

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H1/29/01 H2/16/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 1196

By: Representative Hendren

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
TITLE 27, CHAPTER 15, SUBCHAPTER 3 TO ENHANCE THE PENALTY FOR
PARKING IN A DISABLED PARKING SPACE AND TO REDUCE THE TIME PERIOD
FOR ISSUANCE OF DISABLED PARKING CERTIFICATES AND PLATES; AND FOR
OTHER PURPOSES.

Subtitle

TO ENHANCE THE PENALTY FOR PARKING IN A
DISABLED PARKING SPACE AND REDUCE THE
TIME PERIOD FOR ISSUANCE OF DISABLED
PARKING CERTIFICATES.

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

SECTION 1. *Arkansas Code 27-15-305(b), concerning penalties for parking in disabled parking spaces, is amended to read as follows:*

(b) Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, including the access aisle, as provided in this subchapter, on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized in this subchapter or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability, while not being used for the actual transporting of a person with a disability, shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner of the vehicle shall upon conviction be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first offense and not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for the second and subsequent offense,

1 *plus applicable towing, impoundment, and related fees as well as court costs,*
 2 *and, upon a second or subsequent conviction, the court shall suspend the*
 3 *driver's license for up to six (6) months. The driver may apply to the Office*
 4 *of Driver Services of the Arkansas Department of Finance and Administration*
 5 *for a restricted license during the period of suspension. The office shall*
 6 *determine the conditions of the restricted license or may deny the request for*
 7 *a restricted license after reviewing the driving record and circumstances of*
 8 *the driver.*

9
 10 SECTION 2. Arkansas Code 27-15-307 is amended to read as follows:

11 27-15-307. Administration.

12 The office shall:

13 (1) Develop an appropriate form, including provision for a sworn
 14 statement of disability, for use by an applicant to request issuance of the
 15 special license plate and the special certificate for a person with a
 16 disability;

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

19 (3) Adopt procedures and promulgate rules to advise and inform the
 20 general public of the provisions of this subchapter and the availability of
 21 special license plates and special certificates;

22 (4) Request medical information directly related to determining the
 23 eligibility of the applicant for a special license plate or special
 24 certificate, which shall be held in strict confidence. Such medical
 25 information shall only be required when the applicant is applying for the
 26 initial issuance of a special license plate or special certificate authorized
 27 under the provisions of § 27-15-308;

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

30 (6) Enter into the permanent record of each applicant the special
 31 license number, or special certificate number, and type of allowable
 32 disability of the applicant in a manner that will allow retrieval of the
 33 information for statistical use; ~~and~~

34 (7) Include a notice with all applications for a special license plate
 35 or special certificate informing the applicants and any other persons driving
 36 for the applicants of the requirements of this subchapter, and further

1 specifically informing the applicants that the privilege to park in spaces
2 reserved for persons with disabilities shall be available only when the person
3 for whom the special plate or certificate was issued, or when a person with a
4 disability is actually in the vehicle.

5
6 SECTION 3. Arkansas Code 27-15-308(c)(4), concerning special license
7 plates and certificates for person with disabilities, is amended to read as
8 follows:

9 (4) The special certificate shall be issued free of charge, and
10 shall expire ~~five (5)~~ two (2) years from the last day of the month in which it
11 is issued. Provided, however, the applicant shall not be required to obtain
12 recertification of his qualifying disability in order to renew his special
13 certificate.

14 SECTION 4. Arkansas Code 27-15-308(c), concerning special license plates and
15 certificates for persons with disabilities, is amended to add an additional
16 subdivision to read as follows:

17 (5)(A) If a person to whom a special certificate or license plate has
18 been issued moves to another state, the person shall surrender the special
19 certificate or plate to the office.

20 (B) If a person to whom a special certificate or license plate
21 has been issued dies, the special certificate or license plate shall be
22 returned to the office within thirty (30) days after the death of the person
23 to whom the special certificate or plate was issued.

24
25 SECTION 5. Arkansas Code 27-15-314 is amended to read as follows:

26 27-15-314. Parking spaces by private agencies.

27 (a)(1) Any business firm or other person licensed to do business with
28 the public or owning or operating a business which provides parking access to
29 the public may provide specially designated and marked motor vehicle parking
30 spaces for the exclusive use of people with disabilities who have been issued
31 a special license plate or special certificate.

32 (2) Private businesses which provide parking access intended for
33 use by the public, which are constructed after January 1, 1992, and private
34 businesses which undertake significant physical modifications or alterations
35 of their premises after January 1, 1992, shall provide parking spaces in such
36 number and otherwise in accordance with the standards set forth in ~~§ 27-15-313~~

1 ~~for parking spaces for people with disabilities~~ regulations promulgated by the
2 Department of Finance and Administration which would be consistent with Public
3 Law 100-641, and rules issued pursuant thereto by the United States Secretary
4 of Transportation.

5 (b) The minimum number of parking spaces shall comply with
6 the requirements of the Americans with Disabilities Act.

7 /s/ Hendren
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