

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1882

5 By: Representative A. Mayberry
6

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 A DISABILITY;
14 AND FOR OTHER PURPOSES.
15

Subtitle

16 THE VAN ACCESSIBLE PARKING ACT.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20
21 SECTION 1. Arkansas Code § 27-15-302, concerning definitions regarding
22 parking for persons with a disability, is amended to add an additional
23 subdivision to read as follows:
24

25 (7) "Van-accessible parking decal" means:

26 (A) A designated special decal to be affixed to a special
27 license plate, special certificate, or temporary special certificate and
28 displayed on a vehicle that is:
29

30 (i) Used to transport a person who has limited or no
31 use of his or her legs; and

32 (ii) Used to transport a wheelchair, a three-wheeled
33 or four-wheeled scooter, a four-wheeled walker with a seat, or a similar
34 device; and

35 (B) Indicia of authorization for the use of a van-
36 accessible parking space.



1
 2 SECTION 2. Arkansas Code § 27-15-304(a)(1), concerning application for
 3 a temporary special certificate for a person with a disability, is amended to
 4 read as follows:

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

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

16 (b)(1) ~~Any~~ A motor vehicle found to be parked in an area designated
 17 for the exclusive use of ~~any~~ a person with a disability, including the access
 18 aisle, ~~as provided in this subchapter, on which is not displayed a~~ may be
 19 impounded by a law enforcement agency if the motor vehicle:

20 (A) Does not display a special license plate, a special
 21 certificate, van-accessible parking decal, or ~~an~~ similar official designation
 22 of another state ~~as~~ authorized in this subchapter; or

23 (B) ~~which is found to be parked in an area designated for the~~
 24 ~~exclusive use of any person with a disability, if~~ Displays a special license
 25 plate, special certificate, van-accessible parking decal or similar official
 26 designation of another state authorized in this subchapter but is operated by
 27 a person who is not:

28 (i) ~~a~~ A person with a disability who is authorized
 29 to park in the designated area; or

30 (ii) ~~while not being used for the actual~~
 31 ~~transporting of~~ Transporting a person with a disability ~~shall be subject to~~
 32 ~~impoundment by the appropriate law enforcement agency~~ who is authorized to
 33 park in the designated area.

34 (2)(A) In addition ~~thereto~~, the owner of the vehicle shall upon
 35 conviction be subject to a fine of not less than ~~one hundred dollars (\$100)~~
 36 two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500)

1 for the first offense and not less than ~~two hundred fifty dollars (\$250)~~ five
 2 hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the
 3 second and subsequent offenses, plus applicable towing, impoundment, and
 4 related fees as well as court costs.

5 (B) The fine for a first offense shall be reduced to one
 6 hundred dollars (\$100) upon successful completion of a class designed by the
 7 Office of Motor Vehicles in consultation with the Governor's Commission on
 8 People with Disabilities to promote awareness of the need for compliance with
 9 parking and related public accommodation requirements under the Americans
 10 with Disabilities Act of 1990, Pub. L. No. 101-336.

11
 12 SECTION 4. Arkansas Code § 27-15-305(c), concerning the use and
 13 distribution of fines collected in district court under this section, is
 14 amended to read as follows:

15 (c)(1) ~~Thirty percent (30%)~~ Fifty percent (50%) of all fines collected
 16 under this section in district court ~~or city court shall be for the purpose~~
 17 ~~of funding activities of the Governor's Commission on People with~~
 18 ~~Disabilities and shall be collected and~~ remitted by the tenth day of each
 19 month to the Administration of Justice Funds Section ~~of the Office of~~
 20 ~~Administrative Services of the Department of Finance and Administration,~~ on a
 21 form provided by the section, for deposit into a ~~special fund established and~~
 22 ~~maintained by the Treasurer of State~~ the Governor's Commission on People with
 23 Disabilities Fund to be used as follows:

24 (A) Thirty percent (30%) for scholarship awards to persons
 25 with disabilities; and

26 (B) Twenty percent (20%) towards educating the public
 27 about accessible parking, including without limitation:

- 28 (i) Public awareness campaigns;
- 29 (ii) Public service announcements;
- 30 (iii) Distribution of pamphlets; or
- 31 (iv) Social media.

