

FIRST REGULAR SESSION

HOUSE BILL NO. 734

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

1257H.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 disabled placards.

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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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
19 forced respiratory expiratory volume for one second, when measured by spirometry, is less
20 than one 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
35 indicated on the physician's statement;

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

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

42 3. A physician's statement shall:

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

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

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

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

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

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

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

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

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

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

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

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

116 11. The removable windshield placard shall conform to the specifications, in respect
117 to size, color, and content, as set forth in federal regulations published by the Department of
118 Transportation. The removable windshield placard shall be renewed every ~~four~~ **eight** years.
119 **The department shall have the authority to automatically renew current valid disabled**
120 **placards for a duration of eight years, or for the duration that correlates with the**
121 **applicant's current physician's statement expiration date, until all permanent disabled**
122 **placards are on an eight-year renewal cycle.** The director may stagger the expiration dates
123 to equalize workload. Only one removable placard may be issued to an applicant who has
124 been issued disabled person license plates. Upon request, one additional windshield placard
125 may be issued to an applicant who has not been issued disabled person license plates.

126 12. A temporary windshield placard shall be issued to any physically disabled person,
127 or the parent or guardian of any such person who otherwise qualifies except that the physical
128 disability, in the opinion of the physician, is not expected to exceed a period of one hundred

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

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

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

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

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

163 17. Every new applicant for a disabled license plate or placard shall be required to
164 present a new physician's statement dated no more than ninety days prior to such application.
165 Renewal applicants will be required to submit a physician's statement dated no more than

166 ninety days prior to such application upon their first renewal occurring on or after August 1,
167 2005. Upon completing subsequent renewal applications, a physician's statement dated no
168 more than ninety days prior to such application shall be required every eighth year. Such
169 physician's statement shall state the expiration date for the temporary windshield placard. If
170 the physician fails to record an expiration date on the physician's statement, the director shall
171 issue the temporary windshield placard for a period of thirty days. The director may stagger
172 the requirement of a physician's statement on all renewals for the initial implementation of an
173 eight-year period.

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

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

197 20. Where the owner's application is based on the fact that the vehicle is used at least
198 fifty percent of the time by a physically disabled person, the applicant shall submit a
199 statement stating this fact, in addition to the physician's statement. The statement shall be
200 signed by both the owner of the vehicle and the physically disabled person. The applicant
201 shall be required to submit this statement with each application for license plates. No person

202 shall willingly or knowingly submit a false statement and any such false statement shall be
203 considered perjury and may be punishable pursuant to section 301.420.

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

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

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

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

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

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

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

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