

# SENATE BILL NO. 114

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

1059S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to transportation for disabled persons, with existing 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Section A. Section 301.142, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.142, to read as follows: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 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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 a licensed physician or other authorized health care  
19 practitioner as follows:

20 (a) The person cannot ambulate or walk fifty or less  
21 feet without stopping to rest due to a severe and disabling  
22 arthritic, neurological, orthopedic condition, or other  
23 severe and disabling condition; or

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

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

33 (d) Uses portable oxygen; or

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

38 (f) **Except as otherwise provided in subdivision (4) of**  
39 **subsection 16 of this section**, a person's age, in and of  
40 itself, shall not be a factor in determining whether such  
41 person is physically disabled or is otherwise entitled to  
42 disabled license plates and/or disabled windshield hanging  
43 placards within the meaning of sections 301.141 to 301.143;

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

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

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

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

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

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

65           3. A physician's statement shall:

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

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

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

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

74           4. If it is the professional opinion of the physician  
75 or other authorized health care practitioner issuing the  
76 statement that the physical disability of the applicant,  
77 user, or member of the applicant's household is permanent,  
78 it shall be noted on the statement. Otherwise, the  
79 physician or other authorized health care practitioner shall  
80 note on the statement the anticipated length of the

81 disability, **which shall determine the expiration date for**  
82 **the temporary windshield placard, and** which period [may]  
83 **shall** not exceed one hundred eighty days. If the physician  
84 or health care practitioner fails to record an expiration  
85 date on the physician's statement, the director shall issue  
86 a temporary windshield placard for a period of thirty days.

87 5. A physician or other authorized health care  
88 practitioner who issues or signs a physician's statement so  
89 that disabled plates or a disabled windshield placard may be  
90 obtained shall maintain in such disabled person's medical  
91 chart documentation that such a certificate has been issued,  
92 the date the statement was signed, the diagnosis or  
93 condition which existed that qualified the person as  
94 disabled pursuant to this section and shall contain  
95 sufficient documentation so as to objectively confirm that  
96 such condition exists.

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

105 7. Owners of motor vehicles who are residents of the  
106 state of Missouri, and who are physically disabled, owners  
107 of motor vehicles operated at least fifty percent of the  
108 time by a physically disabled person, or owners of motor  
109 vehicles used to primarily transport physically disabled  
110 members of the owner's household may obtain disabled person  
111 license plates. Such owners, upon application[, ] **to the**  
112 **director** accompanied by the documents and fees provided for

113 in this section, a current physician's statement which has  
114 been issued within ninety days proceeding the date the  
115 application is made, and proof of compliance with the state  
116 motor vehicle laws relating to registration and licensing of  
117 motor vehicles, shall be issued motor vehicle license plates  
118 for vehicles, other than commercial vehicles with a gross  
119 weight in excess of twenty-four thousand pounds, upon which  
120 shall be inscribed the international wheelchair  
121 accessibility symbol and the word "DISABLED" in addition to  
122 a combination of letters and numbers. Such license plates  
123 shall be made with fully reflective material with a common  
124 color scheme and design, shall be clearly visible at night,  
125 and shall be aesthetically attractive, as prescribed by  
126 section 301.130. If at any time an individual who obtained  
127 disabled license plates issued under this subsection no  
128 longer occupies a residence with a physically disabled  
129 person, or no longer owns a vehicle that is operated at  
130 least fifty percent of the time by a physically disabled  
131 person, such individual shall surrender the disabled license  
132 plates to the department within thirty days of becoming  
133 ineligible for their use.

134 8. The director shall further issue, upon request, to  
135 such applicant one, and for good cause shown, as the  
136 director may define by rule and regulations, not more than  
137 two, removable disabled windshield hanging placards for use  
138 when the disabled person is occupying a vehicle or when a  
139 vehicle not bearing the permanent handicap plate is being  
140 used to pick up, deliver, or collect the physically disabled  
141 person issued the disabled motor vehicle license plate or  
142 disabled windshield hanging placard.

143 9. No additional fee shall be paid to the director for  
144 the issuance of the special license plates provided in this

145 section, except for special personalized license plates and  
146 other license plates described in this subsection. Priority  
147 for any specific set of special license plates shall be  
148 given to the applicant who received the number in the  
149 immediately preceding license period subject to the  
150 applicant's compliance with the provisions of this section  
151 and any applicable rules or regulations issued by the  
152 director. If determined feasible by the advisory committee  
153 established in section 301.129, any special license plate  
154 issued pursuant to this section may be adapted to also  
155 include the international wheelchair accessibility symbol  
156 and the word "DISABLED" as prescribed in this section and  
157 such plate may be issued to any applicant who meets the  
158 requirements of this section and the other appropriate  
159 provision of this chapter, subject to the requirements and  
160 fees of the appropriate provision of this chapter.

