

SECOND REGULAR SESSION

# HOUSE BILL NO. 2274

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STILL (Sponsor) AND TALBOY (Co-sponsor).

5251L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 301.142 and 301.143, RSMo, and to enact in lieu thereof two new sections relating to accessible parking, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 301.142 and 301.143, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 301.142 and 301.143, to read as follows:

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

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

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

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

8 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700,  
9 RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs  
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

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.

- 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 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. **Notwithstanding the provisions of paragraph (f) of subdivision (4) of**  
159 **subsection 1 of this section, any person eighty years of age or older shall be exempt from**  
160 **the physician's statement requirement of this subsection for both issuance and renewal of**

**disabled persons license plates or windshield placards. This age exemption shall be known and referred to as the "Jayne Gaines Law".**

18. 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, 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. 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 the 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.

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.

24. 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. 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.

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

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

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording **such as "Accessible Parking"** to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate

13 or card. The sign described in this subsection shall also state, or an additional sign shall be  
14 posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

15 3. Any political subdivision, by ordinance or resolution, and any person or corporation  
16 in lawful possession of a public off-street parking facility or any other owner of private property  
17 may designate reserved parking spaces for the exclusive use of vehicles which display a  
18 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as  
19 possible to the nearest accessible entrance. Such designation shall be made by posting  
20 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the  
21 international symbol of accessibility, and may also include any appropriate wording to indicate  
22 that the space is reserved for the exclusive use of vehicles which display a distinguishing license  
23 plate or card.

24 4. The local police or sheriff's department may cause the removal of any vehicle not  
25 displaying a distinguishing license plate or card on which is inscribed the international symbol  
26 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled  
27 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card  
28 issued by any other state from a space designated for physically disabled persons if there is  
29 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed  
30 the international symbol of accessibility and may include any appropriate wording to indicate that  
31 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate  
32 or card. Any person who parks in a space reserved for physically disabled persons and is not  
33 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction  
34 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred  
35 dollars. Any vehicle which has been removed and which is not properly claimed within thirty  
36 days thereafter shall be considered to be an abandoned vehicle.

37 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license  
38 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal  
39 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant  
40 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated  
41 by political subdivisions in residential areas for the exclusive use of vehicles displaying a  
42 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the  
43 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any  
44 such space shall have clearly and visibly painted upon it the international symbol of accessibility  
45 and any curb adjacent to the space shall be clearly and visibly painted blue.

46 6. Any person who, without authorization, uses a distinguishing license plate or card  
47 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority  
48 of this section shall be guilty of a class B misdemeanor.



49           7. Law enforcement officials may enter upon private property open to public use to  
50 enforce the provisions of this section and section 301.142, including private property designated  
51 by the owner of such property for the exclusive use of vehicles which display a distinguishing  
52 license plate or card issued pursuant to section 301.071 or 301.142.

53           8. Nonconforming signs or spaces otherwise required pursuant to this section which are  
54 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of  
55 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs  
56 or spaces be extended by means other than those means used to maintain any sign or space on  
57 the owner's property which is not used for vehicles displaying a disabled license plate.

58           **9. Beginning August 28, 2010, all new signs erected under this section shall not**  
59 **contain the words "Handicap Parking" or "Handicapped Parking".**

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