

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1882

By: Representative A. 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 A 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 license plate, special certificate, or temporary special certificate and displayed on a vehicle that is:

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

(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 a temporary van-accessible parking decal, and, upon request, one (1) additional temporary special certificate, which may include an additional van-accessible parking decal.

SECTION 3. Arkansas Code § 27-15-305(b)(1) and (2), concerning parking in an area designated for exclusive use by 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~~ a 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 a special license plate, a special certificate, van-accessible parking decal, or a 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 special license plate, special certificate, van-accessible parking decal 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 designed by the Office of Motor Vehicles in consultation with the Governor's Commission on People with Disabilities to promote awareness of the need for compliance with parking and related public accommodation requirements 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%) towards educating the public about accessible parking, including without limitation:

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

(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 add a new subdivision to read as follows:

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

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

(B) Verify with a letter from a physician stating that the person for whom the van-accessible parking decal is issued is a person with a disability 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, concerning special license plates and special certificates to transport persons with disabilities, is amended to add an additional subsection to read as follows:

(f)(1) An owner of a motor vehicle described in § 27-15-303 may apply to the office for issuance of one (1) or more van-accessible parking decal to be affixed to each special license plate or special certificate, or temporary special certificate issued to the owner, if the applicant, a dependent of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is a person with a disability that qualifies for van accessible parking privileges, as defined in § 27-15-312(a)(2)(A).

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

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

(c) No vehicle shall display a special license plate with a van-accessible parking decal or a special certificate with a 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 8. 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, or a temporary 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 9. 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~~ 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 10. EFFECTIVE DATE.

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

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