161 10. Any physically disabled person, or the parent or  
162 guardian of any such person, or any not-for-profit group,  
163 organization, or other entity which transports more than one  
164 physically disabled person, may apply to the director of  
165 revenue for a removable windshield placard. The placard may  
166 be used in motor vehicles which do not bear the permanent  
167 handicap symbol on the license plate. Such placards must be  
168 hung from the front, middle rearview mirror of a parked  
169 motor vehicle and may not be hung from the mirror during  
170 operation. These placards may only be used during the  
171 period of time when the vehicle is being used by a disabled  
172 person, or when the vehicle is being used to pick up,  
173 deliver, or collect a disabled person, and shall be  
174 surrendered to the department, within thirty days, if a  
175 group, organization, or entity that obtained the removable  
176 windshield placard due to the transportation of more than

177 one physically disabled person no longer transports more  
178 than one disabled person. When there is no rearview mirror,  
179 the placard shall be displayed on the dashboard on the  
180 driver's side.

181 11. The removable windshield placard shall conform to  
182 the specifications, in respect to size, color, and content,  
183 as set forth in federal regulations published by the  
184 Department of Transportation. The removable windshield  
185 placard shall be renewed every [four] **eight** years. **The**  
186 **director shall have the authority to automatically extend**  
187 **the expiration date of current valid windshield placards,**  
188 **other than temporary windshield placards, to a duration of**  
189 **eight years until all windshield placards other than**  
190 **temporary windshield placards are on an eight year renewal**  
191 **cycle.** The director may stagger the expiration dates to  
192 equalize workload. Only one removable placard may be issued  
193 to an applicant who has been issued disabled person license  
194 plates. Upon request, one additional windshield placard may  
195 be issued to an applicant who has not been issued disabled  
196 person license plates.

197 12. A temporary windshield placard shall be issued to  
198 any physically disabled person, or the parent or guardian of  
199 any such person who otherwise qualifies except that the  
200 physical disability, in the opinion of the physician, is not  
201 expected to exceed a period of one hundred eighty days. The  
202 temporary windshield placard shall conform to the  
203 specifications, in respect to size, color, and content, as  
204 set forth in federal regulations published by the Department  
205 of Transportation. The fee for the temporary windshield  
206 placard shall be two dollars. Upon request, and for good  
207 cause shown, one additional temporary windshield placard may  
208 be issued to an applicant. Temporary windshield placards

209 shall be issued upon presentation of the physician's  
210 statement provided by this section and shall be displayed in  
211 the same manner as removable windshield placards. A person  
212 or entity shall be qualified to possess and display a  
213 temporary removable windshield placard for six months and  
214 the placard may be renewed once for an additional six months  
215 if a physician's statement pursuant to this section is  
216 supplied to the director of revenue at the time of renewal.

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

224 14. The] **A windshield** placard shall be renewable only  
225 by the person or entity to which the placard was originally  
226 issued. Any placard issued pursuant to this section shall  
227 only be used when the physically disabled occupant for whom  
228 the disabled plate or placard was issued is in the motor  
229 vehicle at the time of parking or when a physically disabled  
230 person is being delivered or collected. A disabled license  
231 plate and/or a removable windshield hanging placard are not  
232 transferable and may not be used by any other person whether  
233 disabled or not.

234 [15.] 14. At the time the disabled plates or  
235 windshield hanging placards are issued, the director shall  
236 issue a registration certificate which shall include the  
237 applicant's name, address, and other identifying information  
238 as prescribed by the director, or if issued to an agency,  
239 such agency's name and address. This certificate shall  
240 further contain the disabled license plate number or, for



241 windshield hanging placards, the registration or identifying  
242 number stamped on the placard. The validated registration  
243 receipt given to the applicant shall serve as the  
244 registration certificate.

245 [16.] 15. The director shall, upon issuing any  
246 disabled registration certificate for license plates and/or  
247 windshield hanging placards, provide information which  
248 explains that such plates or windshield hanging placards are  
249 nontransferable, and the restrictions explaining who and  
250 when a person or vehicle which bears or has the disabled  
251 plates or windshield hanging placards may be used or be  
252 parked in a disabled reserved parking space, and the  
253 penalties prescribed for violations of the provisions of  
254 this act.

255 [17.] 16. (1) **Except as otherwise provided in this**  
256 **subsection**, every [new] applicant for **issuance or renewal of**  
257 a disabled license plate or placard shall be required to  
258 present a new physician's statement dated no more than  
259 ninety days prior to such application. [Renewal applicants  
260 will be required to submit a physician's statement dated no  
261 more than ninety days prior to such application upon their  
262 first renewal occurring on or after August 1, 2005. Upon  
263 completing subsequent renewal applications, a physician's  
264 statement dated no more than ninety days prior to such  
265 application shall be required every eighth year. Such  
266 physician's statement shall state the expiration date for  
267 the temporary windshield placard. If the physician fails to  
268 record an expiration date on the physician's statement, the  
269 director shall issue the temporary windshield placard for a  
270 period of thirty days. The director may stagger the  
271 requirement of a physician's statement on all renewals for  
272 the initial implementation of an eight-year period.]

