

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2249

4
5 By: Representative S. Prater
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For An Act To Be Entitled

9 AN ACT TO REVISE AND MODERNIZE THE ACCESS TO
10 PARKING FOR PERSONS WITH DISABILITIES ACT, § 27-
11 15-301 ET SEQ.; TO ENSURE THAT DRIVER EDUCATION
12 PROGRAMS AND THE DRIVER'S INSTRUCTION MANUAL
13 INCLUDE INFORMATION ABOUT PARKING FOR PERSONS
14 WITH A DISABILITY; AND FOR OTHER PURPOSES.
15

Subtitle

16 TO REVISE AND MODERNIZE THE ACCESS TO
17 PARKING FOR PERSONS WITH DISABILITIES
18 ACT AND TO ENSURE THAT BEGINNING DRIVERS
19 ARE GIVEN INFORMATION AND TESTED ON
20 PARKING FOR PERSONS WITH A DISABILITY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Effective January 1, 2008, Arkansas Code § 27-15-304 is
27 amended to read as follows:

28 27-15-304. Temporary special certificate.

29 (a)(1) A person with a disability, which, as determined by a licensed
30 physician is temporary in nature as opposed to permanent, may apply to the
31 Office of Motor Vehicle for a temporary person-with-a-disability special
32 certificate, and, upon request, one (1) additional temporary special
33 certificate. Provided further, a person to whom has been issued a special
34 license plate or a special certificate may obtain one (1) temporary special
35 certificate. The intent in this section is to provide any person with a
36 disability at least one (1), but not more than two (2), special indicia



1 authorizing the use of parking spaces reserved exclusively for persons with
 2 disabilities.

3 (2)(A) For every application for a temporary special certificate
 4 issued under this section, the Department of Finance and Administration shall
 5 produce a photo identification card containing a color photograph of the
 6 person with a disability who applies for the temporary special certificate.

7 (B) The requirement of a photo identification card in this
 8 subsection shall not apply to an organization in the business of transporting
 9 persons with a disability as described in § 27-15-308(a).

10 (b) The temporary special certificate shall conform in size, color,
 11 and construction as may be specified by federal rules issued by the United
 12 States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

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

20 (d)(1) The temporary special certificate shall be issued free of
 21 charge and shall expire three (3) months from the last day of the month in
 22 which it is issued.

23 (2)(A) The photo identification card that is issued to
 24 correspond with the temporary special certificate shall be issued upon
 25 payment of a transaction fee of five dollars (\$5.00) and shall expire three
 26 (3) months from the last day of the month in which it is issued.

27 (B) The transaction fee shall be deposited as special
 28 revenue into the State Central Services Fund to be used exclusively for the
 29 benefit of the Revenue Division of the Department of Finance and
 30 Administration.

31 (C) The transaction fee shall be credited as supplemental
 32 and in addition to all other funds as may be deposited for the benefit of the
 33 division.

34 (D) The transaction fee shall not be considered or
 35 credited to the division as direct revenue.

36

1 SECTION 2. Arkansas Code § 27-15-306 is amended to read as follows:
 2 27-15-306. Enforcement.

3 (a) Any law enforcement official in this state ~~is authorized to~~ may
 4 enter upon ~~the~~ any public parking space, public parking lot, or public
 5 parking facility of any public agency of ~~of~~ in this state for the purpose of
 6 enforcing the provisions of this subchapter with respect to ~~accessible~~
 7 parking for a person with a disability.

8 (b) Any law enforcement officer in this state ~~is authorized to~~ may
 9 enter upon the parking space, parking lot, or parking facility of any private
 10 agency in this state for the purpose of enforcing the provisions of this
 11 subchapter with respect to ~~accessible~~ parking for a person with a disability.

12
 13 SECTION 3. Effective January 1, 2008, Arkansas Code § 27-15-308 is
 14 amended to read as follows:

15 27-15-308. Special license plates and certificates.

16 (a)(1) An owner of a motor vehicle described in § 27-15-303 may apply
 17 to the Office of Motor Vehicle for issuance of one (1) special license plate,
 18 to be affixed to his or her vehicle, if the applicant, a dependent of the
 19 applicant, or any individual who depends primarily on the applicant for more
 20 than sixty percent (60%) of his or her transportation is disabled under the
 21 definition of a person with a disability, as defined in § 27-15-302(3), ~~or if~~
 22 ~~the applicant is an organization owning the vehicle for which the special~~
 23 ~~license is to be affixed and the organization's vehicle is primarily used to~~
 24 ~~transport persons with disabilities, as defined in § 27-15-302(3).~~

25 (2) For every application for a special license plate issued
 26 under this section, the Department of Finance and Administration shall
 27 produce a photo identification card containing a color photograph of the
 28 person with a disability who is either:

29 (A) Applying for the special license plate; or

30 (B) Being transported by the vehicle for which the special
 31 license plate is issued.

32 (3)(A) An owner of a motor vehicle that is issued a special
 33 license plate under this section shall submit every two (2) 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.

1 (B) The photo identification card required in this
 2 subsection must be renewed every two (2) years.

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

8 (B) The requirements of a photo identification card and
 9 physician recertification in this subsection (a) shall not apply to an
 10 applicant in the business of transporting persons with a disability as
 11 described in this subsection.

12 (b)(1) The special license plate issued by the office shall contain
 13 the international symbol of access, ~~and a white figure on international blue~~
 14 ~~background.~~

15 (2) The special license plate shall be issued at no additional
 16 charge.

17 (c)(1)(A) A person with a disability may apply to the office for a
 18 special person-with-a-disability certificate, subject to the photo
 19 identification card requirements of subsection (a) of this section.

20 (2) The special certificate shall conform in size, color, and
 21 construction as may be specified by federal rules issued by the United States
 22 Secretary of Transportation, pursuant to Pub. L. No. 100-641.

23 (3) When the special certificate is displayed on the inside
 24 rearview mirror, or the dashboard if the vehicle is of a type that does not
 25 have an inside rearview mirror, of a vehicle described in § 27-15-303 that is
 26 transporting the person to whom the special certificate was issued, the owner
 27 or operator of the motor vehicle shall be entitled to the same parking
 28 privileges as the owner or operator of a vehicle bearing a special license
 29 plate provided under subsection (a) of this section.

30 (4) The special certificate shall be issued free of charge and
 31 shall expire two (2) years from the last day of the month in which it is
 32 issued. ~~Provided, however, the applicant shall not be required to obtain~~
 33 ~~recertification of his or her qualifying disability in order to renew the~~
 34 ~~special certificate.~~

35 (5)(A) If a person to whom a special certificate or license
 36 plate has been issued moves to another state, the person shall surrender the

1 special certificate or plate to the office.

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

6 (6)(A) The photo identification card issued under this section
 7 shall be issued upon payment of a transaction fee of five dollars (\$5.00) and
 8 shall expire two (2) years from the last day of the month in which it is
 9 issued.

10 (B) The transaction fee shall be deposited as special
 11 revenue into the State Central Services Fund to be used exclusively for the
 12 benefit of the Revenue Division of the Department of Finance and
 13 Administration.

14 (C) The transaction fee shall be credited as supplemental
 15 and in addition to all other funds as may be deposited for the benefit of the
 16 division.

17 (D) The transaction fee shall not be considered or
 18 credited to the division as direct revenue.

19
 20 SECTION 4. Arkansas Code § 27-15-312(a), regarding parking privileges
 21 for persons with disabilities, is amended to read as follows:

22 (a)(1) A vehicle displaying a special license plate or special
 23 certificate and being used for the actual transporting of a person with a
 24 disability is permitted exclusive parking privileges in those areas
 25 designated for parking only by persons with disabilities.

26 (2) ~~Vehicles~~ A parking space reserved for a person with a
 27 disability that is designated as "van accessible" shall be used exclusively
 28 by vehicles that load or unload a wheelchair, or other related mobility
 29 device three- or four-wheeled scooter, or similar device that is powered by
 30 an independent source and that is commonly used to transport persons who have
 31 limited or no use of their legs shall be authorized to load or unload or
 32 otherwise use those parking spaces reserved exclusively for persons with
 33 disabilities and designated "van accessible".

34
 35 SECTION 5. Arkansas Code § 27-15-315 is amended to read as follows:
 36

1 27-15-315. Signs regulatory in nature.

