

ARKANSAS REGISTER



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91 JUL 16 PM 3:57

W.J. "BILL" McCuen
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

BY _____ **W.J. "BILL" McCuen**
Secretary of State
State Capitol
Little Rock, Arkansas 72201-1094

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Name of Agency Department of Finance and Administration

Department Division of Revenue

Contact Person Cora L. Gentry Telephone 682-7030

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rk. Code Ann 25-15-201

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Adopted by State Agency 07/16/91

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.

Cora L. Gentry
SIGNATURE

Attorney

July 16, 1991
TITLE
DATE

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W.J. "BILL" MCCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS
BY

EMERGENCY REGULATION
1991-8
MOTOR VEHICLE REGULATION

Motor Vehicle Licensing For Persons With Disabilities

Pursuant to his authority under Ark. Code 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, 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.

In witness whereof, we have hereunto set our hands this

16th day of July, 1991.



Jim C. Pledger, Director,
Arkansas Department of
Finance and Administration



Timothy J. Leathers,
Commissioner
Revenue Division
Arkansas Department of
Finance and Administration

FINDING OF IMMINENT PERIL
AND STATEMENT OF REASONS

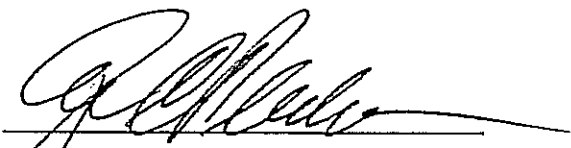
Act 656 of 1991 was signed by the Governor of the State of Arkansas on March 20, 1991, and will be in full force and effect from and after July 15, 1991. The Act provides for the issuance of special license plates and certificates for persons with disabilities.

Section 5 of Act 656 of 1991 provides that the Office of Motor Vehicle of the Department of Finance and Administration shall adopt procedures and promulgate rules to advise and inform the general public of the provisions of the Act and the availability of special license plates and certificates.

To ensure understanding of and compliance with Act 656 of 1991 and to prescribe procedures for the implementation of the law with regard to the issuance of special license plates and certificates, emergency regulations as authorized by Section 3 of Act 434 of 1967 (Ark. Code Ann. § 25-15-204) to be effective immediately upon filing thereof with the Secretary of State, are necessary.

For the above reasons, it is found that there exists an imminent peril to the welfare of the State of Arkansas and the attached emergency regulation, regarding the application of this Act, is necessary.

Executed this 16th day of July, 1991.



Jim C. Pledger, Director,
Arkansas Department of
Finance and Administration



Timothy J. Leathers,
Commissioner
Revenue Division
Arkansas Department of
Finance and Administration