

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 847, Pages 13-24, Section 301.142, Lines 1-357,

2 by striking all of said section and inserting in lieu
3 thereof the following:

4 "301.142. 1. As used in sections 301.141 to 301.143,
5 the following terms mean:

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

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

9 (3) "Other authorized health care practitioner"
10 includes advanced practice registered nurses licensed
11 pursuant to chapter 335, physician assistants licensed
12 pursuant to chapter 334, chiropractors licensed pursuant to
13 chapter 331, podiatrists licensed pursuant to chapter 330,
14 assistant physicians, physical therapists licensed pursuant
15 to chapter 334, and optometrists licensed pursuant to
16 chapter 336;

17 (4) "Physically disabled", a natural person who is
18 blind, as defined in section 8.700, or a natural person with
19 medical disabilities which prohibits, limits, or severely
20 impairs one's ability to ambulate or walk, as determined by
21 a licensed physician or other authorized health care
22 practitioner as follows:

23 (a) The person cannot ambulate or walk fifty or less
24 feet without stopping to rest due to a severe and disabling
25 arthritic, neurological, orthopedic condition, or other
26 severe and disabling condition; or

27 (b) The person cannot ambulate or walk without the use
28 of, or assistance from, a brace, cane, crutch, another
29 person, prosthetic device, wheelchair, or other assistive
30 device; or

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

36 (d) Uses portable oxygen; or

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

41 (f) Except as otherwise provided in subdivision (4) of
42 subsection 16 of this section, a person's age, in and of
43 itself, shall not be a factor in determining whether such
44 person is physically disabled or is otherwise entitled to
45 disabled license plates and/or disabled windshield hanging
46 placards within the meaning of sections 301.141 to 301.143;

47 (5) "Physician", a person licensed to practice
48 medicine pursuant to chapter 334;

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

52 (7) "Temporarily disabled person", a disabled person
53 as defined in this section whose disability or incapacity is
54 expected to last no more than one hundred eighty days;

55 (8) "Temporary windshield placard", a placard to be
56 issued to persons who are temporarily disabled persons as
57 defined in this section, certification of which shall be
58 indicated on the physician's statement;

59 (9) "Windshield placard", a placard to be issued to
60 persons who are physically disabled as defined in this
61 section, certification of which shall be indicated on the
62 physician's statement.

63 2. Other authorized health care practitioners may
64 furnish to a disabled or temporarily disabled person a
65 physician's statement for only those physical health care
66 conditions for which such health care practitioner is
67 legally authorized to diagnose and treat.

68 3. A physician's statement shall:

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

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

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

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

77 4. If it is the professional opinion of the physician
78 or other authorized health care practitioner issuing the
79 statement that the physical disability of the applicant,
80 user, or member of the applicant's household is permanent,
81 it shall be noted on the statement. Otherwise, the
82 physician or other authorized health care practitioner shall
83 note on the statement the anticipated length of the
84 disability, which shall determine the expiration date for
85 the temporary windshield placard, and which period [may]
86 shall not exceed one hundred eighty days. If the physician
87 or health care practitioner fails to record an expiration
88 date on the physician's statement, the director shall issue
89 a temporary windshield placard for a period of thirty days.

90 5. A physician or other authorized health care
91 practitioner who issues or signs a physician's statement so

92 that disabled plates or a disabled windshield placard may be
93 obtained shall maintain in such disabled person's medical
94 chart documentation that such a certificate has been issued,
95 the date the statement was signed, the diagnosis or
96 condition which existed that qualified the person as
97 disabled pursuant to this section and shall contain
98 sufficient documentation so as to objectively confirm that
99 such condition exists.

100 6. The medical or other records of the physician or
101 other authorized health care practitioner who issued a
102 physician's statement shall be open to inspection and review
103 by such practitioner's licensing board, in order to verify
104 compliance with this section. Information contained within
105 such records shall be confidential unless required for
106 prosecution, disciplinary purposes, or otherwise required to
107 be disclosed by law.

