

Title 27. Transportation

Chapter I. Department of Finance and Administration

Subchapter B. Motor Vehicle, Mobile Home, and ATV

Part 17. Administration of Special License Plates and Certificates for Persons with Disabilities

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Pursuant to the authority granted by Ark. Code Ann. § 27-15-307, the Director of the Arkansas Department of Finance and Administration does hereby promulgate the following rule governing the issuance and display of license plates and certificates for persons with disabilities:"

"J. EFFECTIVE DATE. This Rule shall be effective on and after January 1, 2008."

Subpart 1. Generally

27 CAR § 17-101. Purpose and scope.

(a) Arkansas Code § 27-15-307 requires the Office of Motor Vehicle of the Department of Finance and Administration to promulgate rules to advise and inform the general public of the laws related to:

- (1) Parking for persons with disabilities; and
- (2) The availability of special license plates and special certificates.

(b) Acts 2007, No. 753, amends provisions of the Access to Parking for Persons with Disabilities Act, Arkansas Code § 27-15-301 et seq., related to the issuance and display of all special motor vehicle license plates and certificates to be used by persons with disabilities, and this part shall provide for the administration of such special license plates and certificates.

(c)(1) This part is intended to supplement and interpret, not supersede, the

provisions of Acts 2007, No. 753.

(2) To the extent that this part does not specifically reference or mention a provision of Acts 2007, No. 753, that act will control.

(d) This part will replace Motor Vehicle Regulation 1991-8.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-102. Definitions.

As used in this part, unless the context indicates otherwise:

(1) "Department" means the Department of Finance and Administration;

(2) "Disability" or "person with a disability" means any individual who, as determined by a licensed physician:

(A) Cannot walk one hundred feet (100') without stopping to rest;

(B) Cannot walk without the use of, or assistance from:

(i) A brace;

(ii) A cane;

(iii) A crutch;

(iv) Another person;

(v) A prosthetic device;

(vi) A wheelchair; or

(vii) Other assistive device;

(C) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty millimeters of mercury (60 mm/hg) on room air at rest;

(D) Uses portable oxygen; or

(E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

(3) "Motor vehicle" means a self-propelled vehicle that is classified as:

(A) A Class One, Class Two, or Class Three pleasure vehicle as defined under Arkansas Code § 27-14-601(a)(1); or

(B) A Class One truck as defined under Arkansas Code § 27-14-601(a)(3)(A);

(4) "Office of Driver Services" means the Office of Driver Services of the Department of Finance and Administration;

(5) "Office of Motor Vehicle" means the Office of Motor Vehicle of the Department of Finance and Administration;

(6)(A) "Permanent disability" means a disability that:

(i) Is determined by a licensed physician to be continuous without the possibility of improvement; and

(ii) Substantially impacts a person's mobility.

(B) "Permanent disability" includes:

(i) A spinal cord injury;

(ii) A genetic ambulatory disorder;

(iii) An amputation;

(iv) Spina bifida;

(v) Multiple sclerosis;

(vi) Chronic heart disease; or

(vii) Any other condition determined by a licensed physician to permanently and substantially impact the person's mobility;

(7) "Secretary" means the Secretary of the Department of Finance and Administration; and

(8) "Temporary disability" means a disability that is determined by a licensed physician to be temporary as opposed to permanent.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-103. Permanent special license plates and certificates.

(a) The Office of Motor Vehicle shall, upon proper application, and upon payment

of any applicable fee required by Arkansas law, issue the following to a person with a disability:

- (1) One (1) special license plate; and
- (2) One (1) permanent special certificate.

(b) An organization that owns or leases a motor vehicle that is used in the business of transporting persons with disabilities may apply to the office for issuance of one (1) special license plate to be affixed to the vehicle for each vehicle used in the business, upon proper application and upon payment of any applicable fee required by Arkansas law.

(c)(1) An owner of a motor vehicle may apply to the office for issuance of one (1) special license plate and one (1) special certificate, to be affixed to his or her vehicle, if the applicant, a dependent of the applicant, a foster child of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is disabled under the definition of a person with a disability.

(2)(A) In the case of an applicant who is a foster parent, the applicant must also keep in the vehicle documentation from the Department of Human Services establishing his or her status as a foster parent.

(B) The applicant must present this documentation to a police officer upon request of the officer.

(d)(1) When a special certificate issued under this part 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 Arkansas Code § 27-15-303 that is transporting the person to whom the special certificate 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 vehicle bearing a special license plate provided under this part.

(2) The special certificate shall be issued free of charge and shall expire four (4) years from the last day of the month in which it is issued.

(e) The photo identification card requirements in 27 CAR § 17-107 apply to permanent special license plates and special certificates issued under this section.

(f) The special license plate or certificate shall, upon the death of the person with a

disability, be returned to the office within sixty (60) days or upon the expiration of the vehicle registration, whichever occurs first.

(g) When a vehicle to which a special license plate or certificate has been issued under this part is sold or transferred, the special license plate or certificate shall be immediately returned to the office for transfer or disposal.

(h)(1) If a person to whom a special certificate or license plate has been issued moves to another state, the person shall surrender the special certificate or plate to the office of the new state in which the vehicle will be registered.

(2) The office of the new state shall forward the special certificate or plate to the Arkansas office.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-104. Temporary certificates.

(a) A person with a temporary disability may apply to the Office of Motor Vehicle for:

- (1) A temporary person-with-a-disability special certificate; and
- (2) Upon request, one (1) additional temporary special certificate.

(b) When the temporary special certificate 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 that is transporting the person to whom the temporary special certificate was issued as provided in this part, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate as described in this part.

