

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 89, Page 1, Section A, Line 3, by inserting after
2 said section and line the following:

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4 "301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

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

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

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

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

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

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

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

21 (d) Uses portable oxygen; or

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

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

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

28 (6) "Physician's statement", a statement personally signed by a duly authorized person which
29 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 disability or
31 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 temporarily disabled
33 persons as defined in this section, certification of which shall be indicated on the physician's statement;

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

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

39 3. A physician's statement shall:

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

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

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

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

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

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

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

20 7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically
21 disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person,
22 or owners of motor vehicles used to primarily transport physically disabled members of the owner's
23 household may obtain disabled person license plates. Such owners, upon application, accompanied by the
24 documents and fees provided for in this section, a current physician's statement which has been issued within
25 ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle
26 laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
27 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon
28 which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in
29 addition to a combination of letters and numbers. Such license plates shall be made with fully reflective
30 material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
31 attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates
32 issued under this subsection no longer occupies a residence with a physically disabled person, or no longer
33 owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such
34 individual shall surrender the disabled license plates to the department within thirty days of becoming
35 ineligible for their use.

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

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

51 10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-
52 profit group, organization, or other entity which transports more than one physically disabled person, may
53 apply to the director of revenue for a removable windshield placard. The placard may be used in motor

vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

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

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

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

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

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

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

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every eighth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary

windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of an eight-year period.

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, or the Missouri state board of nursing established in section 335.021, 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, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, 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 eight-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.

1 28. (1) Notwithstanding provisions of this section or any other law to the contrary, the department
2 shall, no later than January 1, 2020, implement an online system for the renewal of disabled license plates and
3 placards issued under this section. Upon implementation of such online system, the department shall charge
4 a one dollar fee per transaction. The website allowing for the submission of renewal information shall allow
5 the confidential, electronic transmission of any form or document necessary to obtain such license plates or
6 placards.

7 (2) The department of revenue may promulgate all necessary rules and regulations for the
8 administration of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010,
9 that is created under the authority delegated in this section shall become effective only if it complies with and
10 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
11 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
12 review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
13 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be
14 invalid and void."; and

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