

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for House Bill No. 378, Page 6, Section 301.140, Line 167,
by inserting after said section and line the following:

"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, occupational therapists licensed pursuant to
chapter 324, 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

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

(d) Uses portable oxygen; or

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

(f) Except as otherwise provided in subdivision (3) of subsection 16 of this section, a
person's age, in and of itself, shall not be a factor in determining whether such person is physically
disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging
placards within the meaning of sections 301.141 to 301.143;

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

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

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

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

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

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

14 3. A physician's statement shall:

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

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

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

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

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

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

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

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

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

24 9. No additional fee shall be paid to the director for the issuance of the special license plates
25 provided in this section, except for special personalized license plates and other license plates
26 described in this subsection. Priority for any specific set of special license plates shall be given to
27 the applicant who received the number in the immediately preceding license period subject to the
28 applicant's compliance with the provisions of this section and any applicable rules or regulations
29 issued by the director. If determined feasible by the advisory committee established in section
30 301.129, any special license plate issued pursuant to this section may be adapted to also include the
31 international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
32 section and such plate may be issued to any applicant who meets the requirements of this section
33 and the other appropriate provision of this chapter, subject to the requirements and fees of the
34 appropriate provision of this chapter.

35 10. Any physically disabled person, or the parent or guardian of any such person, or any
36 not-for-profit group, organization, or other entity which transports more than one physically
37 disabled person, may apply to the director of revenue for a removable windshield placard. The
38 placard may be used in motor vehicles which do not bear the permanent handicap symbol on the
39 license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor

1 vehicle and may not be hung from the mirror during operation. These placards may only be used
2 during the period of time when the vehicle is being used by a disabled person, or when the vehicle is
3 being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the
4 department, within thirty days, if a group, organization, or entity that obtained the removable
5 windshield placard due to the transportation of more than one physically disabled person no longer
6 transports more than one disabled person. When there is no rearview mirror, the placard shall be
7 displayed on the dashboard on the driver's side.

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

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

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

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

38 15. The director shall, upon issuing any disabled registration certificate for license plates
39 and/or windshield hanging placards, provide information which explains that such plates or

1 windshield hanging placards are nontransferable, and the restrictions explaining who and when a
2 person or vehicle which bears or has the disabled plates or windshield hanging placards may be used
3 or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the
4 provisions of this act.

5 16. (1) Except as otherwise provided in this subsection, every applicant for issuance of a
6 disabled license plate or placard shall be required to present a new physician's statement dated no
7 more than ninety days prior to such application, and for renewal applications a physician's statement
8 dated no more than ninety days prior to such application shall be required every eighth year.

9 (2) Notwithstanding any provision of law to the contrary, if the applicant has presented
10 proof of disability in the form of a statement from the United States Department of Veterans Affairs
11 verifying that the person is permanently disabled, the applicant shall not be required to provide a
12 physician's statement for the purpose of issuance or renewal of disabled person license plates or
13 windshield placards.

14 (3) Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this
15 section, any person seventy-five years of age or older who provided a physician's statement with the
16 original application shall not be required to provide a physician's statement for the purpose of
17 renewal of disabled person license plates or windshield placards.

18 17. The director of revenue upon receiving a physician's statement pursuant to this
19 subsection shall check with the state board of registration for the healing arts created in section
20 334.120, or the Missouri state board of nursing established in section 335.021, with respect to
21 physician's statements signed by advanced practice registered nurses, or the Missouri state board of
22 chiropractic examiners established in section 331.090, with respect to physician's statements signed
23 by licensed chiropractors, or ~~[with]~~ the board of optometry established in section 336.130, with
24 respect to physician's statements signed by licensed optometrists, or the state board of podiatric
25 medicine created in section 330.100, with respect to physician's statements signed by physicians of
26 the foot or podiatrists, or the Missouri board of occupational therapy established in section 324.063,
27 with respect to physician's statements signed by licensed occupational therapists, to determine
28 whether the physician is duly licensed and registered pursuant to law.

29 18. The boards shall cooperate with the director and shall supply information requested
30 pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the
31 director, establish a list of all Missouri physicians and other authorized health care practitioners and
32 of any other information necessary to administer this section.

33 19. Where the owner's application is based on the fact that the vehicle is used at least fifty
34 percent of the time by a physically disabled person, the applicant shall submit a statement stating
35 this fact, in addition to the physician's statement. The statement shall be signed by both the owner
36 of the vehicle and the physically disabled person. The applicant shall be required to submit this
37 statement with each application for license plates. No person shall willingly or knowingly submit a
38 false statement and any such false statement shall be considered perjury and may be punishable
39 pursuant to section 301.420.

1 20. The director of revenue shall retain all physicians' statements and all other documents
2 received in connection with a person's application for disabled license plates and/or disabled
3 windshield placards.

4 21. The director of revenue shall enter into reciprocity agreements with other states or the
5 federal government for the purpose of recognizing disabled person license plates or windshield
6 placards issued to physically disabled persons.

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

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

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

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

23 26. Fraudulent application, renewal, issuance, procurement or use of disabled person license
24 plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a
25 physician, chiropractor, podiatrist [Ø], optometrist, or occupational therapist to certify that an
26 individual or family member is qualified for a license plate or windshield placard based on a
27 disability, the diagnosis of which is outside their scope of practice or if there is no basis for the
28 diagnosis."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.