

FIRST REGULAR SESSION

SENATE BILL NO. 238

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 10, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1296S.011

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled windshield placards, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 301.142, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 301.142, to read as follows:

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

3 (1) "Department", the department of revenue;

4 (2) "Director", the director of the department of revenue;

5 (3) "Other authorized health care practitioner" includes advanced practice
6 registered nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed
7 pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330,
8 RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

9 (4) "Physically disabled", a natural person who is blind, as defined in
10 section 8.700, RSMo, or a natural person with medical disabilities which
11 prohibits, limits, or severely impairs one's ability to ambulate or walk, as
12 determined by a licensed physician or other authorized health care practitioner
13 as follows:

14 (a) The person cannot ambulate or walk fifty or less feet without stopping
15 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
16 or other severe and disabling condition; or

17 (b) The person cannot ambulate or walk without the use of, or assistance
18 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
19 assistive device; or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 (c) Is restricted by a respiratory or other disease to such an extent that
21 the person's forced respiratory expiratory volume for one second, when measured
22 by spirometry, is less than one liter, or the arterial oxygen tension is less than
23 sixty mm/hg on room air at rest; or

24 (d) Uses portable oxygen; or

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

28 (f) A person's age, in and of itself, shall not be a factor in determining
29 whether such person is physically disabled or is otherwise entitled to disabled
30 license plates and/or disabled windshield hanging placards within the meaning
31 of sections 301.141 to 301.143;

32 (5) "Physician", a person licensed to practice medicine pursuant to chapter
33 334, RSMo;

34 (6) "Physician's statement", a statement personally signed by a duly
35 authorized person which certifies that a person is disabled as defined in this
36 section;

37 (7) "Temporarily disabled person", a disabled person as defined in this
38 section whose disability or incapacity is expected to last no more than one
39 hundred eighty days.

40 2. Other authorized health care practitioners may furnish to a disabled
41 or temporarily disabled person a physician's statement for only those physical
42 health care conditions for which such health care practitioner is legally
43 authorized to diagnose and treat.

44 3. A physician's statement shall:

45 (1) Be on a form prescribed by the director of revenue;

46 (2) Set forth the specific diagnosis and medical condition which renders
47 the person physically disabled or temporarily disabled as defined in this section;

48 (3) Include the physician's or other authorized health care practitioner's
49 license number; and

50 (4) Be personally signed by the issuing physician or other authorized
51 health care practitioner.

52 4. If it is the professional opinion of the physician or other authorized
53 health care practitioner issuing the statement that the physical disability of the
54 applicant, user, or member of the applicant's household is permanent, it shall be
55 noted on the statement. Otherwise, the physician or other authorized health care

56 practitioner shall note on the statement the anticipated length of the disability
57 which period may not exceed one hundred eighty days. If the physician or health
58 care practitioner fails to record an expiration date on the physician's statement,
59 the director shall issue a temporary windshield placard for a period of thirty
60 days.

61 5. A physician or other authorized health care practitioner who issues or
62 signs a physician's statement so that disabled plates or a disabled windshield
63 placard may be obtained shall maintain in such disabled person's medical chart
64 documentation that such a certificate has been issued, the date the statement was
65 signed, the diagnosis or condition which existed that qualified the person as
66 disabled pursuant to this section and shall contain sufficient documentation so
67 as to objectively confirm that such condition exists.

68 6. The medical or other records of the physician or other authorized
69 health care practitioner who issued a physician's statement shall be open to
70 inspection and review by such practitioner's licensing board, in order to verify
71 compliance with this section. Information contained within such records shall be
72 confidential unless required for prosecution, disciplinary purposes, or otherwise
73 required to be disclosed by law.

74 7. Owners of motor vehicles who are residents of the state of Missouri,
75 and who are physically disabled, owners of motor vehicles operated at least fifty
76 percent of the time by a physically disabled person, or owners of motor vehicles
77 used to primarily transport physically disabled members of the owner's household
78 may obtain disabled person license plates. Such owners, upon application,
79 accompanied by the documents and fees provided for in this section, a current
80 physician's statement which has been issued within ninety days preceding the
81 date the application is made and proof of compliance with the state motor vehicle
82 laws relating to registration and licensing of motor vehicles, shall be issued motor
83 vehicle license plates for vehicles, other than commercial vehicles with a gross
84 weight in excess of twenty-four thousand pounds, upon which shall be inscribed
85 the international wheelchair accessibility symbol and the word "DISABLED" in
86 addition to a combination of letters and numbers. Such license plates shall be
87 made with fully reflective material with a common color scheme and design, shall
88 be clearly visible at night, and shall be aesthetically attractive, as prescribed by
89 section 301.130.

