

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 H3/16/07

A Bill

HOUSE BILL 2249

5 By: Representative S. Prater
6
7

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.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

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

28 (a) Any law enforcement official in this state ~~is authorized to~~ may
29 enter upon ~~the~~ any public parking space, public parking lot, or public
30 parking facility ~~of any public agency of~~ in this state for the purpose of
31 enforcing the provisions of this subchapter with respect to ~~accessible~~
32 parking for a person with a disability.

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



1
2 SECTION 2. Effective January 1, 2008, Arkansas Code § 27-15-308 is
3 amended to read as follows:

4 27-15-308. Special license plates and certificates.

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

14 (2)(A) Except as provided under subsection (d) of this section,
15 for every application for a special license plate issued under this section,
16 the Department of Finance and Administration shall produce a photo
17 identification card containing a color photograph of the person with a
18 disability who is either:

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

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

22 (B) The photo identification card issued under subsection
23 (a) of this section shall be carried on the person for verification of
24 identity.

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

30 (B) The photo identification card required in this
31 subsection must be renewed every four (4) years.

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

1 (B) The requirements of a photo identification card and
2 physician recertification in this subsection (a) shall not apply to an
3 applicant in the business of transporting persons with a disability as
4 described in this subsection.

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

8 (2) The special license plate shall be issued at no additional
9 charge.

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

13 (2) The 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 Pub. L. No. 100-641.

16 (3) When the 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 special certificate was issued, the owner
20 or operator of the motor vehicle shall be entitled to the same parking
21 privileges as the owner or operator of a vehicle bearing a special license
22 plate provided under subsection (a) of this section.

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

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

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

35 (6)(A) The photo identification card issued under this section
36 shall be issued upon payment of a transaction fee of five dollars (\$5.00) and

1 shall expire four (4) years from the last day of the month in which it is
2 issued.

3 (B) The transaction fee shall be deposited as special
4 revenue into the State Central Services Fund to be used exclusively for the
5 benefit of the Revenue Division of the Department of Finance and
6 Administration.

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

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

12 (d)(1) In lieu of the photo identification card issued under this
13 section, a person who holds a valid driver's license or identification card
14 issued under the laws of this state may choose to have an endorsement on his
15 or her driver's license or identification card that authorizes parking in
16 areas designated as parking for a person with a disability.

17 (2) If a driver's license endorsement or identification card
18 endorsement is chosen under this section, then the issuance and expiration of
19 the driver's license shall correspond with the expiration date of the special
20 person-with-a-disability certificate issued under this section.

21
22 SECTION 3. Arkansas Code § 27-15-312(a), regarding parking privileges
23 for persons with disabilities, is amended to read as follows:

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

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

1 (B) If the parking lot or parking facility has only one
 2 (1) parking space reserved for a person with a disability, then the
 3 limitation of use under subsection (a)(2)(A) shall not apply
 4

5 SECTION 4. Arkansas Code § 27-15-315 is amended to read as follows:
 6

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 visible to
 24 the driver's eye level shall be enforced as provided under this subchapter
 25 and are regulatory in nature;

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

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

33 (A) "Disabled Parking";

34 (B) "Van Accessible";

35 (C) "Handicapped Parking";

36 (D) "Reserved for Handicapped"; or

1 (E) “Permit Required – Towing Enforced”; or
2 (3) A sign that is compliant with R7-8, R7-8a, or R7-8b of the
3 Manual on Uniform Traffic Control Devices promulgated by the Federal Highway
4 Administration of the United States Department of Transportation.

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

7 The driver’s license test shall include written questions concerning:

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

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

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

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

17
18 SECTION 6. Arkansas Code Title 27, Chapter 18, Subchapter 1 is amended
19 to add an additional section to read as follows:

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

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

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

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

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

32
33 SECTION 7. Arkansas Code Title 6, Chapter 16, Subchapter 5 is amended
34 to add an additional section to read as follows:

35 6-16-508. Accessible parking for persons with disabilities.

36 (a) After receiving approval of materials from the Commissioner of

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

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

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

12
13 */s/ S. Prater*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36