

SECOND REGULAR SESSION

SENATE BILL NO. 990

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3473S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to transportation for disabled persons, with existing penalty provisions.

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Section A. Section 301.142, RSMo, is repealed and one new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

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

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

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

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

14 (4) "Physically disabled", a natural person who is
15 blind, as defined in section 8.700, or a natural person with
16 medical disabilities which prohibits, limits, or severely
17 impairs one's ability to ambulate or walk, as determined by

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

18 a licensed physician or other authorized health care
19 practitioner as follows:

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

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

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

33 (d) Uses portable oxygen; or

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

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

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

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

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

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

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

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

65 3. A physician's statement shall:

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

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

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

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

74 4. If it is the professional opinion of the physician
75 or other authorized health care practitioner issuing the
76 statement that the physical disability of the applicant,
77 user, or member of the applicant's household is permanent,
78 it shall be noted on the statement. Otherwise, the
79 physician or other authorized health care practitioner shall
80 note on the statement the anticipated length of the

81 disability, **which shall determine the expiration date for**
82 **the temporary windshield placard, and** which period [may]
83 **shall** not exceed one hundred eighty days. If the physician
84 or health care practitioner fails to record an expiration
85 date on the physician's statement, the director shall issue
86 a temporary windshield placard for a period of thirty days.

87 5. A physician or other authorized health care
88 practitioner who issues or signs a physician's statement so
89 that disabled plates or a disabled windshield placard may be
90 obtained shall maintain in such disabled person's medical
91 chart documentation that such a certificate has been issued,
92 the date the statement was signed, the diagnosis or
93 condition which existed that qualified the person as
94 disabled pursuant to this section and shall contain
95 sufficient documentation so as to objectively confirm that
96 such condition exists.

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

105 7. Owners of motor vehicles who are residents of the
106 state of Missouri, and who are physically disabled, owners
107 of motor vehicles operated at least fifty percent of the
108 time by a physically disabled person, or owners of motor
109 vehicles used to primarily transport physically disabled
110 members of the owner's household may obtain disabled person
111 license plates. Such owners, upon application[,] **to the**
112 **director** accompanied by the documents and fees provided for

in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made, and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.

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

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this

section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than

one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

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

if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

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

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

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

[16.] 15. The director shall, upon issuing any disabled registration certificate for license plates and/or

windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

[17.] 16. (1) Except as otherwise provided in this subsection, every **[new]** applicant for **issuance or renewal of** a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. **[Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every eighth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of an eight-year period.]**

(2) Notwithstanding any provision of law to the contrary, if the applicant has presented proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall not be required to provide a physician's statement for the purpose of renewal of disabled

persons license plates or windshield placards. Initial applications shall be accompanied by the physician's statement required by this section.

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

(4) Notwithstanding any provision of law to the contrary, if the applicant has presented a physician's statement noting that the physical disability of the applicant, user, or member of the applicant's household is permanent, the applicant shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

[18.] 17. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly

305 licensed and registered pursuant to law. [If such applicant
306 obtaining a disabled license plate or placard presents proof
307 of disability in the form of a statement from the United
308 States Veterans' Administration verifying that the person is
309 permanently disabled, the applicant shall be exempt from the
310 eight-year certification requirement of this subsection for
311 renewal of the plate or placard. Initial applications shall
312 be accompanied by the physician's statement required by this
313 section. Notwithstanding the provisions of paragraph (f) of
314 subdivision (4) of subsection 1 of this section, any person
315 seventy-five years of age or older who provided the
316 physician's statement with the original application shall
317 not be required to provide a physician's statement for the
318 purpose of renewal of disabled persons license plates or
319 windshield placards.

320 [19.] 18. The boards shall cooperate with the director
321 and shall supply information requested pursuant to this
322 subsection. The director shall, in cooperation with the
323 boards which shall assist the director, establish a list of
324 all Missouri physicians and other authorized health care
325 practitioners and of any other information necessary to
326 administer this section.

327 [20.] 19. Where the owner's application is based on
328 the fact that the vehicle is used at least fifty percent of
329 the time by a physically disabled person, the applicant
330 shall submit a statement stating this fact, in addition to
331 the physician's statement. The statement shall be signed by
332 both the owner of the vehicle and the physically disabled
333 person. The applicant shall be required to submit this
334 statement with each application for license plates. No
335 person shall willingly or knowingly submit a false statement

and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

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

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

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

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

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

368 [26.] 25. In the event a removable or temporary
369 windshield placard is lost, stolen, or mutilated, the lawful
370 holder thereof shall, within five days, file with the
371 director of revenue an application and an affidavit stating
372 such fact, in order to purchase a new placard. The fee for
373 the replacement windshield placard shall be four dollars.

374 [27.] 26. Fraudulent application, renewal, issuance,
375 procurement or use of disabled person license plates or
376 windshield placards shall be a class A misdemeanor. It is a
377 class B misdemeanor for a physician, chiropractor,
378 podiatrist or optometrist to certify that an individual or
379 family member is qualified for a license plate or windshield
380 placard based on a disability, the diagnosis of which is
381 outside their scope of practice or if there is no basis for
382 the diagnosis.

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