

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the
2 following:

3
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
8 licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors
9 licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians,
10 physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter
11 336;

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

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

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

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

24 (d) Uses portable oxygen; or

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

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

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

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

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

35 (8) "Temporary windshield placard", a placard to be issued to persons who are temporarily
36 disabled persons as defined in this section, certification of which shall be indicated on the

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1 physician's statement;

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

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

7 3. A physician's statement shall:

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

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

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

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

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

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

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

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

49 8. The director shall further issue, upon request, to such applicant one, and for good cause

1 shown, as the director may define by rule and regulations, not more than two, removable disabled
2 windshield hanging placards for use when the disabled person is occupying a vehicle or when a
3 vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the
4 physically disabled person issued the disabled motor vehicle license plate or disabled windshield
5 hanging placard.

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

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

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

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

47 13. Application for license plates or windshield placards issued pursuant to this section shall
48 be made to the director of revenue and shall be accompanied by a statement signed by a licensed
49 physician or other authorized health care practitioner which certifies that the applicant, user, or

1 member of the applicant's household is a physically disabled person as defined by this section.

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

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

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

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

30 18. The director of revenue upon receiving a physician's statement pursuant to this
31 subsection shall check with the state board of registration for the healing arts created in section
32 334.120, or the Missouri state board of nursing established in section 335.021, with respect to
33 physician's statements signed by advanced practice registered nurses, or the Missouri state board of
34 chiropractic examiners established in section 331.090, with respect to physician's statements signed
35 by licensed chiropractors, or with the board of optometry established in section 336.130, with
36 respect to physician's statements signed by licensed optometrists, or the state board of podiatric
37 medicine created in section 330.100, with respect to physician's statements signed by physicians of
38 the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to
39 law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the
40 form of a statement from the United States Veterans' Administration verifying that the person is
41 permanently disabled, the applicant shall be exempt from the eight-year certification requirement of
42 this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the
43 physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of
44 subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who
45 provided the physician's statement with the original application shall not be required to provide a
46 physician's statement for the purpose of renewal of disabled persons license plates or windshield
47 placards.

48 19. The boards shall cooperate with the director and shall supply information requested
49 pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the

1 director, establish a list of all Missouri physicians and other authorized health care practitioners and
2 of any other information necessary to administer this section.

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

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

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

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

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

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

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

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

37 28. (1) Notwithstanding provisions of this section or any other law to the contrary, the
38 department shall, no later than January 1, 2020, implement an online system for the renewal of
39 disabled license plates and placards issued under this section. Upon implementation of such online
40 system, the department shall charge a one dollar fee per transaction. The website allowing for the
41 submission of renewal information shall allow the confidential, electronic transmission of any form
42 or document necessary to obtain such license plates or placards.

43 (2) The department of revenue may promulgate all necessary rules and regulations for the
44 administration of this subsection. Any rule or portion of a rule, as that term is defined in section
45 536.010, that is created under the authority delegated in this section shall become effective only if it
46 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
49 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any

- 1 rule proposed or adopted after August 28, 2019, shall be invalid and void."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.