

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 397

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HENKE (Sponsor), KUESSNER, BARNITZ, SWINGER,
MUNZLINGER AND BRINGER (Co-sponsors).

Read 1st time January 31, 2005 and copies ordered printed.

Read 2nd time February 1, 2005 and referred to the Committee on Health Care Policy February 17, 2005.

Reported from the Committee on Health Care Policy March 3, 2005 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 7, 2005 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfected by Consent March 15, 2005.

STEPHEN S. DAVIS, Chief Clerk

1183L.01P

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates for disabled persons, 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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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 only **certified nurse practitioners**, chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

(4) "Physically disabled", a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs

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.

9 one's ability to ambulate or walk, as determined by a licensed physician or other authorized
10 health care practitioner as follows:

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

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

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

19 (d) Uses portable oxygen; or

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

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

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

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

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

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

34 3. A physician's statement shall:

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

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

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

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

42 4. If it is the professional opinion of the physician or other authorized health care
43 practitioner issuing the statement that the physical disability of the applicant, user, or member
44 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the

45 physician or other authorized health care practitioner shall note on the statement the anticipated
46 length of the disability which period may not exceed one hundred eighty days. If the physician
47 or health care practitioner fails to record an expiration date on the physician's statement, the
48 director shall issue a temporary windshield placard for a period of thirty days.

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

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

60 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
61 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
62 physically disabled person, or owners of motor vehicles used to primarily transport physically
63 disabled members of the owner's household may obtain disabled person license plates. Such
64 owners, upon application, accompanied by the documents and fees provided for in this section,
65 a current physician's statement which has been issued within ninety days proceeding the date the
66 application is made and proof of compliance with the state motor vehicle laws relating to
67 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
68 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
69 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
70 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
71 shall be made with fully reflective material with a common color scheme and design, shall be
72 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

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

79 9. No additional fee shall be paid to the director for the issuance of the special license
80 plates provided in this section, except for special personalized license plates and other license

81 plates described in this subsection. Priority for any specific set of special license plates shall be
82 given to the applicant who received the number in the immediately preceding license period
83 subject to the applicant's compliance with the provisions of this section and any applicable rules
84 or regulations issued by the director. If determined feasible by the advisory committee
85 established in section 301.129, any special license plate issued pursuant to this section may be
86 adapted to also include the international wheelchair accessibility symbol and the word
87 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
88 meets the requirements of this section and the other appropriate provision of this chapter, subject
89 to the requirements and fees of the appropriate provision of this chapter.

90 10. Any physically disabled person, or the parent or guardian of any such person, or any
91 not-for-profit group, organization, or other entity which transports more than one physically
92 disabled person, may apply to the director of revenue for a removable windshield placard. The
93 placard may be used in motor vehicles which do not bear the permanent handicap symbol on the
94 license plate. Such placards must be hung from the front, middle rearview mirror of a parked
95 motor vehicle and may not be hung from the mirror during operation. These placards may only
96 be used during the period of time when the vehicle is being used by a disabled person, or when
97 the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no
98 rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

99 11. The removable windshield placard shall conform to the specifications, in respect to
100 size, color, and content, as set forth in federal regulations published by the Department of
101 Transportation. The fee for each removable windshield placard shall be four dollars and the
102 removable windshield placard shall be renewed every two years. The director may stagger the
103 expiration dates to equalize workload. Only one removable placard may be issued to an
104 applicant who has been issued disabled person license plates. Upon request, one additional
105 windshield placard may be issued to an applicant who has not been issued disabled person
106 license plates, at the appropriate fee.

107 12. A temporary windshield placard shall be issued to any physically disabled person,
108 or the parent or guardian of any such person who otherwise qualifies except that the physical
109 disability, in the opinion of the physician, is not expected to exceed a period of one hundred
110 eighty days. The temporary windshield placard shall conform to the specifications, in respect
111 to size, color, and content, as set forth in federal regulations published by the Department of
112 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon
113 request, and for good cause shown, one additional temporary windshield placard may be issued
114 to an applicant. Temporary windshield placards shall be issued upon presentation of the
115 physician's statement provided by this section and shall be displayed in the same manner as
116 removable windshield placards. A person or entity shall be qualified to possess and display a

117 temporary removable windshield placard for six months and the placard may be renewed once
118 for an additional six months if a physician's statement pursuant to this section is supplied to the
119 director of revenue at the time of renewal.

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

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

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

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

143 17. Every new applicant for a disabled license plate or placard shall be required to
144 present a new physician's statement dated no more than ninety days prior to such application.
145 Renewal applicants will be required to submit a physician's statement dated no more than ninety
146 days prior to such application upon their first renewal occurring on or after August 1, 2005.
147 Upon completing subsequent renewal applications, a physician's statement dated no more than
148 ninety days prior to such application shall be required every fourth year. Such physician's
149 statement shall state the expiration date for the temporary windshield placard. If the physician
150 fails to record an expiration date on the physician's statement, the director shall issue the
151 temporary windshield placard for a period of thirty days.

152 18. The director of revenue upon receiving a physician's statement pursuant to this
153 subsection shall check with the state board of registration for the healing arts created in section
154 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section
155 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with
156 the board of optometry established in section 336.130, RSMo, with respect to physician's
157 statements signed by licensed optometrists, or the state board of podiatric medicine created in
158 section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot
159 or podiatrists to determine whether the physician is duly licensed and registered pursuant to law.

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

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

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

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

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

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

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

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

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