

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/18/15

A Bill

HOUSE BILL 1649

5 By: Representative J. Mayberry
6

7 For An Act To Be Entitled

8 AN ACT TO REGULATE PARKING FOR A PERSON WITH A
9 DISABILITY; TO MODIFY VAN ACCESSIBLE PARKING AND
10 ENFORCEMENT AND PENALTIES; TO AMEND THE PROVISIONS
11 FOR ISSUANCE OF A SPECIAL LICENSE PLATE AND A
12 CERTIFICATION; TO CREATE A CLASS TO PROMOTE AWARENESS
13 OF PARKING COMPLIANCE FOR PERSONS WITH DISABILITY;
14 AND FOR OTHER PURPOSES.
15

16 Subtitle

17 THE VAN ACCESSIBLE PARKING ACT.
18

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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 27-15-302, concerning definitions regarding*
24 *parking for persons with a disability, is amended to add an additional*
25 *subdivision to read as follows:*

26 *(7) "Van accessible parking decal" means a designated special*
27 *decal to be affixed to a special plate, special certificate, or temporary*
28 *special certificate displayed on a vehicle that is:*

29 *(A) Used to transport a person who has limited or no use*
30 *of his or her legs;*

31 *(B) Used to transport a wheelchair, a three-wheeled or*
32 *four-wheeled scooter, or a similar device; and*

33 *(C) Indicia of authorization for the use of a van*
34 *accessible parking space.*
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36 *SECTION 2. Arkansas Code § 27-15-304(a)(1), concerning application for*



1 a temporary special certificate for a person with a disability, is amended to
2 read as follows:

3 (a)(1) A person with a disability, which, as determined by a licensed
4 physician, is temporary in nature as opposed to permanent, may apply to the
5 Office of Motor Vehicle for a temporary person-with-a-disability special
6 certificate, which may include an affixed temporary van accessible parking
7 decal, and, upon request, one (1) additional temporary special certificate
8 which may include an additional affixed van accessible parking decal.

9

10 SECTION 3. Arkansas Code § 27-15-305(b)(1)-(2), concerning parking in
11 an area designated for exclusive use of a person with a disability and the
12 amount of the fine upon conviction for a violation, is amended to read as
13 follows:

14 (b)(1) ~~Any~~ A motor vehicle found to be parked in an area designated
15 for the exclusive use of ~~any~~ a person with a disability, including the access
16 aisle, as provided in this subchapter shall be subject to impoundment by the
17 appropriate law enforcement agency if:

18 (A) ~~on which is~~ The vehicle does not ~~displayed~~ display a
19 van accessible parking decal affixed to a special license plate or special
20 certificate, a special license plate, a special certificate, or an official
21 designation of another state as authorized in this subchapter; or

22 (B) ~~which is~~ The vehicle is found to be parked in an area
23 designated for the exclusive use of ~~any~~ a person with a disability, ~~if; and~~

24 (C) The vehicle is operated by a person who is not a
25 person with a disability while not being used for the actual transporting of
26 a person with a disability ~~shall be subject to impoundment by the appropriate~~
27 law enforcement agency.

28 (2) In addition ~~thereto~~, the owner of the vehicle shall
29 upon conviction be subject to a fine of not less than ~~one hundred dollars~~
30 ~~(\$100)~~ two hundred and fifty dollars (\$250) nor more than five hundred
31 dollars (\$500) for the first offense and not less than ~~two hundred fifty~~
32 ~~dollars (\$250)~~ five hundred dollars (\$500) nor more than one thousand dollars
33 (\$1,000) for the second and subsequent offenses, plus applicable towing,
34 impoundment, and related fees as well as court costs.

35 (A) The fine for a first offense shall be reduced to one
36 hundred dollars (\$100) upon successful completion of a class approved by the

1 Governor's Commission on People with Disabilities to promote education and
 2 awareness of compliance with parking and related public accomodation issues
 3 under the Americans with Disabilities Act of 1990, Pub. L. No. 101-325.
 4

5 SECTION 4. Arkansas Code § 27-15-305(c), concerning the use of fines
 6 collected in district court under this section for the expense of compliance
 7 with requirements of the Americans with Disabilities Act of 1990, is amended
 8 to read as follows:

9 (c)(1) ~~Thirty percent (30%)~~ Fifty percent (50%) of all fines collected
 10 under this section in district court ~~or city court~~ shall be ~~for the purpose~~
 11 ~~of funding activities of~~ directed to the Governor's Commission on People with
 12 Disabilities and shall be collected and remitted by the tenth day of each
 13 month to the Administration of Justice Funds Section of the Office of
 14 Administrative Services of the Department of Finance and Administration, on a
 15 form provided by the section, for deposit into a special fund established and
 16 maintained by the Treasurer of State. The funds shall be authorized for use
 17 by the commission for the following purpose:

18 (A) Thirty percent (30%) for scholarship awards; and

19 (B) Twenty percent (20%) for education and small business
 20 grants;