90 8. The director shall further issue, upon request, to such applicant one,
91 and for good cause shown, as the director may define by rule and regulations, not

92 more than two, removable disabled windshield hanging placards for use when the
93 disabled person is occupying a vehicle or when a vehicle not bearing the
94 permanent handicap plate is being used to pick up, deliver, or collect the
95 physically disabled person issued the disabled motor vehicle license plate or
96 disabled windshield hanging placard.

97 9. No additional fee shall be paid to the director for the issuance of the
98 special license plates provided in this section, except for special personalized
99 license plates and other license plates described in this subsection. Priority for
100 any specific set of special license plates shall be given to the applicant who
101 received the number in the immediately preceding license period subject to the
102 applicant's compliance with the provisions of this section and any applicable rules
103 or regulations issued by the director. If determined feasible by the advisory
104 committee established in section 301.129, any special license plate issued
105 pursuant to this section may be adapted to also include the international
106 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
107 section and such plate may be issued to any applicant who meets the
108 requirements of this section and the other appropriate provision of this chapter,
109 subject to the requirements and fees of the appropriate provision of this chapter.

110 10. Any physically disabled person, or the parent or guardian of any such
111 person, or any not-for-profit group, organization, or other entity which transports
112 more than one physically disabled person, may apply to the director of revenue
113 for a removable windshield placard. The placard may be used in motor vehicles
114 which do not bear the permanent handicap symbol on the license plate. Such
115 placards must be hung from the front, middle rearview mirror of a parked motor
116 vehicle and may not be hung from the mirror during operation. These placards
117 may only be used during the period of time when the vehicle is being used by a
118 disabled person, or when the vehicle is being used to pick up, deliver, or collect
119 a disabled person. When there is no rearview mirror, the placard shall be
120 displayed on the dashboard on the driver's side.

121 11. The removable windshield placard shall conform to the specifications,
122 in respect to size, color, and content, as set forth in federal regulations published
123 by the Department of Transportation. The [fee for each removable windshield
124 placard shall be four dollars and the] removable windshield placard shall be
125 renewed every [two] **four** years. The director may stagger the expiration dates
126 to equalize workload. Only one removable placard may be issued to an applicant
127 who has been issued disabled person license plates. Upon request, one additional

128 windshield placard may be issued to an applicant who has not been issued
129 disabled person license plates[, at the appropriate fee].

130 12. A temporary windshield placard shall be issued to any physically
131 disabled person, or the parent or guardian of any such person who otherwise
132 qualifies except that the physical disability, in the opinion of the physician, is not
133 expected to exceed a period of one hundred eighty days. The temporary
134 windshield placard shall conform to the specifications, in respect to size, color,
135 and content, as set forth in federal regulations published by the Department of
136 Transportation. The fee for the temporary windshield placard shall be two
137 dollars. Upon request, and for good cause shown, one additional temporary
138 windshield placard may be issued to an applicant. Temporary windshield
139 placards shall be issued upon presentation of the physician's statement provided
140 by this section and shall be displayed in the same manner as removable
141 windshield placards. A person or entity shall be qualified to possess and display
142 a temporary removable windshield placard for six months and the placard may
143 be renewed once for an additional six months if a physician's statement pursuant
144 to this section is supplied to the director of revenue at the time of renewal.

145 13. Application for license plates or windshield placards issued pursuant
146 to this section shall be made to the director of revenue and shall be accompanied
147 by a statement signed by a licensed physician or other authorized health care
148 practitioner which certifies that the applicant, user, or member of the applicant's
149 household is a physically disabled person as defined by this section.

150 14. The placard shall be renewable only by the person or entity to which
151 the placard was originally issued. Any placard issued pursuant to this section
152 shall only be used when the physically disabled occupant for whom the disabled
153 plate or placard was issued is in the motor vehicle at the time of parking or when
154 a physically disabled person is being delivered or collected. A disabled license
155 plate and/or a removable windshield hanging placard are not transferable and
156 may not be used by any other person whether disabled or not.

157 15. At the time the disabled plates or windshield hanging placards are
158 issued, the director shall issue a registration certificate which shall include the
159 applicant's name, address, and other identifying information as prescribed by the
160 director, or if issued to an agency, such agency's name and address. This
161 certificate shall further contain the disabled license plate number or, for
162 windshield hanging placards, the registration or identifying number stamped on
163 the placard. The validated registration receipt given to the applicant shall serve

164 as the registration certificate.

