

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 S3/23/07

A Bill

HOUSE BILL 2249

5 By: Representative S. Prater
6 By: *Senator Trusty*
7
8

For An Act To Be Entitled

10 AN ACT TO REVISE AND MODERNIZE THE ACCESS TO
11 PARKING FOR PERSONS WITH DISABILITIES ACT, § 27-
12 15-301 ET SEQ.; TO ENSURE THAT DRIVER EDUCATION
13 PROGRAMS AND THE DRIVER'S INSTRUCTION MANUAL
14 INCLUDE INFORMATION ABOUT PARKING FOR PERSONS
15 WITH A DISABILITY; AND FOR OTHER PURPOSES.
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.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 *SECTION 1.* Arkansas Code § 27-15-306 is amended to read as follows:
28 27-15-306. Enforcement.

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

34 (b) Any law enforcement officer in this state ~~is authorized to~~ may
35 enter upon the parking space, parking lot, or parking facility of any private
36 agency in this state for the purpose of enforcing the provisions of this



1 subchapter with respect to accessible parking for a person with a disability.

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

5 27-15-308. Special license plates and certificates.

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

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

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

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

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

26 (C) This subdivision (a)(2) applies to holders of or
27 applicants for special license plates issued under this section who do not
28 have a valid driver's license or identification card issued under the laws of
29 this state.

30 (3)(A) An owner of a motor vehicle that is issued a special
31 license plate under this section shall submit every four (4) years to the
32 Office of Motor Vehicle a physician recertification of the person with a
33 disability to be transported by the vehicle to continue to qualify for the
34 special license plate, unless the person with a disability has a permanent
35 disability.

36 (B) The photo identification card required in this

1 subsection must be renewed every four (4) years.

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

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

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

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

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

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

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

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

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

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

5 (6)(A) The photo identification card issued under this section
6 shall be issued upon payment of a transaction fee of five dollars (\$5.00) and
7 shall expire four (4) years from the last day of the month in which it is
8 issued.

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

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

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

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

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

27 (3)(A) The Office of Motor Vehicle shall not charge an
28 additional fee for adding the endorsement on a currently issued driver's
29 license or identification card.

30 (B) Any person who applies for and does not currently have
31 a driver's license or identification card and requests the endorsement shall
32 pay only the fee required under current law for the issuance of a driver's
33 license or identification card and shall not pay an additional fee for the
34 endorsement.

35 (e)(1) A person who is a resident of a facility that provides long-
36 term medical care or personal care is not required to obtain a photo

1 identification card that displays a photograph of the person with a
 2 disability but instead shall carry on the person documentation from the
 3 administrator of the facility attesting that the person is a resident of the
 4 facility.

5 (2) This subsection (e) applies to the following facilities
 6 including without limitation:

7 (A) A licensed nursing home;

8 (B) A licensed residential care facility; or

9 (C) A licensed assisted living facility.

10
 11 SECTION 3. Arkansas Code § 27-15-312(a), regarding parking privileges
 12 for persons with disabilities, is amended to read as follows:

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

17 (2)(A) Vehicles Except as provided under subdivision (a)(2)(B)
 18 of this section, a parking space reserved for a person with a disability that
 19 is designated as "van accessible" shall be used exclusively by vehicles that
 20 load or unload a wheelchair, ~~or other related mobility device~~ a three- or
 21 four-wheeled scooter, or a similar device that is commonly used to transport
 22 persons who have limited or no use of their legs shall be authorized to load
 23 or unload or otherwise use those parking spaces reserved exclusively for
 24 persons with disabilities and designated "van accessible".

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

28
 29 SECTION 4. Arkansas Code § 27-15-315 is amended to read as follows:

30
 31 27-15-315. Signs regulatory in nature.

32 (a) For the purposes of this subchapter and for the purposes of
 33 enforcing any law of this state relating to penalizing owners or operators of
 34 vehicles who park vehicles in spaces designated for use by persons with
 35 disabilities and whose vehicles do not properly and legally display a special
 36 license plate or a special certificate provided under this subchapter, it

1 shall be ~~assumed~~ presumed that the identification of areas designated for use
 2 by persons with disabilities is regulatory in nature and that the identified
 3 areas are intended for exclusive use by persons with disabilities whose
 4 vehicles are properly identified and that penalties should be imposed on the
 5 owner or operator of a vehicle parked in those areas whose vehicle is not
 6 properly identified.

7 ~~(b)(1) For the purposes of this subchapter and for the purposes of~~
 8 ~~enforcing any laws of this state related to parking areas for persons with~~
 9 ~~disabilities, sign R7-8, listed in the Manual of Uniform Traffic Control~~
 10 ~~Devices (Rev. 12/79) shall be~~ Any of the following designations that are
 11 displayed on each parking space for persons with disabilities and visible to
 12 the driver's eye level shall be enforced as provided under this subchapter
 13 and are regulatory in nature;

14 ~~(e)(A) The~~ A sign that displays the blue and white international
 15 symbol of access, accompanied by one (1) or more of the phrases referenced
 16 under subdivision (b)(1)(B) of this section;

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

22 (i) "Disabled Parking";

23 (ii) "Van Accessible";

24 (iii) "Handicapped Parking";

25 (iv) "Reserved for Handicapped";

26 (v) "Reserved Parking" with the blue and white

27 international symbol of access; or

28 (vi) "Permit Required - Towing Enforced"; or

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

32 (2) Corresponding pavement markings of the blue and white
 33 international symbol of access are preferred but not required for enforcement
 34 of this subchapter.

35
 36 SECTION 5. Arkansas Code § 27-16-706 is amended to read as follows:

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

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

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

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

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

11
12 *SECTION 6.* Arkansas Code Title 27, Chapter 18, Subchapter 1 is amended
13 to add an additional section to read as follows:

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

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

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

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

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

26
27 *SECTION 7.* Arkansas Code Title 6, Chapter 16, Subchapter 5 is amended
28 to add an additional section to read as follows:

29 6-16-508. Accessible parking for persons with disabilities.

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

36 (b) Driver education courses and high school health classes shall

1 include information or instructional materials regarding accessibility issues
2 for persons with disabilities.

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

6
7 SECTION 8. Arkansas Code § 27-15-302, regarding definitions under the
8 Access to Parking for Persons with Disabilities Act, § 27-15-301 et seq., is
9 amended to add an additional subdivision to read as follows:

10 (6)(A) "Permanent disability" means a medically determined
11 condition that is continuous without the possibility of improvement and that
12 substantially impacts a person's mobility.

13 (B) "Permanent disability" includes:

14 (i) A spinal cord injury;

15 (ii) A genetic ambulatory disorder;

16 (iii) An amputation;

17 (iv) Spina bifida;

18 (v) Multiple sclerosis;

19 (vi) Chronic heart disease; or

20 (vii) Any other medically determined permanent
21 condition that substantially impacts a person's mobility.

22
23 /s/ S. Prater
24
25
26
27
28
29
30
31
32
33
34
35
36