

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 166, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

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4 "301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

5 (1) "Department", the department of revenue;

6 (2) "Director", the director of the department of revenue;

7 (3) "Other authorized health care practitioner" includes advanced practice registered nurses  
8 licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors  
9 licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, physical therapists  
10 licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;

11 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or a  
12 natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to  
13 ambulate or walk, as determined by a licensed physician or other authorized health care practitioner  
14 as follows:

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

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

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

23 (d) Uses portable oxygen; or

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

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

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

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

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

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

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

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

6 3. A physician's statement shall:

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

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

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

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

12 4. If it is the professional opinion of the physician or other authorized health care practitioner  
13 issuing the statement that the physical disability of the applicant, user, or member of the applicant's  
14 household is permanent, it shall be noted on the statement. Otherwise, the physician or other  
15 authorized health care practitioner shall note on the statement the anticipated length of the disability  
16 which period may not exceed one hundred eighty days. If the physician or health care practitioner  
17 fails to record an expiration date on the physician's statement, the director shall issue a temporary  
18 windshield placard for a period of thirty days.

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

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

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

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

1           9. No additional fee shall be paid to the director for the issuance of the special license plates  
2 provided in this section, except for special personalized license plates and other license plates  
3 described in this subsection. Priority for any specific set of special license plates shall be given to  
4 the applicant who received the number in the immediately preceding license period subject to the  
5 applicant's compliance with the provisions of this section and any applicable rules or regulations  
6 issued by the director. If determined feasible by the advisory committee established in section  
7 301.129, any special license plate issued pursuant to this section may be adapted to also include the  
8 international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this  
9 section and such plate may be issued to any applicant who meets the requirements of this section and  
10 the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate  
11 provision of this chapter.

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

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

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

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

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

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

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

13           17. Every new applicant for a disabled license plate or placard shall be required to present a  
14 new physician's statement dated no more than ninety days prior to such application. Renewal  
15 applicants will be required to submit a physician's statement dated no more than ninety days prior to  
16 such application upon their first renewal occurring on or after August 1, 2005. Upon completing  
17 subsequent renewal applications, a physician's statement dated no more than ninety days prior to  
18 such application shall be required every fourth year. Such physician's statement shall state the  
19 expiration date for the temporary windshield placard. If the physician fails to record an expiration  
20 date on the physician's statement, the director shall issue the temporary windshield placard for a  
21 period of thirty days. The director may stagger the requirement of a physician's statement on all  
22 renewals for the initial implementation of a four-year period.

23           18. The director of revenue upon receiving a physician's statement pursuant to this  
24 subsection shall check with the state board of registration for the healing arts created in section  
25 334.120, or the Missouri state board of nursing established in section 335.021, with respect to  
26 physician's statements signed by advanced practice registered nurses, or the Missouri state board of  
27 chiropractic examiners established in section 331.090, with respect to physician's statements signed  
28 by licensed chiropractors, or with the board of optometry established in section 336.130, with respect  
29 to physician's statements signed by licensed optometrists, or the state board of podiatric medicine  
30 created in section 330.100, with respect to physician's statements signed by physicians of the foot or  
31 podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If  
32 such applicant obtaining a disabled license plate or placard presents proof of disability in the form of  
33 a statement from the United States Veterans' Administration verifying that the person is permanently  
34 disabled, the applicant shall be exempt from the four-year certification requirement of this subsection  
35 for renewal of the plate or placard. Initial applications shall be accompanied by the physician's  
36 statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision  
37 (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the  
38 physician's statement with the original application shall not be required to provide a physician's  
39 statement for the purpose of renewal of disabled persons license plates or windshield placards.

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

44           20. Where the owner's application is based on the fact that the vehicle is used at least fifty  
45 percent of the time by a physically disabled person, the applicant shall submit a statement stating this  
46 fact, in addition to the physician's statement. The statement shall be signed by both the owner of the  
47 vehicle and the physically disabled person. The applicant shall be required to submit this statement  
48 with each application for license plates. No person shall willingly or knowingly submit a false

1 statement and any such false statement shall be considered perjury and may be punishable pursuant  
2 to section 301.420.

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

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

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

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

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

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

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

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

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