

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/18/15 H3/27/15

# A Bill

HOUSE BILL 1649

By: Representative J. Mayberry

## For An Act To Be Entitled

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

## Subtitle

THE VAN ACCESSIBLE PARKING ACT.

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

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

*(7) "Van accessible parking decal" means:*

*(A) A designated special decal to be affixed to a special plate, special certificate, or temporary special certificate displayed on a vehicle that is:*

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

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

*(B) Indicia of authorization for the use of a van accessible parking space.*



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

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

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

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

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

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

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

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

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

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

(B) The fine for a first offense shall be reduced to one hundred dollars (\$100) upon successful completion of a class approved by the Governor's Commission on People with Disabilities to promote education and awareness of compliance with parking and related public accommodation issues under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336.

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

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

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

(B) Twenty percent (20%) for education and to administer a small business grant program to help small businesses comply with the parking requirements of this subchapter and the Americans with Disabilities Act of 1990, Pub. L. No. 101-336.

(2) ~~Seventy percent (70%)~~ Fifty percent (50%) of the fines collected in district court ~~or city court~~ under this section shall be paid by the tenth day of each month to the city general fund of the town or city in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act of 1990, ~~42 U.S.C. 12101 et seq.~~ Pub. L. No. 101-336.

SECTION 5. Arkansas Code § 27-15-307 is amended to read as follows:

## 27-15-307. Administration.

The Office of Motor Vehicle shall:

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

(A) the A special license plate for a person with a disability;

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

(C) A van accessible parking decal;

(2) Distribute a copy of this subchapter to all appropriate law enforcement agencies charged with enforcement of the Motor Vehicle Code;

(3) Adopt procedures and promulgate rules to advise and inform the general public of the provisions of this subchapter and the availability of special license plates, ~~and~~ special certificates, and van accessible parking decals;

(4)(A) Request medical information directly related to determining the eligibility of the applicant for a special license plate, ~~or~~ special certificate, or a van accessible parking decal which shall be held in strict confidence.

(B) The medical information shall be:

(i) Held in strict confidence; and

(ii) ~~required~~ Required only when the applicant is applying for the initial issuance of a special license plate, ~~or~~ special certificate, or van accessible parking decal authorized under the provisions of § 27-15-308;

(5) Maintain accurate records of the annual number of special license plates, ~~and~~ special certificates, and van accessible parking decals issued and in inventory;

(6) Enter into the permanent record of each applicant the special license number, ~~or~~ special certificate number, or van accessible parking decal number and type of allowable disability of the applicant in a manner that will allow retrieval of the information for statistical use; ~~and~~

(7) Include a notice with each application for a special license plate, ~~or~~ a special certificate, or a van accessible parking decal informing the applicant and any other person driving for the applicant;

~~(A) Of the requirements of this subchapter; and~~  
~~(B) further specifically informing the applicant that~~ That  
the privilege to park in spaces reserved for persons with disabilities shall be available only when the person for whom the special license plate, ~~or~~ special certificate, or van accessible parking decal was issued or ~~a~~ the person with a the disability is actually in the vehicle; and

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

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

SECTION 6. Arkansas Code § 27-15-308(c)(1)-(5), concerning special certificates for transporting persons with disabilities, are amended to read as follows:

(c)(1)(A) A person with a disability may apply to the office for a special person-with-a-disability certificate and if applicable a van accessible parking decal, subject to the photo identification card requirements of subsection (a) of this section.

(B) Upon proof that the person with a disability is regularly transported in more than one (1) motor vehicle described in § 27-15-303, the person with a disability may be issued not more than two (2) special certificates and if applicable van accessible parking decals.

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

(3) When the special certificate and if applicable van accessible parking decal is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the special certificate and if applicable van accessible parking decal was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a motor

vehicle bearing a special license plate provided under subsection (a) of this section.

(4) The special certificate and if applicable van accessible parking decal shall be issued free of charge and shall expire four (4) years from the last day of the month in which it is issued.

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

(B) If a person to whom a special certificate, van accessible parking decal, or special license plate has been issued dies, the special certificate, van accessible parking decal, or special license plate shall be returned to the office within thirty (30) days after the death of the person to whom the special certificate, van accessible parking decal, ~~or~~ and if applicable a special license plate was issued.

SECTION 7. Arkansas Code § 27-15-308(d)(2), concerning the expiration of a driver's license endorsement for a person with a disability, is amended to read as follows:

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

SECTION 8. Arkansas Code § 27-15-310, concerning display of a special license plate or certificate, is amended to add an additional subdivision to read as follows:

(c) No vehicle shall display a special license plate with an affixed van accessible parking decal or a special certificate with an affixed van accessible parking decal unless the vehicle is being used for the purpose of transporting the person with a disability for whom the van accessible parking decal was issued.

SECTION 9. Arkansas Code § 27-15-312(a), concerning exclusive parking privileges for persons with disabilities, is amended to read as follows:

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

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

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

(ii) Displays a van accessible parking decal.

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

SECTION 10. Arkansas Code § 27-15-314(a)(1), concerning the provision of parking spaces for persons with disabilities, is amended to read as follows:

(a)(1) Any business firm or other person licensed to do business with the public or owning or operating a business that provides parking access to the public may provide specially designated and marked motor vehicle parking spaces for the exclusive use of persons with disabilities who have been issued a special license plate, ~~or~~ special certificate, or parking decal.

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

(a) For the purposes of this subchapter and for the purposes of enforcing any law of this state relating to penalizing ~~owners or operators of vehicles~~ an owner or operator who park parks a vehicles vehicle in a spaces space designated for use by ~~persons with disabilities~~ a person with a

disability and whose ~~vehicles~~ vehicle ~~do~~ does not properly and legally display a special license plate, a van accessible parking decal, or a special certificate provided under this subchapter, it shall be presumed that:

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

(2) ~~and that the~~ The identified areas are intended for exclusive use by persons with disabilities whose vehicles are properly identified; and

(3) ~~that penalties should~~ Penalties shall be imposed on the owner or operator of a vehicle that is not properly identified and is parked in one (1) of those areas ~~whose vehicle is not properly identified~~ designated for parking only by persons with disabilities.

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

/s/J. Mayberry