

SECOND REGULAR SESSION

# HOUSE BILL NO. 1983

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

5738H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates and windshield placards for permanently disabled persons.

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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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

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

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

21 (d) Uses portable oxygen; or

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

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

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

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

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

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

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

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

41 3. A physician's statement shall:

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

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

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

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

49 4. If it is the professional opinion of the physician or other authorized health care  
50 practitioner issuing the statement that the physical disability of the applicant, user, or member  
51 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the  
52 physician or other authorized health care practitioner shall note on the statement the anticipated  
53 length of the disability which period may not exceed one hundred eighty days. If the physician

54 or health care practitioner fails to record an expiration date on the physician's statement, the  
55 director shall issue a temporary windshield placard for a period of thirty days.

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

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

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

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

86 9. No additional fee shall be paid to the director for the issuance of the special license  
87 plates provided in this section, except for special personalized license plates and other license  
88 plates described in this subsection. Priority for any specific set of special license plates shall be  
89 given to the applicant who received the number in the immediately preceding license period

90 subject to the applicant's compliance with the provisions of this section and any applicable rules  
91 or regulations issued by the director. If determined feasible by the advisory committee  
92 established in section 301.129, any special license plate issued pursuant to this section may be  
93 adapted to also include the international wheelchair accessibility symbol and the word  
94 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who  
95 meets the requirements of this section and the other appropriate provision of this chapter, subject  
96 to the requirements and fees of the appropriate provision of this chapter.

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

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

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

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

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

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

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

149           17. Every new applicant for a disabled license plate or placard shall be required to  
150 present a new physician's statement dated no more than ninety days prior to such application.  
151 Renewal applicants will be required to submit a physician's statement dated no more than ninety  
152 days prior to such application upon their first renewal occurring on or after August 1, 2005.  
153 Upon completing subsequent renewal applications, a physician's statement dated no more than  
154 ninety days prior to such application shall be required every fourth year. Such physician's  
155 statement shall state the expiration date for the temporary windshield placard. If the physician  
156 fails to record an expiration date on the physician's statement, the director shall issue the  
157 temporary windshield placard for a period of thirty days. The director may stagger the  
158 requirement of a physician's statement on all renewals for the initial implementation of a  
159 four-year period.

160           18. The director of revenue upon receiving a physician's statement pursuant to this  
161 subsection shall check with the state board of registration for the healing arts created in section

162 334.120, or the Missouri state board of nursing established in section 335.021, with respect to  
163 physician's statements signed by advanced practice registered nurses, or the Missouri state board  
164 of chiropractic examiners established in section 331.090, with respect to physician's statements  
165 signed by licensed chiropractors, or with the board of optometry established in section 336.130,  
166 with respect to physician's statements signed by licensed optometrists, or the state board of  
167 podiatric medicine created in section 330.100, with respect to physician's statements signed by  
168 physicians of the foot or podiatrists to determine whether the physician is duly licensed and  
169 registered pursuant to law. If such applicant obtaining a disabled license plate or placard  
170 presents proof of disability in the form of a statement from the United States Veterans'  
171 Administration verifying that the person is permanently disabled, the applicant shall be exempt  
172 from the four-year certification requirement of this subsection for renewal of the plate or placard.  
173 Initial applications shall be accompanied by the physician's statement required by this section.  
174 Notwithstanding ~~[the provisions of paragraph (f) of subdivision (4) of subsection 1]~~ **any**  
175 **provision** of this section **or any other provision of law**, any person ~~[seventy-five years of age~~  
176 ~~or older]~~ who provided ~~[the]~~ a physician's statement with ~~[the]~~ **his or her** original application  
177 **which certified that the applicant was permanently disabled** shall not be required to provide  
178 a physician's statement for the purpose of renewal of disabled persons license plates or  
179 windshield placards.

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

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

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

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

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

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

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

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

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

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