

FIRST REGULAR SESSION

HOUSE BILL NO. 796

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DETHROW (Sponsor),
WILSON (119) AND WALLACE (Co-sponsors).

Read 1st time February 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1855L.01I

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with 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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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 mean:

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (b) The person cannot ambulate or walk without the use of, or assistance from, a brace,
16 cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- 17 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
18 respiratory expiratory volume for one second, when measured by spirometry, is less than one
19 liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
- 20 (d) Uses portable oxygen; or
- 21 (e) Has a cardiac condition to the extent that the person's functional limitations are
22 classified in severity as class III or class IV according to standards set by the American Heart
23 Association; or
- 24 (f) A person's age, in and of itself, shall not be a factor in determining whether such
25 person is physically disabled or is otherwise entitled to disabled license plates and/or disabled
26 windshield hanging placards within the meaning of sections 301.141 to 301.143;
- 27 (5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;
- 28 (6) "Physician's statement", a statement personally signed by a duly authorized person
29 which certifies that a person is disabled as defined in this section;
- 30 (7) "Temporarily disabled person", a disabled person as defined in this section whose
31 disability or incapacity is expected to last no more than one hundred eighty days.
- 32 2. Other authorized health care practitioners may furnish to a disabled or temporarily
33 disabled person a physician's statement for only those physical health care conditions for which
34 such health care practitioner is legally authorized to diagnose and treat.
- 35 3. A physician's statement shall:
- 36 (1) Be on a form prescribed by the director of revenue;
- 37 (2) Set forth the specific diagnosis and medical condition which renders the person
38 physically disabled or temporarily disabled as defined in this section;
- 39 (3) Include the physician's or other authorized health care practitioner's license number;
40 and
- 41 (4) Be personally signed by the issuing physician or other authorized health care
42 practitioner.
- 43 4. If it is the professional opinion of the physician or other authorized health care
44 practitioner issuing the statement that the physical disability of the applicant, user, or member
45 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
46 physician or other authorized health care practitioner shall note on the statement the anticipated
47 length of the disability which period may not exceed one hundred eighty days. If the physician
48 or health care practitioner fails to record an expiration date on the physician's statement, the
49 director shall issue a temporary windshield placard for a period of thirty days.

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

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

61 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
62 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
63 physically disabled person, or owners of motor vehicles used to primarily transport physically
64 disabled members of the owner's household may obtain disabled person license plates. Such
65 owners, upon application, accompanied by the documents and fees provided for in this section,
66 a current physician's statement which has been issued within ninety days proceeding the date the
67 application is made and proof of compliance with the state motor vehicle laws relating to
68 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
69 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
70 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
71 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
72 shall be made with fully reflective material with a common color scheme and design, shall be
73 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

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

80 9. No additional fee shall be paid to the director for the issuance of the special license
81 plates provided in this section, except for special personalized license plates and other license
82 plates described in this subsection. Priority for any specific set of special license plates shall be
83 given to the applicant who received the number in the immediately preceding license period
84 subject to the applicant's compliance with the provisions of this section and any applicable rules
85 or regulations issued by the director. If determined feasible by the advisory committee

86 established in section 301.129, any special license plate issued pursuant to this section may be
87 adapted to also include the international wheelchair accessibility symbol and the word
88 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
89 meets the requirements of this section and the other appropriate provision of this chapter, subject
90 to the requirements and fees of the appropriate provision of this chapter.

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

100 11. The removable windshield placard shall conform to the specifications, in respect to
101 size, color, and content, as set forth in federal regulations published by the Department of
102 Transportation. The fee for each removable windshield placard shall be four dollars and the
103 removable windshield placard shall be renewed every two years. The director may stagger the
104 expiration dates to equalize workload. Only one removable placard may be issued to an
105 applicant who has been issued disabled person license plates. Upon request, one additional
106 windshield placard may be issued to an applicant who has not been issued disabled person
107 license plates, at the appropriate fee.

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

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

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

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

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

144 17. Every new applicant for a disabled license plate or placard shall be required to
145 present a new physician's statement dated no more than ninety days prior to such application.
146 Renewal applicants will be required to submit a physician's statement dated no more than ninety
147 days prior to such application upon their first renewal occurring on or after August 1, 2005.
148 Upon completing subsequent renewal applications, a physician's statement dated no more than
149 ninety days prior to such application shall be required every fourth year. Such physician's
150 statement shall state the expiration date for the temporary windshield placard. If the physician
151 fails to record an expiration date on the physician's statement, the director shall issue the
152 temporary windshield placard for a period of thirty days. **Persons age sixty-five and older who**
153 **are disabled shall not be required to show the physician's statement required under this**
154 **subsection for license plate renewals or placard renewals.**

155 18. The director of revenue upon receiving a physician's statement pursuant to this
156 subsection shall check with the state board of registration for the healing arts created in section

334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo, 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, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents 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 be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section.

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

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No 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. 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. 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. 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.

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

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

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

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

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