

RULE 2007-7

**ADMINISTRATION OF SPECIAL LICENSE PLATES AND CERTIFICATES
FOR PERSONS WITH DISABILITIES**

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:

A. PURPOSE AND SCOPE.

1. Ark. Code Ann. § 27-15-307 requires the Office of Motor Vehicle of the Arkansas Department of Finance and Administration to promulgate rules to advise and inform the general public of the laws related to parking for persons with disabilities and the availability of special license plates and special certificates.
2. Act 753 of 2007 amends provisions of the Access to Parking for Persons with Disabilities Act, Ark. Code Ann. § 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 rule shall provide for the administration of such special license plates and certificates.
3. This rule is intended to supplement and interpret, not supersede, the provisions of Act 753 of 2007. To the extent that this rule does not specifically reference or mention a provision of Act 753 of 2007, that Act will control.
4. This Rule will replace Motor Vehicle Regulation 1991-8.

B. DEFINITIONS. As used in this rule, unless the context indicates otherwise:

1. "Department" means the Arkansas Department of Finance and Administration.
2. "Director" means the Director of the Arkansas Department of Finance and Administration.
3. "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, a brace, cane, crutch, another person, prosthetic device, wheelchair, or 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 (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.

4. "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 Ark. Code Ann. § 27-14-601(a)(1); or
 - b. A Class One truck as defined under Ark. Code Ann. § 27-14-601(a)(3)(A).
5. "Office of Driver Services" means the Office of Driver Services of the Department of Finance and Administration.
6. "Office of Motor Vehicle" means the Office of Motor Vehicle of the Department of Finance and Administration.
7. a. "Permanent disability" means a disability that is determined by a licensed physician to be continuous without the possibility of improvement and that 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.
8. "Temporary disability" means a disability that is determined by a licensed physician to be temporary as opposed to permanent.

C. PERMANENT SPECIAL LICENSE PLATES AND CERTIFICATES.

1. 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 one (1) special license plate and one permanent special certificate.
2. 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 of Motor Vehicle 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.
3. a. An owner of a motor vehicle may apply to the Office of Motor Vehicle 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.
 - b. In the case of an applicant who is a foster parent, the applicant must also keep in the vehicle documentation from the Arkansas Department of Human Services establishing his or her status as a foster parent. The applicant must present this documentation to a police officer upon request of the officer.
4. a. When a special certificate issued under this Rule 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 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 Rule.

- b. 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.
5. The photo identification card requirements in section (g) of this Rule apply to permanent special license plates and special certificates issued under this section.
6. The special license plate or certificate shall, upon the death of the person with a disability, be returned to the Office of Motor Vehicle within 60 days or upon the expiration of the vehicle registration, whichever occurs first.
7. When a vehicle to which a special license plate or certificate has been issued under this Rule is sold or transferred, the special license plate or certificate shall be immediately returned to the Office of Motor Vehicle for transfer or disposal.
8. 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 Motor Vehicle of the new state in which the vehicle will be registered. The Office of Motor Vehicle of the new state shall forward the special certificate or plate to the Arkansas Office of Motor Vehicle.

D. TEMPORARY CERTIFICATES.

1. A person with a temporary disability may apply to the Office of Motor Vehicle for a temporary person-with-a-disability special certificate, and, upon request, one (1) additional temporary special certificate.
2. 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 Rule, 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 Rule.
3. The temporary special certificate shall be issued free of charge and shall expire three months from the last day of the month in which it is issued.

E. LOST PLATES OR CERTIFICATES.

1. 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 of \$1.00, or as otherwise set forth in Ark. Code Ann. § 27-14-602.
2. The owner of a motor vehicle who applies to the Office of Motor Vehicle for a replacement special certificate due to the loss of the certificate shall be issued a replacement special certificate at no charge.
3. 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 section (g) of this Rule.

F. PHYSICIAN CERTIFICATION.

1. Prior to issuing a special license plate or certificate to or for the benefit of a disabled person under this Rule, the Office of Motor Vehicle shall require the submission of a certificate, on a form to be designed by the Office of Motor Vehicle, signed by a physician licensed under the laws of Arkansas or another State, substantiating the disability. The physician certifying the qualifying disability shall provide a full description of the illness or disability.
2. 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 of Motor Vehicle 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 Rule.
3. The certification requirements of this Rule do not apply to an organization or agency that is issued a special license plate as described in section (C)(2) of this Rule.

