

FIRST REGULAR SESSION

HOUSE BILL NO. 1070

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

2225H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates and windshield placards for disabled persons.

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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;

(4) "Physically disabled", a natural person who is blind, as defined in section 8.700, 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

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, 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.

18 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
19 respiratory expiratory volume for one second, when measured by spirometry, is less than one
20 liter, or the arterial oxygen 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
23 classified in severity as class III or class IV according to standards set by the American Heart
24 Association; or

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

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

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

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

33 (8) "Temporary windshield placard", a placard to be issued to persons who are
34 temporarily disabled persons as defined in this section, certification of which shall be indicated
35 on the physician's statement;

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

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

41 3. A physician's statement shall:

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

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

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

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

49 4. If it is the professional opinion of the physician or other authorized health care
50 practitioner issuing the statement that the physical disability of the applicant, user, or member
51 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
52 physician or other authorized health care practitioner shall note on the statement the anticipated
53 length of the disability which period may not exceed one hundred eighty days. If the physician

54 or health care practitioner fails to record an expiration date on the physician's statement, the
55 director shall issue a temporary windshield placard for a period of thirty days.

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

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

67 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
68 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
69 physically disabled person, or owners of motor vehicles used to primarily transport physically
70 disabled members of the owner's household may obtain disabled person license plates. Such
71 owners, upon application, accompanied by the documents and fees provided for in this section,
72 a current physician's statement which has been issued within ninety days proceeding the date the
73 application is made and proof of compliance with the state motor vehicle laws relating to
74 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
75 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
76 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
77 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
78 shall be made with fully reflective material with a common color scheme and design, shall be
79 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
80 If at any time an individual who obtained disabled license plates issued under this subsection no
81 longer occupies a residence with a physically disabled person, or no longer owns a vehicle that
82 is operated at least fifty percent of the time by a physically disabled person, such individual shall
83 surrender the disabled license plates to the department within thirty days of becoming ineligible
84 for their use.

85 8. The director shall further issue, upon request, to such applicant one, and for good
86 cause shown, as the director may define by rule and regulations, not more than two, removable
87 disabled windshield hanging placards for use when the disabled person is occupying a vehicle
88 or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or

89 collect the physically disabled person issued the disabled motor vehicle license plate or disabled
90 windshield hanging placard.

91 9. No additional fee shall be paid to the director for the issuance of the special license
92 plates provided in this section, except for special personalized license plates and other license
93 plates described in this subsection. Priority for any specific set of special license plates shall be
94 given to the applicant who received the number in the immediately preceding license period
95 subject to the applicant's compliance with the provisions of this section and any applicable rules
96 or regulations issued by the director. If determined feasible by the advisory committee
97 established in section 301.129, any special license plate issued pursuant to this section may be
98 adapted to also include the international wheelchair accessibility symbol and the word
99 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
100 meets the requirements of this section and the other appropriate provision of this chapter, subject
101 to the requirements and fees of the appropriate provision of this chapter.

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

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

121 12. A temporary windshield placard shall be issued to any physically disabled person,
122 or the parent or guardian of any such person who otherwise qualifies except that the physical
123 disability, in the opinion of the physician, is not expected to exceed a period of one hundred
124 eighty days. The temporary windshield placard shall conform to the specifications, in respect

125 to size, color, and content, as set forth in federal regulations published by the Department of
126 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon
127 request, and for good cause shown, one additional temporary windshield placard may be issued
128 to an applicant. Temporary windshield placards shall be issued upon presentation of the
129 physician's statement provided by this section and shall be displayed in the same manner as
130 removable windshield placards. A person or entity shall be qualified to possess and display a
131 temporary removable windshield placard for six months and the placard may be renewed once
132 for an additional six months if a physician's statement pursuant to this section is supplied to the
133 director of revenue at the time of renewal.

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

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

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

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

157 17. Every new applicant for a disabled license plate or placard shall be required to
158 present a new physician's statement dated no more than ninety days prior to such application.
159 Renewal applicants will be required to submit a physician's statement dated no more than ninety
160 days prior to such application upon their first renewal occurring on or after August 1, 2005.

161 Upon completing subsequent renewal applications, a physician's statement dated no more than
162 ninety days prior to such application shall be required every eighth year. Such physician's
163 statement shall state the expiration date for the temporary windshield placard. If the physician
164 fails to record an expiration date on the physician's statement, the director shall issue the
165 temporary windshield placard for a period of thirty days. The director may stagger the
166 requirement of a physician's statement on all renewals for the initial implementation of an
167 eight-year period.

168 18. The director of revenue upon receiving a physician's statement pursuant to this
169 subsection shall check with the state board of registration for the healing arts created in section
170 334.120, or the Missouri state board of nursing established in section 335.021, with respect to
171 physician's statements signed by advanced practice registered nurses, or the Missouri state board
172 of chiropractic examiners established in section 331.090, with respect to physician's statements
173 signed by licensed chiropractors, or with the board of optometry established in section 336.130,
174 with respect to physician's statements signed by licensed optometrists, or the state board of
175 podiatric medicine created in section 330.100, with respect to physician's statements signed by
176 physicians of the foot or podiatrists to determine whether the physician is duly licensed and
177 registered pursuant to law. If such applicant obtaining a disabled license plate or placard
178 presents proof of disability in the form of a statement from the United States Veterans'
179 Administration verifying that the person is permanently disabled, the applicant shall be exempt
180 from the eight-year certification requirement of this subsection for renewal of the plate or
181 placard. Initial applications shall be accompanied by the physician's statement required by this
182 section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of
183 this section, any person seventy-five years of age or older who provided the physician's statement
184 with the original application shall not be required to provide a physician's statement for the
185 purpose of renewal of disabled persons license plates or windshield placards.

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

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

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

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

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

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

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

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

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

224 **28. (1) Notwithstanding provisions of this section or any other law to the contrary,**
225 **the department shall, no later than January 1, 2020, implement an online system for the**
226 **renewal of disabled license plates and placards issued under this section. The website**
227 **allowing for the submission of renewal information shall allow the confidential, electronic**
228 **transmission of any form or document necessary to obtain such license plates or placards.**

229 **(2) The department of revenue may promulgate all necessary rules and regulations**
230 **for the administration of this subsection. Any rule or portion of a rule, as that term is**
231 **defined in section 536.010, that is created under the authority delegated in this section shall**
232 **become effective only if it complies with and is subject to all of the provisions of chapter**

233 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
234 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
235 to delay the effective date, or to disapprove and annul a rule are subsequently held
236 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
237 after August 28, 2019, shall be invalid and void.

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