(c) The temporary special certificate shall:

- (1) Be issued free of charge; and
- (2) Expire three (3) months from the last day of the month in which it is issued.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-105. Lost plates or certificates.

(a) The owner of a motor vehicle who applies to the Office of Motor Vehicle for a replacement special license plate due to the loss of the plate shall be issued a replacement plate at the fee:

(1) Of one dollar (\$1.00); or

(2) As otherwise set forth in Arkansas Code § 27-14-602.

(b) The owner of a motor vehicle who applies to the office for a replacement special certificate due to the loss of the certificate shall be issued a replacement special certificate at no charge.

(c) The disabled person for whose benefit a replacement special license plate or special certificate is issued must obtain a new photo identification card in the manner and at the fee set forth in 27 CAR § 17-107.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-106. Physician certification.

(a)(1) Prior to issuing a special license plate or certificate to or for the benefit of a disabled person under this part, the Office of Motor Vehicle shall require the submission of a certificate, on a form to be designed by the office, signed by a physician licensed under the laws of Arkansas or another state, substantiating the disability.

(2) The physician certifying the qualifying disability shall provide a full description of the illness or disability.

(b) An owner of a motor vehicle issued a special license plate or certificate under this section shall submit every four (4) years to the office a current physician recertification of the person with a disability to be transported by the vehicle to continue to qualify for the special license plate, unless the person with a disability has a permanent disability as defined in this part.

(c) The certification requirements of this part do not apply to an organization or agency that is issued a special license plate as described in 27 CAR § 17-103(b).

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-107. Photo identification card.

(a)(1) Except as otherwise provided in this part, for every application for a special license plate or certificate issued under this part, the Office of Driver Services shall produce a photo identification card containing a color photograph of the person with a disability who is either:

(A) Applying for the special license plate or certificate; or

(B) Being transported by the vehicle for which the special license plate or certificate is issued.

(2) The photo identification card issued under this part shall be carried on the person to whom it is issued for verification of authorization to park in spaces designated for persons with a disability.

(3) The photo identification card for persons with disabilities provided in this part shall be visually distinct from the:

(A) Standard driver's license; and

(B) Standard identification card issued in lieu of a driver's license as provided in Arkansas Code § 27-16-805.

(4) The photo identification card for persons with disabilities provided in this part shall clearly state that it is for disability parking purposes only.

(b)(1) The requirements of a photo identification card in this section shall not apply to an applicant in the business of transporting persons with a disability as defined in this part.

(2) A person who is a resident of a facility that provides long-term medical care or personal care is not required to obtain a photo identification card that displays a photograph of the person with a disability, but instead shall carry on the person documentation from the administrator of the facility attesting that the person with a disability is a resident of the facility.

(3) This subsection applies to the following facilities including, without

limitation, a licensed:

- (A) Nursing home;
- (B) Residential care facility; or
- (C) Assisted living facility;

(4) The Office of Motor Vehicle shall provide the form to be used for applications under this section.

(c)(1) The photo identification card provided under this part shall only be valid for identifying those persons authorized to park in spaces designated for use by persons with disabilities.

(2) This identification card shall not be valid for identification for any other purpose.

(d) The applicant for the disability photo identification card shall not be required to provide the documentation required to obtain the standard identification card provided in Arkansas Code § 27-16-805, but the applicant must provide the physician certification required in 27 CAR § 17-106.

(e)(1) The photo identification card issued under this part shall:

- (A) Be issued upon payment of a transaction fee of five dollars (\$5.00);

and

- (B) Expire four (4) years from the last day of the month in which it is

issued.

(2) The transaction fee referred to in this section shall apply to the replacement of a lost photo identification card issued under this part.

(3) In the event the holder of a photo identification card issued under this part changes his or her name as a result of marriage or divorce, or by operation of a court order, he or she must apply to the Office of Motor Vehicle for a new photo identification card, which shall be issued without the transaction fee referred to in this section.

(4) In the event the holder of a photo identification card issued under this part changes his or her address, he or she must apply to the Office of Motor Vehicle for a new photo identification card, which shall be issued upon payment of the transaction fee referred to in this section.

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

(2) The Office of Driver Services shall not charge an additional fee for adding the endorsement on a currently issued driver's license or standard identification card.

(3) Any person who applies for and does not currently have a driver's license or standard identification card and requests the endorsement shall:

(A) Pay only the fee required under current law for the issuance of a driver's license or identification card; and

(B) Not pay an additional fee for the endorsement.

(g) A disabled person issued a license plate or certificate under this part, or for whose benefit a license plate or certificate has been issued under this part, shall, upon request of any police officer or any other person authorized to enforce parking laws, ordinances, or regulations, present to that officer or authorized person:

(1) The photo identification card;

(2) Driver's license with disability endorsement; or

(3) Other authorized documentation establishing the person's disability.

Authority. Arkansas Code §§ 27-15-307, 27-15-308.

27 CAR § 17-108. Change of address.

(a) Every owner of a motor vehicle to which a special license plate or certificate issued under this part shall report to the Office of Motor Vehicle any change of address from that listed when the vehicle was registered within ten (10) days of the change in address.

(b) Every individual with a disability to whom a photo identification card has been issued must, within ten (10) days of a change in address, apply to the Office of Driver Services for a new photo identification card, which shall be issued at the fee described

in 27 CAR § 17-107.

Authority. Arkansas Code § 27-15-307.

27 CAR § 17-109. Repeal of Motor Vehicle Regulation 1991-8.

Motor Vehicle Regulation 1991-8 is hereby repealed.

Authority. Arkansas Code § 27-15-307.