

SECOND REGULAR SESSION

# HOUSE BILL NO. 1762

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WILSON (119) (Sponsor), WETER, CUNNINGHAM (86), MEADOWS, MOORE, FISHER, DETHROW, WALLACE, MAY, CUNNINGHAM (145), VIEBROCK, CHINN, WASSON, TILLEY, MYERS, RECTOR, GUEST, JACKSON, PARSON, SCHAD, COOPER (120), BRUNS, WHORTON, LOEHNER, PEARCE, SELF, RUESTMAN, DAY, WOOD, SATER, NOLTE, WELLS, DUSENBERG, WILSON (130), FRANZ, NIEVES, JONES, POLLOCK, WRIGHT (137), KELLY, DEEKEN, McGHEE, BEHNEN, DIXON, ERVIN, THRELKELD, SCHLOTTACH, SUTHERLAND, AVERY, MUNZLINGER AND BLACK (Co-sponsors).

Read 1st time February 14, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5105L.011

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### AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates, with a penalty provision.

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*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- Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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 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 one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

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.

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 **If such applicant obtaining a disabled license plate or placard presents proof of disability**  
161 **in the form of a statement from the United States Veterans Administration verifying that**  
162 **the person is permanently disabled, the applicant shall be exempt from the four-year**  
163 **certification requirement of this subsection for renewal of the plate or placard.**

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

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

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

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

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

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

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

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

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

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