G. PHOTO IDENTIFICATION CARD.

1.
 - a. Except as otherwise provided in this Rule, for every application for a special license plate or certificate issued under this Rule, the Office of Driver Services shall produce a photo identification card containing a color photograph of the person with a disability who is either:
 - i. Applying for the special license plate or certificate; or
 - ii. Being transported by the vehicle for which the special license plate or certificate is issued.
 - b. The photo identification card issued under this Rule 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.
 - c. The photo identification card for persons with disabilities provided in this Rule shall be visually distinct from the standard driver's license and from the standard identification card issued in lieu of a driver's license as provided in Ark. Code Ann. § 27-16-805.
 - d. The photo identification card for persons with disabilities provided in this Rule shall clearly state that it is for disability parking purposes only.
2.
 - a. 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 Rule.
 - b. 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.
 - c. This subsection applies to the following facilities including without limitation:
 - i. A licensed nursing home;

- ii. A licensed residential care facility; or
 - ii. A licensed assisted living facility;
- d. The Office of Motor Vehicle shall provide the form to be used for applications under this section.
- 3. The photo identification card provided under this rule shall only be valid for identifying those persons authorized to park in spaces designated for use by persons with disabilities. This identification card shall not be valid for identification for any other purpose.
- 4. 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 Ark. Code Ann. § 27-16-805, but the applicant must provide the physician certification required in section (f) of this Rule.
- 5.
 - a. The photo identification card issued under this Rule shall be issued upon payment of a transaction fee of five dollars (\$5.00) and shall expire four (4) years from the last day of the month in which it is issued.
 - b. The transaction fee referred to in this section shall apply to the replacement of a lost photo identification card issued under this Rule.
 - c. In the event the holder of a photo identification card issued under this Rule 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.
 - d. In the event the holder of a photo identification card issued under this Rule 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.
- 6.
 - a. 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.
 - b. 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.
 - c. Any person who applies for and does not currently have a driver's license or standard identification card and requests the endorsement shall pay only the fee required under current law for the issuance of a driver's license or identification card and shall not pay an additional fee for the endorsement.
- 7. A disabled person issued a license plate or certificate under this Rule, or for whose benefit a license plate or certificate has been issued under this Rule, 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 the photo identification card, driver's license with disability endorsement, or other authorized documentation establishing the person's disability

H. CHANGE OF ADDRESS.

1. Every owner of a motor vehicle to which a special license plate or certificate issued under this Rule 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.
2. Every disabled person to whom a photo identification card has been issued must, within ten (10) days of a change in address, must apply to the Office of Driver Services for a new photo identification card, which shall be issued at the fee described in section (g) of this Rule.

I. REPEAL OF MOTOR VEHICLE REGULATION 1991-8.

Motor Vehicle Regulation 1991-8 is hereby repealed.

~~1991-8. ——— MOTOR VEHICLE LICENSING FOR PERSONS WITH DISABILITIES Pursuant to his authority under Ark. Cod Ann. § 25-15-201 et seq. (1987) and Act 656 of 1991, the Commissioner of Revenues for the State of Arkansas does hereby promulgate the following regulation. This regulation is to be read in conjunction with previous regulations and laws of the Department of Finance and Administration and the State of Arkansas.~~

~~(a) ——— EFFECTIVE DATE. The effective date of this Regulation is July 15, 1991.~~

~~(b) ——— "PERSON WITH A DISABILITY" DEFINED. "Person with a disability" means any individual who, as determined by a licensed physician:~~

~~(1) ——— Cannot walk one hundred (100) feet without stopping to rest;~~

~~(2) ——— Cannot walk without the use of, or assistance from, a brace, cane, crutch, or another person, prosthetic device, wheelchair, or other assistive device;~~

~~(3) ——— Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory, volume for one second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;~~

~~(4) ——— Uses portable oxygen;~~

~~(5) ——— Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III of Class IV according to standards set by the American Heart Association, or~~

~~(6) ——— Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition.~~

~~(c) ——— APPLICABILITY~~

~~(1) ——— The provisions of this Regulation shall only apply to:~~

~~(A) ——— Passenger vehicles including automobiles;~~

~~(B) ——— Light trucks, including vans, with a three-fourths (3/4) ton or less manufacturer's rated capacity if the vehicle is specially adapted for use by disabled persons through the use of lift, ramp, hand controls, or other similar assistive devices.~~