32 (2) ~~Seventy percent (70%)~~ Fifty percent (50%) of the fines
 33 collected in district court ~~or city court~~ under this section shall be paid by
 34 the tenth day of each month to the city general fund of the town or city in
 35 which the violation occurred to assist that political subdivision in paying
 36 the expenses it incurs in complying with requirements of the Americans with

1 Disabilities Act of 1990, ~~42 U.S.C. 12101 et seq.~~ Pub. L. No. 101-336.

2
3 SECTION 5. Arkansas Code § 27-15-307 is amended to add a new
4 subdivision to read as follows:

5 (8) Include on the appropriate form for use by an applicant
6 requesting issuance of a van-accessible parking decal a provision to:

7 (A) Obtain information to determine the eligibility of an
8 applicant for a van-accessible parking decal; and

9 (B) Verify with a letter from a physician stating that the
10 person for whom the van-accessible parking decal is issued is a person with a
11 disability that requires the use of a wheelchair, a three-wheeled or four-
12 wheeled scooter, a four-wheeled walker with a seat, or a similar device that
13 is commonly used to transport persons who have limited or no use of their
14 legs.

15 SECTION 6. Arkansas Code § 27-15-308, concerning special license
16 plates and special certificates to transport persons with disabilities, is
17 amended to add an additional subsection to read as follows:

18 (f)(1) An owner of a motor vehicle described in § 27-15-303 may apply
19 to the office for issuance of one (1) or more van-accessible parking decal to
20 be affixed to each special license plate or special certificate, or temporary
21 special certificate issued to the owner, 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 a person with a
24 disability that qualifies for van accessible parking privileges, as defined
25 in § 27-15-312(a)(2)(A).

26 (2) An applicant whose vehicle displays both a special license
27 plate and special certificate is required to have a van-accessible parking
28 decal affixed to the special license plate and special certificate.

29
30 SECTION 7. Arkansas Code § 27-15-310, concerning display of a special
31 license plate or certificate, is amended to add an additional subsection to
32 read as follows:

33 (c) No vehicle shall display a special license plate with a van-
34 accessible parking decal or a special certificate with a van-accessible
35 parking decal unless the vehicle is being used for the purpose of
36 transporting the person with a disability for whom the van-accessible parking

1 decal was issued.

2
 3 SECTION 8. Arkansas Code § 27-15-312(a), concerning exclusive parking
 4 privileges for persons with disabilities, is amended to read as follows:

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

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

15 (i) ~~load Loads~~ or ~~unload unloads~~ a wheelchair, a
 16 three-wheeled or four-wheeled scooter, a four-wheeled walker with a seat, or
 17 a similar device that is commonly used to transport ~~persons who have a person~~
 18 who has limited or no use of ~~their~~ his or her legs; and

19 (ii) Displays a van-accessible parking decal.

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

24
 25 SECTION 9. 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, a van-accessible parking decal, or a special
 34 certificate provided under this subchapter, it shall be presumed that:

35 (1) ~~the~~ The identification of areas designated for use by
 36 persons with disabilities is regulatory in nature;

1 ~~(2) and that the~~ The identified areas are intended for exclusive
 2 use by persons with disabilities whose vehicles are properly identified; and
 3 ~~(3) that penalties should~~ Penalties shall be imposed on the
 4 owner or operator of a vehicle that is not properly identified and is parked
 5 in one (1) of those areas whose vehicle is not properly identified designated
 6 for parking only by persons with disabilities.

7
8 SECTION 10. EFFECTIVE DATE.

9 (a) Sections 1, 2, 5, 6, 7, and 8 of this act are effective on and
10 after November 13, 2017.

11 (b) Section 3, 4, and 9 of this act are effective on and after January
12 1, 2019.

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