

FIRST REGULAR SESSION

HOUSE BILL NO. 1048

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VIOLET.

2453H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates and placards for persons with disabilities, with penalty provisions.

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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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, **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

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.

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

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

22 (d) Uses portable oxygen; or

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

26 (f) Except as otherwise provided in subdivision (3) of subsection 16 of this section, a
27 person's age, in and of itself, shall not be a factor in determining whether such person is
28 physically disabled or is otherwise entitled to disabled license plates and/or disabled
29 windshield 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
36 temporarily disabled persons as defined in this section, certification of which shall be
37 indicated on the physician's statement;

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

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

44 3. A physician's statement shall:

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

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

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

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

52 4. If it is the professional opinion of the physician or other authorized health care
53 practitioner issuing the statement that the physical disability of the applicant, user, or member

54 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
55 physician or other authorized health care practitioner shall note on the statement the
56 anticipated length of the disability, which shall determine the expiration date for the
57 temporary windshield placard, and which period shall not exceed one hundred eighty days. If
58 the physician or health care practitioner fails to record an expiration date on the physician's
59 statement, the director shall issue a temporary windshield placard for a period of thirty days.

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

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

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

89 8. The director shall further issue, upon request, to such applicant one, and for good
90 cause shown, as the director may define by rule and regulations, not more than two,

91 removable disabled windshield hanging placards for use when the disabled person is
92 occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used
93 to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle
94 license plate or disabled windshield hanging placard.

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

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

119 11. The removable windshield placard shall conform to the specifications, in respect
120 to size, color, and content, as set forth in federal regulations published by the Department of
121 Transportation. The removable windshield placard shall be renewed every four years. The
122 director may stagger the expiration dates to equalize workload. Only one removable placard
123 may be issued to an applicant who has been issued disabled person license plates. Upon
124 request, one additional windshield placard may be issued to an applicant who has not been
125 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. A windshield placard shall be renewable only by the person or entity to which the
140 placard was originally issued. Any placard issued pursuant to this section shall only be used
141 when the physically disabled occupant for whom the disabled plate or placard was issued is in
142 the motor vehicle at the time of parking or when a physically disabled person is being
143 delivered or collected. A disabled license plate and/or a removable windshield hanging
144 placard are not transferable and may not be used by any other person whether disabled or not.

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

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

158 16. (1) Except as otherwise provided in this subsection, every applicant for issuance
159 of a disabled license plate or placard shall be required to present a new physician's statement
160 dated no more than ninety days prior to such application, and for renewal applications a
161 physician's statement dated no more than ninety days prior to such application shall be
162 required every eighth year.

163 (2) Notwithstanding any provision of law to the contrary, if the applicant has
164 presented proof of disability in the form of a statement from the United States Department of

165 Veterans Affairs verifying that the person is permanently disabled, the applicant shall not be
166 required to provide a physician's statement for the purpose of issuance or renewal of disabled
167 person license plates or windshield placards.

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

172 17. The director of revenue upon receiving a physician's statement pursuant to this
173 subsection shall check with the state board of registration for the healing arts created in
174 section 334.120, or the Missouri state board of nursing established in section 335.021, with
175 respect to physician's statements signed by advanced practice registered nurses, or the
176 Missouri state board of chiropractic examiners established in section 331.090, with respect to
177 physician's statements signed by licensed chiropractors, or ~~with~~ the board of optometry
178 established in section 336.130, with respect to physician's statements signed by licensed
179 optometrists, or the state board of podiatric medicine created in section 330.100, with respect
180 to physician's statements signed by physicians of the foot or podiatrists, **or the Missouri**
181 **board of occupational therapy established in section 324.063, with respect to physician's**
182 **statements signed by licensed occupational therapists**, to determine whether the physician
183 is duly licensed and registered pursuant to law.

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

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

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

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

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

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

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

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

219 26. 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, **or occupational**
222 **therapist** to certify that an individual or family member is qualified for a license plate or
223 windshield placard based on a disability, the diagnosis of which is outside their scope of
224 practice or if there is no basis for the diagnosis.

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