

HCS SCS SB 1144, 919 & 874 -- OPERATION OF MOTOR VEHICLES

SPONSOR: Crawford (Schlottach)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation and Motor Vehicles by a vote of 20 to 0.

This substitute revises the procedures relating to obtaining an instruction permit, operator's or non-operator's license, disabled license plates and placards, and the use of designated disabled parking spaces. The substitute:

- (1) Changes the fraudulent procurement or use of a disabled license plate or placard from a class C misdemeanor to a class B misdemeanor;
- (2) Changes the penalty for certifying an individual for a disabled plate or placard outside the practitioner's scope from a class C misdemeanor to a class B misdemeanor and requires certification to meet certain standards;
- (3) Allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates or placards;
- (4) Excludes age as a factor in determining whether a person is entitled to a disabled license plate or placard;
- (5) Establishes record maintenance requirements for physicians and health care practitioners who issue a physician's statement for a disabled license plate or placard. These records must be open to inspection and review by the practitioner's licensing board to verify compliance;
- (6) Requires a physician's statement to be on a form prescribed by the Director of the Department of Revenue, state the specific diagnosis which renders the person physically disabled, include the physician's license number, and be signed by the physician or health care practitioner;
- (7) Limits to two the number of removable windshield handicap placards that may be issued by the director to any one person;
- (8) Increases the fee for removable windshield handicap placards from \$2 to \$4;
- (9) Limits the use of the placard to when the person is in the motor vehicle at the time of parking or when the person is being delivered;

(10) Requires, beginning August 1, 2005, every applicant or renewal for a disabled license plate or placard to present a new physician's statement dated no more than 90 days prior to the application. Thereafter, the director must not renew pre-existing disabled plates or placards unless the applicant furnishes a new physician's statement every four years;

(11) Makes any person who cannot produce the certificate which authorizes him or her to park in a disabled parking space guilty of a class A misdemeanor. If a person can later produce a valid certificate in court, the person will not be found guilty. Placards can only be used when the vehicle is parked in a disabled parking space;

(12) Prohibits the director from issuing a license without a facial photograph or digital image except for religious affiliations; and

(13) Makes any person who commits or assists another person in committing fraud or deception during any examination process or who knowingly conceals a material fact or provides information which contains or is substantiated with false or fraudulent information or documentation, or otherwise commits a fraud in an application for an instruction permit, driver's license, nondriver's license, or commercial driver's license or permit guilty of a class A misdemeanor. Any person who pleads guilty or nolo contendere to, or is found guilty of this violation will not be licensed to operate a motor vehicle or commercial motor vehicle for one year after a plea, finding, or conviction. Any person who pleads guilty or nolo contendere to, or found guilty of the violation will have their existing motor vehicle or commercial motor vehicle license revoked and lose their driving privileges for one year.

The substitute will become effective January 1, 2005, for the provisions relating to disabled license plates, placards, and parking spaces.

The substitute contains an emergency clause on the provision relating to falsifying any information in the driver's license process.

FISCAL NOTE: No impact on General Revenue Fund in FY 2005, FY 2006, and FY 2007. Estimated Cost on Other State Funds of \$73,504 in FY 2005, \$25,919 in FY 2006, and \$25,919 in FY 2007.

PROPOSERS: Supporters say the bill is needed to help strengthen the motor vehicle licensing application process and to help stop violators.

Testifying for the bill were Representative Schlottach; Daniel Card II; Mike Griffin; Wayne Lee; Missouri State Medical Association; Marcia Luebbert; Paraquad, Incorporated; and State Highway Patrol.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst