

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  
4

*As Engrossed: H3/13/07*  
**A Bill**

HOUSE BILL 2249

5 By: Representative S. Prater  
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8 **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.  
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16 **Subtitle**

17 TO REVISE AND MODERNIZE THE ACCESS TO  
18 PARKING FOR PERSONS WITH DISABILITIES  
19 ACT AND TO ENSURE THAT BEGINNING DRIVERS  
20 ARE GIVEN INFORMATION AND TESTED ON  
21 PARKING FOR PERSONS WITH A DISABILITY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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)(i) 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 (ii) The photo identification card issued under  
28 subsection (d) of this section shall be carried on the person for  
29 verification of identity.

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

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

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

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4           SECTION 2. Arkansas Code § 27-15-306 is amended to read as follows:  
5           27-15-306. Enforcement.

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

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

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

18           27-15-308. Special license plates and certificates.

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

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

32                                   (i) Applying for the special license plate; or

33                                   (ii) Being transported by the vehicle for which the  
34 special license plate is issued.

35                   (B) The photo identification card issued under subsection  
36 (a) of this section shall be carried on the person for verification of

1 identity.

2 (3)(A) An owner of a motor vehicle that is issued a special  
3 license plate under this section shall submit every two (2) years to the  
4 Office of Motor Vehicle a physician recertification of the person with a  
5 disability to be transported by the vehicle to continue to qualify for the  
6 special license plate.

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

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

14 (B) The requirements of a photo identification card and  
15 physician recertification in this subsection (a) shall not apply to an  
16 applicant in the business of transporting persons with a disability as  
17 described in this subsection.

18 (b)(1) The special license plate issued by the office shall contain  
19 the 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  
22 charge.

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

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

29 (3) 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.

36 (4) The special certificate shall be issued free of charge and

1 shall expire two (2) years from the last day of the month in which it is  
2 issued. ~~Provided, however, the applicant shall not be required to obtain~~  
3 ~~recertification of his or her qualifying disability in order to renew the~~  
4 ~~special certificate.~~

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

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

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

16 (B) The transaction fee shall be deposited as special  
17 revenue into the State Central Services Fund to be used exclusively for the  
18 benefit of the Revenue Division of the Department of Finance and  
19 Administration.

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

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

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

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

32 (2) ~~Vehicles~~ A parking space reserved for a person with a  
33 disability that is designated as "van accessible" shall be used exclusively  
34 by vehicles that load or unload a wheelchair, or other related mobility  
35 device three- or four-wheeled scooter, or similar device that is powered by  
36 an independent source and that is commonly used to transport persons who have

1 ~~limited or no use of their legs shall be authorized to load or unload or~~  
 2 ~~otherwise use those parking spaces reserved exclusively for persons with~~  
 3 ~~disabilities and designated "van accessible".~~

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

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 7 27-15-315. Signs regulatory in nature.

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

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

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

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

32 (A) "Disabled Parking";

33 (B) "Van Accessible";

34 (C) "Handicapped Parking";

35 (D) "Reserved for Handicapped"; or

36 (E) "Permit Required - Towing Enforced"; or

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

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5           SECTION 6. Arkansas Code § 27-16-706 is amended to read as follows:

6           The driver's license test shall include written questions concerning:

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

10           (2) The legal and financial consequences resulting from  
11 violations of the state's laws prohibiting the operation of a motor vehicle  
12 while under the influence of alcohol or drugs;

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

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

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

19           27-18-110. Instruction on accessible parking for persons with  
20 disabilities.

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

24           (1) The importance of accessible parking for a person with a  
25 disability; and

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

28           (b) The Department of Arkansas State Police may coordinate with the  
29 Arkansas Governor's Commission on People with Disabilities in developing  
30 information to include in the manual.

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

34           6-16-508. Accessible parking for persons with disabilities.

35           (a) After receiving approval of materials from the Commissioner of  
36 Education and the Director of the Division of Health of the Department of

1 Health and Human Services, the Arkansas Governor's Commission on People with  
2 Disabilities may provide educational and instructional materials regarding  
3 accessible parking for persons with disabilities to school districts for use  
4 in the classroom.

5 (b) Driver education courses and high school health classes shall  
6 include information or instructional materials regarding accessibility issues  
7 for persons with disabilities.

8 (c) Inclusion of educational information or instructional materials  
9 under this section is mandated beginning with the 2008-2009 school fiscal  
10 year.

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12 */s/ S. Prater*  
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