108 7. Owners of motor vehicles who are residents of the
109 state of Missouri, and who are physically disabled, owners
110 of motor vehicles operated at least fifty percent of the
111 time by a physically disabled person, or owners of motor
112 vehicles used to primarily transport physically disabled
113 members of the owner's household may obtain disabled person
114 license plates. Such owners, upon application[,] to the
115 director accompanied by the documents and fees provided for
116 in this section, a current physician's statement which has
117 been issued within ninety days proceeding the date the
118 application is made, and proof of compliance with the state
119 motor vehicle laws relating to registration and licensing of
120 motor vehicles, shall be issued motor vehicle license plates
121 for vehicles, other than commercial vehicles with a gross
122 weight in excess of twenty-four thousand pounds, upon which
123 shall be inscribed the international wheelchair
124 accessibility symbol and the word "DISABLED" in addition to

125 a combination of letters and numbers. Such license plates
126 shall be made with fully reflective material with a common
127 color scheme and design, shall be clearly visible at night,
128 and shall be aesthetically attractive, as prescribed by
129 section 301.130. If at any time an individual who obtained
130 disabled license plates issued under this subsection no
131 longer occupies a residence with a physically disabled
132 person, or no longer owns a vehicle that is operated at
133 least fifty percent of the time by a physically disabled
134 person, such individual shall surrender the disabled license
135 plates to the department within thirty days of becoming
136 ineligible for their use.

137 8. The director shall further issue, upon request, to
138 such applicant one, and for good cause shown, as the
139 director may define by rule and regulations, not more than
140 two, removable disabled windshield hanging placards for use
141 when the disabled person is occupying a vehicle or when a
142 vehicle not bearing the permanent handicap plate is being
143 used to pick up, deliver, or collect the physically disabled
144 person issued the disabled motor vehicle license plate or
145 disabled windshield hanging placard.

146 9. No additional fee shall be paid to the director for
147 the issuance of the special license plates provided in this
148 section, except for special personalized license plates and
149 other license plates described in this subsection. Priority
150 for any specific set of special license plates shall be
151 given to the applicant who received the number in the
152 immediately preceding license period subject to the
153 applicant's compliance with the provisions of this section
154 and any applicable rules or regulations issued by the
155 director. If determined feasible by the advisory committee
156 established in section 301.129, any special license plate
157 issued pursuant to this section may be adapted to also

158 include the international wheelchair accessibility symbol
159 and the word "DISABLED" as prescribed in this section and
160 such plate may be issued to any applicant who meets the
161 requirements of this section and the other appropriate
162 provision of this chapter, subject to the requirements and
163 fees of the appropriate provision of this chapter.

164 10. Any physically disabled person, or the parent or
165 guardian of any such person, or any not-for-profit group,
166 organization, or other entity which transports more than one
167 physically disabled person, may apply to the director of
168 revenue for a removable windshield placard. The placard may
169 be used in motor vehicles which do not bear the permanent
170 handicap symbol on the license plate. Such placards must be
171 hung from the front, middle rearview mirror of a parked
172 motor vehicle and may not be hung from the mirror during
173 operation. These placards may only be used during the
174 period of time when the vehicle is being used by a disabled
175 person, or when the vehicle is being used to pick up,
176 deliver, or collect a disabled person, and shall be
177 surrendered to the department, within thirty days, if a
178 group, organization, or entity that obtained the removable
179 windshield placard due to the transportation of more than
180 one physically disabled person no longer transports more
181 than one disabled person. When there is no rearview mirror,
182 the placard shall be displayed on the dashboard on the
183 driver's side.

184 11. The removable windshield placard shall conform to
185 the specifications, in respect to size, color, and content,
186 as set forth in federal regulations published by the
187 Department of Transportation. The removable windshield
188 placard shall be renewed every four years. The director may
189 stagger the expiration dates to equalize workload or until
190 the time of motor vehicle registration renewal for the

191 convenience of the applicant. Only one removable placard
192 may be issued to an applicant who has been issued disabled
193 person license plates. Upon request, one additional
194 windshield placard may be issued to an applicant who has not
195 been issued disabled person license plates.