273           (2) Notwithstanding any provision of law to the  
274 contrary, if the applicant has presented proof of disability  
275 in the form of a statement from the United States Veterans'  
276 Administration verifying that the person is permanently  
277 disabled, the applicant shall not be required to provide a  
278 physician's statement for the purpose of issuance or renewal  
279 of disabled persons license plates or windshield placards.

280           (3) Notwithstanding the provisions of paragraph (f) of  
281 subdivision (4) of subsection 1 of this section, any person  
282 seventy-five years of age or older who provided a  
283 physician's statement with the original application shall  
284 not be required to provide a physician's statement for the  
285 purpose of renewal of disabled persons license plates or  
286 windshield placards.

287           [18.] 17. The director of revenue upon receiving a  
288 physician's statement pursuant to this subsection shall  
289 check with the state board of registration for the healing  
290 arts created in section 334.120, or the Missouri state board  
291 of nursing established in section 335.021, with respect to  
292 physician's statements signed by advanced practice  
293 registered nurses, or the Missouri state board of  
294 chiropractic examiners established in section 331.090, with  
295 respect to physician's statements signed by licensed  
296 chiropractors, or with the board of optometry established in  
297 section 336.130, with respect to physician's statements  
298 signed by licensed optometrists, or the state board of  
299 podiatric medicine created in section 330.100, with respect  
300 to physician's statements signed by physicians of the foot  
301 or podiatrists to determine whether the physician is duly  
302 licensed and registered pursuant to law. [If such applicant  
303 obtaining a disabled license plate or placard presents proof  
304 of disability in the form of a statement from the United

305 States Veterans' Administration verifying that the person is  
306 permanently disabled, the applicant shall be exempt from the  
307 eight-year certification requirement of this subsection for  
308 renewal of the plate or placard. Initial applications shall  
309 be accompanied by the physician's statement required by this  
310 section. Notwithstanding the provisions of paragraph (f) of  
311 subdivision (4) of subsection 1 of this section, any person  
312 seventy-five years of age or older who provided the  
313 physician's statement with the original application shall  
314 not be required to provide a physician's statement for the  
315 purpose of renewal of disabled persons license plates or  
316 windshield placards.

317 [19.] 18. The boards shall cooperate with the director  
318 and shall supply information requested pursuant to this  
319 subsection. The director shall, in cooperation with the  
320 boards which shall assist the director, establish a list of  
321 all Missouri physicians and other authorized health care  
322 practitioners and of any other information necessary to  
323 administer this section.

324 [20.] 19. Where the owner's application is based on  
325 the fact that the vehicle is used at least fifty percent of  
326 the time by a physically disabled person, the applicant  
327 shall submit a statement stating this fact, in addition to  
328 the physician's statement. The statement shall be signed by  
329 both the owner of the vehicle and the physically disabled  
330 person. The applicant shall be required to submit this  
331 statement with each application for license plates. No  
332 person shall willingly or knowingly submit a false statement  
333 and any such false statement shall be considered perjury and  
334 may be punishable pursuant to section 301.420.

335 [21.] 20. The director of revenue shall retain all  
336 physicians' statements and all other documents received in

337 connection with a person's application for disabled license  
338 plates and/or disabled windshield placards.

339 [22.] 21. The director of revenue shall enter into  
340 reciprocity agreements with other states or the federal  
341 government for the purpose of recognizing disabled person  
342 license plates or windshield placards issued to physically  
343 disabled persons.

344 [23.] 22. When a person to whom disabled person  
345 license plates or a removable or temporary windshield  
346 placard or both have been issued dies, the personal  
347 representative of the decedent or such other person who may  
348 come into or otherwise take possession of the disabled  
349 license plates or disabled windshield placard shall return  
350 the same to the director of revenue under penalty of law.  
351 Failure to return such plates or placards shall constitute a  
352 class B misdemeanor.

353 [24.] 23. The director of revenue may order any person  
354 issued disabled person license plates or windshield placards  
355 to submit to an examination by a chiropractor, osteopath, or  
356 physician, or to such other investigation as will determine  
357 whether such person qualifies for the special plates or  
358 placards.

359 [25.] 24. If such person refuses to submit or is found  
360 to no longer qualify for special plates or placards provided  
361 for in this section, the director of revenue shall collect  
362 the special plates or placards, and shall furnish license  
363 plates to replace the ones collected as provided by this  
364 chapter.

365 [26.] 25. In the event a removable or temporary  
366 windshield placard is lost, stolen, or mutilated, the lawful  
367 holder thereof shall, within five days, file with the  
368 director of revenue an application and an affidavit stating

369 such fact, in order to purchase a new placard. The fee for  
370 the replacement windshield placard shall be four dollars.

371 [27.] 26. Fraudulent application, renewal, issuance,  
372 procurement or use of disabled person license plates or  
373 windshield placards shall be a class A misdemeanor. It is a  
374 class B misdemeanor for a physician, chiropractor,  
375 podiatrist or optometrist to certify that an individual or  
376 family member is qualified for a license plate or windshield  
377 placard based on a disability, the diagnosis of which is  
378 outside their scope of practice or if there is no basis for  
379 the diagnosis.

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