to be affixed to his~~
 10 ~~vehicle~~ a special ‘person with a disability’ certificate, if the applicant, a
 11 dependent of the applicant, or any individual who depends primarily on the
 12 applicant for more than sixty percent (60%) of his transportation is
 13 temporarily or permanently disabled under the definition of a person with a
 14 disability, as defined in § 27-15-302(2), or if the applicant is an
 15 organization owning ~~the~~ a vehicle ~~for which the special license is to be~~
 16 ~~affixed, and the organization's vehicle is~~ primarily used to transport persons
 17 with disabilities, as defined in § 27-15-302(2).

18 ~~— (b)(1) The special license plate issued by the office shall contain the~~
 19 ~~international symbol of access, and a white figure on “international blue”~~
 20 ~~background.~~

21 ~~— (2) The special license plate shall be issued at no additional charge.~~

22 ~~— (c)(1) A person with a disability may apply to the office for a special~~
 23 ~~“person with a disability” certificate.~~

24 ~~(2)(b)(1)~~ (2) The special certificate shall conform in size, color, and
 25 construction as may be specified by federal rules issued by the United States
 26 Secretary of Transportation, pursuant to Public Law 100-641 and shall include
 27 thereon a photograph of the person for whom issued and the expiration date of
 28 the certificate.

29 ~~(3)~~ (2) When the special certificate is displayed on the inside
 30 rearview mirror, or the dashboard if the vehicle is of a type that does not
 31 have an inside rearview mirror, of a vehicle described in § 27-15-303 that is
 32 transporting the person to whom the special certificate was issued, the owner
 33 or operator of the motor vehicle shall be entitled to ~~the same parking~~
 34 ~~privileges as the owner or operator of a vehicle bearing a special license~~
 35 ~~plate provided under subsection (a) of this section~~ parking privileges
 36 prescribed in § 27-15-312. Provided, the certificate shall be displayed in

1 such manner that the certificate and the contents thereof are readily visible
 2 and readable from outside the vehicle.

3 ~~(4)~~ (3) The special certificate shall be issued free of charge, ~~and~~
 4 ~~shall expire five (5) years from the last day of the month in which it is~~
 5 ~~issued. Provided, however, the~~ and may be issued for a period of three (3)
 6 years or for a shorter period in case of a temporary disability. The
 7 applicant for an original certificate or renewal of a certificate shall not be
 8 required to obtain recertification of his qualifying disability in order to
 9 renew his special certificate. If issued for a person with a permanent
 10 disability, the certificate shall expire three (3) years from date of issue
 11 and if issued for a person with a temporary disability, the certificate shall
 12 expire on the date shown on the certificate which shall not be more than one
 13 (1) year from date of issue.

14 (4) The special certificate shall contain the photograph of the
 15 person with a disability for whom the certificate was issued and the date of
 16 issuance and the expiration date of the certificate."

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 18 SECTION 5. Arkansas Code 27-15-310 is amended to read as follows:

19 "27-15-310. Display of special license plate or certificate.

20 ~~(a) No vehicle licensed by the State of Arkansas to operate on the~~
 21 ~~public highways shall display a special license plate issued for a vehicle~~
 22 ~~owned by a person with a disability, or a facsimile thereof, unless the owner~~
 23 ~~or primary user of the vehicle meets the definition of 'person with a~~
 24 ~~disability' as defined in § 27-15-302(2).~~

25 ~~_____ (b) No vehicle shall display the~~ The special certificate shall not be
 26 displayed on or in a vehicle unless the vehicle is being used for the purpose
 27 of transporting the person ~~to~~ for whom the special certificate was issued."

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 29 SECTION 6. Arkansas Code 27-15-311 is amended to read as follows:

30 "27-15-311. Reciprocity.

31 Any motor vehicle licensed in another state which exhibits a special
 32 license plate or other special authorized vehicle designations issued by
 33 licensing authorities of other states for vehicles used in the transportation
 34 of people with disabilities shall be accorded the privileges as provided in
 35 this subchapter ~~for similar vehicles licensed in this state,~~ as is required
 36 under the provisions of Public Law 100-641, and rules issued pursuant thereto

1 by the United States Secretary of Transportation.”

2
3 SECTION 7. Arkansas Code 27-15-312(a) is amended to read as follows:

4 “(a) A vehicle displaying a ~~special license plate or special~~
5 certificate and being used for the actual transporting of a person with a
6 disability is permitted exclusive parking privileges in those areas designated
7 for parking only by people with disabilities.”

8
9 SECTION 8. Arkansas Code 27-15-313(a) is amended to read as follows:

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

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18 SECTION 9. Arkansas Code 27-15-314(a)(1) is amended to read as follows:

19 “(a)(1) Any business firm or other person licensed to do business with
20 the public or owning or operating a business which provides parking access to
21 the public may provide specially designated and marked motor vehicle parking
22 spaces for the exclusive use of people with disabilities who have been issued
23 a ~~special license plate or~~ special certificate.”

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25 SECTION 10. Arkansas Code 27-15-315(a) is amended to read as follows:

26 “(a) For the purposes of this subchapter, and for the purposes of
27 enforcing any law of this state relating to penalizing owners or operators of
28 vehicles who park vehicles in spaces designated for use by people with
29 disabilities, and whose vehicles do not properly and legally display a ~~special~~
30 ~~license plate or a~~ special certificate provided under this subchapter, it
31 shall be assumed that the identification of areas designated for use by people
32 with disabilities is regulatory in nature and that the identified areas are
33 intended for exclusive use by people with disabilities whose vehicles are
34 properly identified, and that penalties should be imposed on the owner or
35 operator of a vehicle parked in those areas whose vehicle is not properly
36 identified.”

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2 SECTION 11. Arkansas Code 27-15-304 is hereby repealed.

3 ~~§ 27-15-304. Temporary special certificate.~~

4 ~~— (a) A person with a disability, which, as determined by a licensed~~
5 ~~physician is temporary in nature as opposed to permanent, may apply to the~~
6 ~~office for a temporary person with a disability special certificate, and, upon~~
7 ~~request, one (1) additional temporary special certificate. Provided further,~~
8 ~~that a person to whom has been issued a special license plate or a special~~
9 ~~certificate may obtain one (1) temporary special certificate. The intent~~
10 ~~herein being to provide any person with a disability at least one (1), but not~~
11 ~~more than two (2), special indicia authorizing the use of parking spaces~~
12 ~~reserved exclusively for persons with disabilities.~~

13 ~~— (b) The temporary special certificate shall conform in size, color, and~~
14 ~~construction as may be specified by federal rules issued by the United States~~
15 ~~Secretary of Transportation, pursuant to Public Law 100-641.~~

16 ~~— (c) When the temporary special certificate is displayed on the inside~~
17 ~~rearview mirror, or the dashboard if the vehicle is of a type that does not~~
18 ~~have an inside rearview mirror, of a vehicle described in § 27-15-303 that is~~
19 ~~transporting the person to whom the temporary special certificate was issued,~~
20 ~~the owner or operator of the motor vehicle shall be entitled to the same~~
21 ~~parking privileges as the owner or operator of a vehicle bearing a special~~
22 ~~license plate provided under § 27-15-308(a).~~

23 ~~— (d) The temporary special certificate shall be issued free of charge and~~
24 ~~shall expire three (3) months from the last day of the month in which it is~~
25 ~~issued.~~

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27 SECTION 12. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 13. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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1 SECTION 14. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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