196 12. A temporary windshield placard shall be issued to
197 any physically disabled person, or the parent or guardian of
198 any such person who otherwise qualifies except that the
199 physical disability, in the opinion of the physician, is not
200 expected to exceed a period of one hundred eighty days. The
201 temporary windshield placard shall conform to the
202 specifications, in respect to size, color, and content, as
203 set forth in federal regulations published by the Department
204 of Transportation. The fee for the temporary windshield
205 placard shall be two dollars. Upon request, and for good
206 cause shown, one additional temporary windshield placard may
207 be issued to an applicant. Temporary windshield placards
208 shall be issued upon presentation of the physician's
209 statement provided by this section and shall be displayed in
210 the same manner as removable windshield placards. A person
211 or entity shall be qualified to possess and display a
212 temporary removable windshield placard for six months and
213 the placard may be renewed once for an additional six months
214 if a physician's statement pursuant to this section is
215 supplied to the director of revenue at the time of renewal.

216 13. [Application for license plates or windshield
217 placards issued pursuant to this section shall be made to
218 the director of revenue and shall be accompanied by a
219 statement signed by a licensed physician or other authorized
220 health care practitioner which certifies that the applicant,
221 user, or member of the applicant's household is a physically
222 disabled person as defined by this section.]

223 14. The] A windshield placard shall be renewable only
224 by the person or entity to which the placard was originally
225 issued. Any placard issued pursuant to this section shall
226 only be used when the physically disabled occupant for whom
227 the disabled plate or placard was issued is in the motor
228 vehicle at the time of parking or when a physically disabled
229 person is being delivered or collected. A disabled license
230 plate and/or a removable windshield hanging placard are not
231 transferable and may not be used by any other person whether
232 disabled or not.

233 [15.] 14. At the time the disabled plates or
234 windshield hanging placards are issued, the director shall
235 issue a registration certificate which shall include the
236 applicant's name, address, and other identifying information
237 as prescribed by the director, or if issued to an agency,
238 such agency's name and address. This certificate shall
239 further contain the disabled license plate number or, for
240 windshield hanging placards, the registration or identifying
241 number stamped on the placard. The validated registration
242 receipt given to the applicant shall serve as the
243 registration certificate.

244 [16.] 15. The director shall, upon issuing any
245 disabled registration certificate for license plates and/or
246 windshield hanging placards, provide information which
247 explains that such plates or windshield hanging placards are
248 nontransferable, and the restrictions explaining who and
249 when a person or vehicle which bears or has the disabled
250 plates or windshield hanging placards may be used or be
251 parked in a disabled reserved parking space, and the
252 penalties prescribed for violations of the provisions of
253 this act.

254 [17.] 16. (1) Except as otherwise provided in this
255 subsection, every [new] applicant for issuance or renewal of

256 a disabled license plate or placard shall be required to
257 present a new physician's statement dated no more than
258 ninety days prior to such application. [Renewal applicants
259 will be required to submit a physician's statement dated no
260 more than ninety days prior to such application upon their
261 first renewal occurring on or after August 1, 2005. Upon
262 completing subsequent renewal applications, a physician's
263 statement dated no more than ninety days prior to such
264 application shall be required every eighth year. Such
265 physician's statement shall state the expiration date for
266 the temporary windshield placard. If the physician fails to
267 record an expiration date on the physician's statement, the
268 director shall issue the temporary windshield placard for a
269 period of thirty days. The director may stagger the
270 requirement of a physician's statement on all renewals for
271 the initial implementation of an eight-year period.]

272 (2) Notwithstanding any provision of law to the
273 contrary, if the applicant has presented proof of disability
274 in the form of a statement from the United States Veterans'
275 Administration verifying that the person is permanently
276 disabled, the applicant shall not be required to provide a
277 physician's statement for the purpose of renewal of disabled
278 persons license plates or windshield placards. Initial
279 applications shall be accompanied by the physician's
280 statement required by this section.

281 (3) Notwithstanding the provisions of paragraph (f) of
282 subdivision (4) of subsection 1 of this section, any person
283 seventy-five years of age or older who provided a
284 physician's statement with the original application shall
285 not be required to provide a physician's statement for the
286 purpose of renewal of disabled persons license plates or
287 windshield placards.

288 (4) Notwithstanding any provision of law to the
289 contrary, if the applicant has presented a physician's
290 statement noting that the physical disability of the
291 applicant, user, or member of the applicant's household is
292 permanent, the applicant shall only be required to provide a
293 physician's statement for the purpose of renewal of disabled
294 persons license plates or windshield placards every tenth
295 year.