2 (a) For the purposes of this subchapter and for the purposes of
 3 enforcing any law of this state relating to penalizing owners or operators of
 4 vehicles who park vehicles in spaces designated for use by persons with
 5 disabilities and whose vehicles do not properly and legally display a special
 6 license plate or a special certificate provided under this subchapter, it
 7 shall be ~~assumed~~ presumed that the identification of areas designated for use
 8 by persons with disabilities is regulatory in nature and that the identified
 9 areas are intended for exclusive use by persons with disabilities whose
 10 vehicles are properly identified and that penalties should be imposed on the
 11 owner or operator of a vehicle parked in those areas whose vehicle is not
 12 properly identified.

13 ~~(b) For the purposes of this subchapter and for the purposes of~~
 14 ~~enforcing any laws of this state related to parking areas for persons with~~
 15 ~~disabilities, sign R7-8, listed in the Manual of Uniform Traffic Control~~
 16 ~~Devices (Rev. 12/79) shall be~~ Any of the following designations that are
 17 displayed on each parking space for persons with disabilities and shall be
 18 enforced as provided under this subchapter and are regulatory in nature.:

19 ~~(e)(1)~~ The blue and white international symbol of access on a
 20 sign or on the pavement, or both;

21 ~~(2) accompanied by appropriate regulatory language, including,~~
 22 ~~but not limited to, "Handicapped Parking", "Reserved for Handicapped",~~
 23 ~~"Permit Required - Towing Enforced", etc., may be used in lieu of sign R7-8~~
 24 ~~if the sign was erected prior to January 1, 1992, and shall be regulatory in~~
 25 ~~nature. A sign that states any of the following:~~

- 26 (A) "Disabled Parking";
- 27 (B) "Van Accessible";
- 28 (C) "Handicapped Parking";
- 29 (D) "Reserved for Handicapped"; or
- 30 (E) "Permit Required - Towing Enforced"; or

31 (3) A sign that is compliant with R7-8, R7-8a, or R7-8b of the
 32 Manual on Uniform Traffic Control Devices promulgated by the Federal Highway
 33 Administration of the United States Department of Transportation.

34
 35 SECTION 6. Arkansas Code § 27-16-706 is amended to read as follows:
 36 The driver's license test shall include written questions concerning:

1 (1) The effects of the consumption of beverage alcohol products
2 and the use of illegal drugs, prescription drugs, and nonprescription drugs
3 on the ability of a person to operate a motor vehicle; ~~and~~

4 (2) The legal and financial consequences resulting from
5 violations of the state’s laws prohibiting the operation of a motor vehicle
6 while under the influence of alcohol or drugs;

7 (3) Accessible parking for a person with a disability; and

8 (4) Penalties for the unauthorized use of parking designated for
9 the exclusive use of a person with a disability.

10
11 SECTION 7. Arkansas Code Title 27, Chapter 18, Subchapter 1 is amended
12 to add an additional section to read as follows:

13 27-18-110. Instruction on accessible parking for persons with
14 disabilities.

15 (a) The driver’s instruction manual issued by the Department of
16 Arkansas State Police shall include information related to accessible parking
17 for a person with a disability, including without limitation:

18 (1) The importance of accessible parking for a person with a
19 disability; and

20 (2) The penalties for the unauthorized use of parking designated
21 for the exclusive use of a person with a disability.

22 (b) The Department of Arkansas State Police may coordinate with the
23 Arkansas Governor’s Commission on People with Disabilities in developing
24 information to include in the manual.

25
26 SECTION 8. Arkansas Code Title 6, Chapter 16, Subchapter 5 is amended
27 to add an additional section to read as follows:

28 6-16-508. Accessible parking for persons with disabilities.

29 (a) After receiving approval of materials from the Commissioner of
30 Education and the Director of the Division of Health of the Department of
31 Health and Human Services, the Arkansas Governor’s Commission on People with
32 Disabilities may provide educational and instructional materials regarding
33 accessible parking for persons with disabilities to school districts for use
34 in the classroom.

35 (b) Driver education courses and high school health classes shall
36 include information or instructional materials regarding accessibility issues

1 for persons with disabilities.
2 (c) Inclusion of educational information or instructional materials
3 under this section is mandated beginning with the 2008-2009 school fiscal
4 year.

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