

SECOND REGULAR SESSION

HOUSE BILL NO. 2402

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KRAUS.

Read 1st time March 11, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3051L.01I

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled person license plates and placards, 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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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 **physically** disabled person as defined in this
31 section whose 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 indicated
34 on the physician's statement;
- 35 (9) "Windshield placard", a placard to be issued to persons who are physically disabled
36 as defined in this section, certification of which shall be indicated on the physician's statement.
- 37 2. Other authorized health care practitioners may furnish to a disabled or temporarily
38 disabled person a physician's statement for only those physical health care conditions for which
39 such health care practitioner is legally authorized to diagnose and treat.
- 40 3. A physician's statement shall:
- 41 (1) Be on a form prescribed by the director of revenue;
- 42 (2) Set forth the specific diagnosis and medical condition which renders the person
43 physically disabled or temporarily disabled as defined in this section;
- 44 (3) Include the physician's or other authorized health care practitioner's license number;
45 and
- 46 (4) Be personally signed by the issuing physician or other authorized health care
47 practitioner.
- 48 4. If it is the professional opinion of the physician or other authorized health care
49 practitioner issuing the statement that the physical disability of the applicant, user, or member
50 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the

51 physician or other authorized health care practitioner shall note on the statement the anticipated
52 length of the disability which period may not exceed one hundred eighty days. If the physician
53 or health care practitioner fails to record an expiration date on the physician's statement, the
54 director shall issue a temporary windshield placard for a period of thirty days.

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

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

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

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

85 9. No additional fee shall be paid to the director for the issuance of the special license
86 plates provided in this section, except for special personalized license plates and other license

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

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

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

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

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

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

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

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

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

148 17. Every new applicant for a disabled license plate or placard shall be required to
149 present a new physician's statement dated no more than ninety days prior to such application.
150 Renewal applicants will be required to submit a physician's statement dated no more than ninety
151 days prior to such application upon their first renewal occurring on or after August 1, 2005.
152 Upon completing subsequent renewal applications, a physician's statement dated no more than
153 ninety days prior to such application shall be required every fourth year. Such physician's
154 statement shall state the expiration date for the temporary windshield placard. If the physician
155 fails to record an expiration date on the physician's statement, the director shall issue the
156 temporary windshield placard for a period of thirty days. The director may stagger the
157 requirement of a physician's statement on all renewals for the initial implementation of a
158 four-year period.

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 seventy-five years of age or older who
175 provided the physician's statement with the original application shall not be required to provide
176 a physician's statement for the purpose of renewal of disabled persons license plates or
177 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.

216 **28. Notwithstanding the provisions of subsection 7 of this section, if the applicant**
217 **is otherwise eligible, he or she may receive disabled person license plates or placards**
218 **without presentation of a physician's statement when the applicant presents a form**
219 **provided by the department of revenue requesting that the requirement be waived due to**
220 **religious affiliations. The form shall be signed by the applicant and another member of the**
221 **religious tenant verifying that abstention from medical care is required as part of their**
222 **religious affiliation. The required signatures on the prescribed form shall be properly**
223 **notarized. Applicants for license plates or placards under this subsection shall be made**
224 **in person at a license office determined by the director. The director is authorized to limit**
225 **the number of offices that may issue plates or placards without a physician's statement.**

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