296 [18.] 17. The director of revenue upon receiving a
297 physician's statement pursuant to this subsection shall
298 check with the state board of registration for the healing
299 arts created in section 334.120, or the Missouri state board
300 of nursing established in section 335.021, with respect to
301 physician's statements signed by advanced practice
302 registered nurses, or the Missouri state board of
303 chiropractic examiners established in section 331.090, with
304 respect to physician's statements signed by licensed
305 chiropractors, or with the board of optometry established in
306 section 336.130, with respect to physician's statements
307 signed by licensed optometrists, or the state board of
308 podiatric medicine created in section 330.100, with respect
309 to physician's statements signed by physicians of the foot
310 or podiatrists to determine whether the physician is duly
311 licensed and registered pursuant to law. [If such applicant
312 obtaining a disabled license plate or placard presents proof
313 of disability in the form of a statement from the United
314 States Veterans' Administration verifying that the person is
315 permanently disabled, the applicant shall be exempt from the
316 eight-year certification requirement of this subsection for
317 renewal of the plate or placard. Initial applications shall
318 be accompanied by the physician's statement required by this
319 section. Notwithstanding the provisions of paragraph (f) of
320 subdivision (4) of subsection 1 of this section, any person

321 seventy-five years of age or older who provided the
322 physician's statement with the original application shall
323 not be required to provide a physician's statement for the
324 purpose of renewal of disabled persons license plates or
325 windshield placards.

326 [19.] 18. The boards shall cooperate with the director
327 and shall supply information requested pursuant to this
328 subsection. The director shall, in cooperation with the
329 boards which shall assist the director, establish a list of
330 all Missouri physicians and other authorized health care
331 practitioners and of any other information necessary to
332 administer this section.

333 [20.] 19. Where the owner's application is based on
334 the fact that the vehicle is used at least fifty percent of
335 the time by a physically disabled person, the applicant
336 shall submit a statement stating this fact, in addition to
337 the physician's statement. The statement shall be signed by
338 both the owner of the vehicle and the physically disabled
339 person. The applicant shall be required to submit this
340 statement with each application for license plates. No
341 person shall willingly or knowingly submit a false statement
342 and any such false statement shall be considered perjury and
343 may be punishable pursuant to section 301.420.

344 [21.] 20. The director of revenue shall retain all
345 physicians' statements and all other documents received in
346 connection with a person's application for disabled license
347 plates and/or disabled windshield placards.

348 [22.] 21. The director of revenue shall enter into
349 reciprocity agreements with other states or the federal
350 government for the purpose of recognizing disabled person
351 license plates or windshield placards issued to physically
352 disabled persons.

353 [23.] 22. When a person to whom disabled person
354 license plates or a removable or temporary windshield
355 placard or both have been issued dies, the personal
356 representative of the decedent or such other person who may
357 come into or otherwise take possession of the disabled
358 license plates or disabled windshield placard shall return
359 the same to the director of revenue under penalty of law.
360 Failure to return such plates or placards shall constitute a
361 class B misdemeanor.

362 [24.] 23. The director of revenue may order any person
363 issued disabled person license plates or windshield placards
364 to submit to an examination by a chiropractor, osteopath, or
365 physician, or to such other investigation as will determine
366 whether such person qualifies for the special plates or
367 placards.

368 [25.] 24. If such person refuses to submit or is found
369 to no longer qualify for special plates or placards provided
370 for in this section, the director of revenue shall collect
371 the special plates or placards, and shall furnish license
372 plates to replace the ones collected as provided by this
373 chapter.

374 [26.] 25. In the event a removable or temporary
375 windshield placard is lost, stolen, or mutilated, the lawful
376 holder thereof shall, within five days, file with the
377 director of revenue an application and an affidavit stating
378 such fact, in order to purchase a new placard. The fee for
379 the replacement windshield placard shall be four dollars.

380 [27.] 26. Fraudulent application, renewal, issuance,
381 procurement or use of disabled person license plates or
382 windshield placards shall be a class A misdemeanor. It is a
383 class B misdemeanor for a physician, chiropractor,
384 podiatrist or optometrist to certify that an individual or
385 family member is qualified for a license plate or windshield

386 placard based on a disability, the diagnosis of which is
387 outside their scope of practice or if there is no basis for
388 the diagnosis."; and

389 Further amend said bill, page 48, Section B, line 3, by
390 striking "301.142,"; and further amend line 16, by striking
391 "301.142,".