

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute No. 2 for Senate Substitute No. 2 for Senate Committee  
2 Substitute for Senate Bill No. 1050, Page 36, Section 301.130, Line 112, by inserting immediately  
3 after all of said section and line the following:  
4

5 "301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

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

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

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

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

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

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

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

25 (d) Uses portable oxygen; or

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

28 (f) A person's age, in and of itself, shall not be a factor in determining whether such person  
29 is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield  
30 hanging placards within the meaning of sections 301.141 to 301.143;

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

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

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

36 (8) "Temporary windshield placard", a placard to be issued to persons who are temporarily

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

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

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

3. A physician's statement shall:

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

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

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

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

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

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

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

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding 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

1 license plates to the department within thirty days of becoming ineligible for their use.

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

8 9. No additional fee shall be paid to the director for the issuance of the special license plates  
9 provided in this section, except for special personalized license plates and other license plates  
10 described in this subsection. Priority for any specific set of special license plates shall be given to  
11 the applicant who received the number in the immediately preceding license period subject to the  
12 applicant's compliance with the provisions of this section and any applicable rules or regulations  
13 issued by the director. If determined feasible by the advisory committee established in section  
14 301.129, any special license plate issued pursuant to this section may be adapted to also include the  
15 international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this  
16 section and such plate may be issued to any applicant who meets the requirements of this section  
17 and the other appropriate provision of this chapter, subject to the requirements and fees of the  
18 appropriate provision of this chapter.

19 10. Any physically disabled person, or the parent or guardian of any such person, or any  
20 not-for-profit group, organization, or other entity which transports more than one physically  
21 disabled person, may apply to the director of revenue for a removable windshield placard. The  
22 placard may be used in motor vehicles which do not bear the permanent handicap symbol on the  
23 license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor  
24 vehicle and may not be hung from the mirror during operation. These placards may only be used  
25 during the period of time when the vehicle is being used by a disabled person, or when the vehicle is  
26 being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the  
27 department, within thirty days, if a group, organization, or entity that obtained the removable  
28 windshield placard due to the transportation of more than one physically disabled person no longer  
29 transports more than one disabled person. When there is no rearview mirror, the placard shall be  
30 displayed on the dashboard on the driver's side.

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

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

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

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

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

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

23           17. Every new applicant for a disabled license plate or placard shall be required to present a  
24 new physician's statement dated no more than ninety days prior to such application. Renewal  
25 applicants will be required to submit a physician's statement dated no more than ninety days prior to  
26 such application upon their first renewal occurring on or after August 1, 2005. Upon completing  
27 subsequent renewal applications, a physician's statement dated no more than ninety days prior to  
28 such application shall be required every ~~fourth~~ eighth year. Such physician's statement shall state  
29 the expiration date for the temporary windshield placard. If the physician fails to record an  
30 expiration date on the physician's statement, the director shall issue the temporary windshield  
31 placard for a period of thirty days. The director may stagger the requirement of a physician's  
32 statement on all renewals for the initial implementation of a ~~four-year~~ eight-year period.

33           18. The director of revenue upon receiving a physician's statement pursuant to this  
34 subsection shall check with the state board of registration for the healing arts created in section  
35 334.120, or the Missouri state board of nursing established in section 335.021, with respect to  
36 physician's statements signed by advanced practice registered nurses, or the Missouri state board of  
37 chiropractic examiners established in section 331.090, with respect to physician's statements signed  
38 by licensed chiropractors, or with the board of optometry established in section 336.130, with  
39 respect to physician's statements signed by licensed optometrists, or the state board of podiatric  
40 medicine created in section 330.100, with respect to physician's statements signed by physicians of  
41 the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to  
42 law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the  
43 form of a statement from the United States Veterans' Administration verifying that the person is  
44 permanently disabled, the applicant shall be exempt from the ~~four-year~~ eight-year certification  
45 requirement of this subsection for renewal of the plate or placard. Initial applications shall be  
46 accompanied by the physician's statement required by this section. Notwithstanding the provisions  
47 of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of  
48 age or older who provided the physician's statement with the original application shall not be

1 required to provide a physician's statement for the purpose of renewal of disabled persons license  
2 plates or windshield placards.

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

7 20. Where the owner's application is based on the fact that the vehicle is used at least fifty  
8 percent of the time by a physically disabled person, the applicant shall submit a statement stating  
9 this fact, in addition to the physician's statement. The statement shall be signed by both the owner  
10 of the vehicle and the physically disabled person. The applicant shall be required to submit this  
11 statement with each application for license plates. No person shall willingly or knowingly submit a  
12 false statement and any such false statement shall be considered perjury and may be punishable  
13 pursuant to section 301.420.

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

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

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

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

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

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

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

41  
42 Further amend said bill by amending the title, enacting clause, and intersectional references  
43 accordingly.