165 16. The director shall, upon issuing any disabled registration certificate
166 for license plates and/or windshield hanging placards, provide information which
167 explains that such plates or windshield hanging placards are nontransferable,
168 and the restrictions explaining who and when a person or vehicle which bears or
169 has the disabled plates or windshield hanging placards may be used or be parked
170 in a disabled reserved parking space, and the penalties prescribed for violations
171 of the provisions of this act.

172 17. Every new applicant for a disabled license plate or placard shall be
173 required to present a new physician's statement dated no more than ninety days
174 prior to such application. Renewal applicants will be required to submit a
175 physician's statement dated no more than ninety days prior to such application
176 upon their first renewal occurring on or after August 1, 2005. Upon completing
177 subsequent renewal applications, a physician's statement dated no more than
178 ninety days prior to such application shall be required every fourth year. Such
179 physician's statement shall state the expiration date for the temporary windshield
180 placard. If the physician fails to record an expiration date on the physician's
181 statement, the director shall issue the temporary windshield placard for a period
182 of thirty days. **The director may stagger the requirement of a physician's**
183 **statement on all renewals for the initial implementation of a four-year**
184 **placard.**

185 18. The director of revenue upon receiving a physician's statement
186 pursuant to this subsection shall check with the state board of registration for the
187 healing arts created in section 334.120, RSMo, or the Missouri state board of
188 nursing established in section 335.021, RSMo, with respect to physician's
189 statements signed by advanced practice registered nurses, or the Missouri state
190 board of chiropractic examiners established in section 331.090, RSMo, with
191 respect to physician's statements signed by licensed chiropractors, or with the
192 board of optometry established in section 336.130, RSMo, with respect to
193 physician's statements signed by licensed optometrists, or the state board of
194 podiatric medicine created in section 330.100, RSMo, with respect to physician's
195 statements signed by physicians of the foot or podiatrists to determine whether
196 the physician is duly licensed and registered pursuant to law. If such applicant
197 obtaining a disabled license plate or placard presents proof of disability in the
198 form of a statement from the United States Veterans' Administration verifying
199 that the person is permanently disabled, the applicant shall be exempt from the

200 four-year certification requirement of this subsection for renewal of the plate or
201 placard. Initial applications shall be accompanied by the physician's statement
202 required by this section.

203 19. The boards shall cooperate with the director and shall supply
204 information requested pursuant to this subsection. The director shall, in
205 cooperation with the boards which shall assist the director, establish a list of all
206 Missouri physicians and other authorized health care practitioners and of any
207 other information necessary to administer this section.

208 20. Where the owner's application is based on the fact that the vehicle is
209 used at least fifty percent of the time by a physically disabled person, the
210 applicant shall submit a statement stating this fact, in addition to the physician's
211 statement. The statement shall be signed by both the owner of the vehicle and
212 the physically disabled person. The applicant shall be required to submit this
213 statement with each application for license plates. No person shall willingly or
214 knowingly submit a false statement and any such false statement shall be
215 considered perjury and may be punishable pursuant to section 301.420.

216 21. The director of revenue shall retain all physicians' statements and all
217 other documents received in connection with a person's application for disabled
218 license plates and/or disabled windshield placards.

219 22. The director of revenue shall enter into reciprocity agreements with
220 other states or the federal government for the purpose of recognizing disabled
221 person license plates or windshield placards issued to physically disabled persons.

222 23. When a person to whom disabled person license plates or a removable
223 or temporary windshield placard or both have been issued dies, the personal
224 representative of the decedent or such other person who may come into or
225 otherwise take possession of the disabled license plates or disabled windshield
226 placard shall return the same to the director of revenue under penalty of
227 law. Failure to return such plates or placards shall constitute a class B
228 misdemeanor.

229 24. The director of revenue may order any person issued disabled person
230 license plates or windshield placards to submit to an examination by a
231 chiropractor, osteopath, or physician, or to such other investigation as will
232 determine whether such person qualifies for the special plates or placards.

233 25. If such person refuses to submit or is found to no longer qualify for
234 special plates or placards provided for in this section, the director of revenue
235 shall collect the special plates or placards, and shall furnish license plates to

236 replace the ones collected as provided by this chapter.

237 26. In the event a removable or temporary windshield placard is lost,
238 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
239 director of revenue an application and an affidavit stating such fact, in order to
240 purchase a new placard. The fee for the replacement windshield placard shall be
241 four dollars.

242 27. Fraudulent application, renewal, issuance, procurement or use of
243 disabled person license plates or windshield placards shall be a class A
244 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
245 podiatrist or optometrist to certify that an individual or family member is
246 qualified for a license plate or windshield placard based on a disability, the
247 diagnosis of which is outside their scope of practice or if there is no basis for the
248 diagnosis.

Section B. Section A of this act shall become effective on January 1, 2008.

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Bill

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