~~(2) ——— The provisions of this section may be waived if the applicant can document that a larger vehicle or special purpose vehicle would otherwise be eligible to display the special license plate or special certificate for a person with a disability.~~

~~(d) ——— SPECIAL LICENSE PLATES AND CERTIFICATES~~

~~(1) — An owner of a motor vehicle described in Section (c) of this Regulation may apply to the Office for issuance of one (1) special license plate, to be affixed to his vehicle 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 transportation is a person with a disability as defined in Subsection (2) of Section (b) of this Regulation, or if the applicant is an organization owning the vehicle for which the special license is to be affixed, and the organization's vehicle is primarily used to transport persons with disabilities as defined in Subsection (2) of Section (b).~~

~~(2) — (A) — The special license plate issued by the Office shall contain the international symbol of access, and a white figure on "international blue" background.~~

~~(B) — The special license plate shall be issued at no additional charge.~~

~~(3) — (A) — A person with a disability may apply to the Office for a special certificate.~~

~~(B) — The special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the U.S. Secretary of Transportation, pursuant to Public Law 100-641.~~

~~(C) — When the special certificate is displayed on the inside rearview mirror, or on the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in Section (c) of this Regulation 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 Subsection (1) of this Section.~~

~~(D) — The special certificate shall be issued free of charge, and shall expire five (5) years from the last day of the month in which it is issued. The applicant shall not be required to obtain recertification of his qualifying disability in order to renew his special certificate.~~

~~(e) — APPLICATION FOR A LICENSE.~~

~~(1) — Each applicant for either a special license plate or a special certificate for a person with a disability under Act 656 of 1991 shall complete an application form, to be developed and provided by the Office of Motor Vehicle of the Arkansas Department of Finance and Administration ("Office"). This application form shall contain a space for the applicant's Social Security Number, which shall be used for identification and record-keeping purposes, and which shall be held in strict confidence by the Office.~~

~~(2) — In addition to the application form for a special license plate or certificate, the applicant must provide, on a form to be provided by the Office, a certification or sworn statement by a licensed physician verifying the specific medical condition entitling the applicant to a special license plate or special certificate. Every applicant must provide this certification, regardless of whether he has certified under previous law. This medical information shall be held in strict confidence by the Office. Upon approval of the certification by the Office, the medical certification form will be either destroyed by the Office or returned to the applicant.~~

~~(3) — The Office shall maintain accurate records of the annual number of special license plates and special certificates issued and in inventory.~~

~~(4) — The Office shall enter into the computer record of each applicant the special license number or special certificate number, and type of allowable disability of the applicant in a manner that will allow retrieval of the information for statistical use.~~

~~(f) — TEMPORARY SPECIAL CERTIFICATE.~~

~~(1) — (A) — 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 for a temporary special certificate, and, upon request, one (1) additional temporary special certificate. A person who has been issued a special license plate or special certificate may obtain one (1) temporary special certificate.~~

~~(B) — The temporary special certificate shall conform in size, color, and — construction as may be specified by federal rules issued by the U.S. Secretary of Transportation pursuant to Public Law 100-641.~~

~~(C) — When the temporary special certificate is displayed on the inside rearview mirror, or on the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in Section (c) of this Regulation that is transporting the person to whom the temporary 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 Subsection (1) of Section (d) of this Regulation.~~

~~(D) — The temporary special certificate shall be issued free of charge, and shall expire three (3) months from the last day of the month in which it is issued. Any person seeking to renew this temporary special certificate must present a current medical certification form as provided in Section (c) (2) of this Regulation upon each application for renewal.~~

~~(g) — RECERTIFICATION. The Office may require any person issued a special license plate or special certificate under Act 656 of 1991 to obtain recertification of the person's qualifying disability upon the formal recommendation of a law enforcement officer.~~

~~(h) — RENEWAL DATE ADJUSTMENT. The Office shall review the current information concerning holders of decals, placards and license plates for disabled persons under previous law in order to provide for an orderly schedule of issuing the special license plates and certificates under Act 656 of 1991. The Office shall also provide for an orderly schedule of renewal of special certificates.~~

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

Richard A. Weiss, Director
Arkansas Department of Finance and
Administration

Date

Tim Leathers, Deputy Director/
Commissioner of Revenue, Arkansas
Department of Finance and Administration

Date