

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 796

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Senior Citizen Advocacy March 14, 2007 with recommendation that House Committee Substitute for House Bill No. 796 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 27, 2007 with recommendation that House Committee Substitute for House Bill No. 796 Do Pass by Consent.

Perfected by Consent April 3, 2007.

D. ADAM CRUMBLISS, Chief Clerk

1855L.02P

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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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

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.

10 one's ability to ambulate or walk, as determined by a licensed physician or other authorized
11 health care practitioner as follows:

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

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

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

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

41 3. A physician's statement shall:

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

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

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

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

49 4. If it is the professional opinion of the physician or other authorized health care
50 practitioner issuing the statement that the physical disability of the applicant, user, or member
51 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
52 physician or other authorized health care practitioner shall note on the statement the anticipated
53 length of the disability which period may not exceed one hundred eighty days. If the physician
54 or health care practitioner fails to record an expiration date on the physician's statement, the
55 director shall issue a temporary windshield placard for a period of thirty days.

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

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

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

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

86 9. No additional fee shall be paid to the director for the issuance of the special license
87 plates provided in this section, except for special personalized license plates and other license
88 plates described in this subsection. Priority for any specific set of special license plates shall be
89 given to the applicant who received the number in the immediately preceding license period
90 subject to the applicant's compliance with the provisions of this section and any applicable rules
91 or regulations issued by the director. If determined feasible by the advisory committee
92 established in section 301.129, any special license plate issued pursuant to this section may be
93 adapted to also include the international wheelchair accessibility symbol and the word
94 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
95 meets the requirements of this section and the other appropriate provision of this chapter, subject
96 to the requirements and fees of the appropriate provision of this chapter.

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

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

114 12. A temporary windshield placard shall be issued to any physically disabled person,
115 or the parent or guardian of any such person who otherwise qualifies except that the physical

116 disability, in the opinion of the physician, is not expected to exceed a period of one hundred
117 eighty days. The temporary windshield placard shall conform to the specifications, in respect
118 to size, color, and content, as set forth in federal regulations published by the Department of
119 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon
120 request, and for good cause shown, one additional temporary windshield placard may be issued
121 to an applicant. Temporary windshield placards shall be issued upon presentation of the
122 physician's statement provided by this section and shall be displayed in the same manner as
123 removable windshield placards. A person or entity shall be qualified to possess and display a
124 temporary removable windshield placard for six months and the placard may be renewed once
125 for an additional six months if a physician's statement pursuant to this section is supplied to the
126 director of revenue at the time of renewal.

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

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

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

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

150 17. Every new applicant for a disabled license plate or placard shall be required to
151 present a new physician's statement dated no more than ninety days prior to such application.

152 Renewal applicants will be required to submit a physician's statement dated no more than ninety
153 days prior to such application upon their first renewal occurring on or after August 1, 2005.
154 Upon completing subsequent renewal applications, a physician's statement dated no more than
155 ninety days prior to such application shall be required every fourth year. Such physician's
156 statement shall state the expiration date for the temporary windshield placard. If the physician
157 fails to record an expiration date on the physician's statement, the director shall issue the
158 temporary windshield placard for a period of thirty days.

159 18. The director of revenue upon receiving a physician's statement pursuant to this
160 subsection shall check with the state board of registration for the healing arts created in section
161 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo,
162 with respect to physician's statements signed by advanced practice registered nurses, or the
163 Missouri state board of chiropractic examiners established in section 331.090, RSMo, with
164 respect to physician's statements signed by licensed chiropractors, or with the board of optometry
165 established in section 336.130, RSMo, with respect to physician's statements signed by licensed
166 optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with
167 respect to physician's statements signed by physicians of the foot or podiatrists to determine
168 whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining
169 a disabled license plate or placard presents proof of disability in the form of a statement from the
170 United States Veterans' Administration verifying that the person is permanently disabled, the
171 applicant shall be exempt from the four-year certification requirement of this subsection for
172 renewal of the plate or placard. Initial applications shall be accompanied by the physician's
173 statement required by this section. **Notwithstanding the provisions of paragraph (f) of**
174 **subdivision (4) of subsection 1 of this section, any person sixty-five years of age or older**
175 **who provided the physician's statement with the original application shall not be required**
176 **to provide a physician's statement for the purpose of renewal of disabled persons license**
177 **plates or windshield placards.**

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

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

187 knowingly submit a false statement and any such false statement shall be considered perjury and
188 may be punishable pursuant to section 301.420.

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

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

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

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

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

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

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

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