21 (2) ~~Seventy percent (70%)~~ Fifty percent (50%) of the fines
 22 collected in district court ~~or city court~~ under this section shall be paid by
 23 the tenth day of each month to the city general fund of the town or city in
 24 which the violation occurred to assist that political subdivision in paying
 25 the expenses it incurs in complying with requirements of the Americans with
 26 Disabilities Act of 1990, ~~42 U.S.C. 12101 et seq.~~ Pub. L. No. 101-325.
 27

28 SECTION 5. Arkansas Code § 27-15-307(1), concerning the administration
 29 of parking privileges for persons with disabilities, is amended to read as
 30 follows:

31 (1) Develop an appropriate form, including provision for a sworn
 32 statement of disability, for use by an applicant to request issuance under
 33 this subchapter of:

34 (A) the A special license plate;

35 (B) and the A special certificate for a person with a
 36 disability; and

1 (C) A van accessible parking permit.

2
3 SECTION 6. Arkansas Code § 27-15-307(7), concerning the administration
4 of parking privileges for persons with disabilities, is amended to read as
5 follows:

6 (7) Include a notice with each application for a special license
7 plate or special certificate informing the applicant and any other person
8 driving for the applicant of the requirements of this subchapter and further
9 specifically informing the applicant that the privilege to park in spaces
10 reserved for persons with disabilities shall be available only when the
11 person for whom the special plate, ~~or special~~ special certificate, or van accessible
12 parking decal was issued or ~~a~~ the person with ~~a~~ the disability is actually in
13 the vehicle.

14
15 SECTION 7. Arkansas Code § 27-15-307 is amended to add a new
16 subdivision to read as follows:

17 (8)(A) Request information directly related to determining the
18 eligibility of the applicant for a van accessible parking decal.

19 (B) The requested information shall verify that the person
20 for whom the van accessible parking decal was issued is a person that
21 requires the use of a wheelchair, a three-wheeled or four-wheeled scooter, or
22 a similar device that is commonly used to transport persons who have limited
23 or no use of their legs.

24
25 SECTION 8. Arkansas Code § 27-15-308, concerning special license
26 plates and special certificates to transport persons with disabilities, is
27 amended to add an additional subsection to read as follows:

28 (f) A person with a disability may apply to the office for issuance of
29 one (1) van accessible parking decal to be affixed to a special license plate
30 or special certificate if the person qualifies for van accessible parking as
31 defined in § 27-15-312(a)(2)(A).

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33 SECTION 9. Arkansas Code § 27-15-310, concerning display of a special
34 license plate or certificate, is amended to add an additional subdivision to
35 read as follows:

36 (c) No vehicle shall display a special license plate with an affixed

1 van accessible parking decal or a special certificate with an affixed van
 2 accessible parking decal, unless the vehicle is being used for the purpose of
 3 transporting the person with a disability for whom the van accessible parking
 4 decal was issued.

5
 6 SECTION 10. Arkansas Code § 27-15-312(a), concerning van accessible
 7 parking privileges, is amended to read as follows:

8 (a)(1) A vehicle displaying a van accessible parking decal that is
 9 affixed to a special license plate, or special certificate, special license
 10 plate, or a special certificate and being used for the actual transporting of
 11 a person with a disability is permitted exclusive parking privileges in those
 12 areas designated for parking only by persons with disabilities.

13 (2)(A) Except as provided under subdivision (a)(2)(B) of this
 14 section, a parking space reserved for a person with a disability that is
 15 designated as "van accessible" shall be used exclusively by ~~vehicles a~~
 16 vehicle that:

17 (i) ~~load Loads or unload unloads~~ a wheelchair, a
 18 three-wheeled or four-wheeled scooter, or a similar device that is commonly
 19 used to transport persons who have limited or no use of their legs; and

20 (ii) Displays a van accessible parking decal.

21 (B) If the parking lot or parking facility has only one (1)
 22 parking space reserved for a person with a disability, then the limitation of
 23 use under subdivision (a)(2)(A) shall not apply.

24
 25 SECTION 11. Arkansas Code § 27-15-315(a), concerning the regulation of
 26 signs to enforce the provisions of this subchapter, is amended to read as
 27 follows:

28 (a) For the purposes of this subchapter and for the purposes of
 29 enforcing any law of this state relating to penalizing ~~owners or operators of~~
 30 ~~vehicles~~ an owner or operator who park parks a vehicles vehicle in a spaces
 31 space designated for use by persons with disabilities a person with a
 32 disability and whose vehicles vehicle do does not properly and legally
 33 display a special license plate or special certificate with an affixed van
 34 accessible parking decal, a special license plate, or a special certificate
 35 provided under this subchapter, it shall be presumed that the identification
 36 of areas designated for use by persons with disabilities is regulatory in

1 *nature and that the identified areas are intended for exclusive use by*
2 *persons with disabilities whose vehicles are properly identified and that*
3 *penalties should be imposed on the owner or operator of a vehicle parked in*
4 *those areas whose vehicle is not properly identified.*

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6 *SECTION 12. EFFECTIVE DATE. This act is effective on and after July*
7 *1, 2016.*

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/s/J. Mayberry

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