

SENATE BILL NO. 616

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WEBBER.

2363S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled license plates and placards, with 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Section A. Section 301.142, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 301.142,
3 to read as follows:

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

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

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

6 (3) "Other authorized health care practitioner"
7 includes advanced practice registered nurses licensed
8 pursuant to chapter 335, physician assistants licensed
9 pursuant to chapter 334, chiropractors licensed pursuant to
10 chapter 331, podiatrists licensed pursuant to chapter 330,
11 assistant physicians, physical therapists licensed pursuant
12 to chapter 334, **occupational therapists licensed pursuant to**
13 **chapter 324**, and optometrists licensed pursuant to chapter
14 336;

15 (4) "Physically disabled", a natural person who is
16 blind, as defined in section 8.700, or a natural person with
17 medical disabilities which prohibits, limits, or severely
18 impairs one's ability to ambulate or walk, as determined by

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

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

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

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

34 (d) Uses portable oxygen; or

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

39 (f) Except as otherwise provided in subdivision (3) of
40 subsection 16 of this section, a person's age, in and of
41 itself, shall not be a factor in determining whether such
42 person is physically disabled or is otherwise entitled to
43 disabled license plates and/or disabled windshield hanging
44 placards within the meaning of sections 301.141 to 301.143;

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

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

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

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

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

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

66 3. A physician's statement shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182 11. The removable windshield placard shall conform to
183 the specifications, in respect to size, color, and content,
184 as set forth in federal regulations published by the
185 Department of Transportation. The removable windshield
186 placard shall be renewed every four years. The director may
187 stagger the expiration dates to equalize workload. Only one
188 removable placard may be issued to an applicant who has been
189 issued disabled person license plates. Upon request, one
190 additional windshield placard may be issued to an applicant
191 who has not been issued disabled person license plates.

192 12. A temporary windshield placard shall be issued to
193 any physically disabled person, or the parent or guardian of
194 any such person who otherwise qualifies except that the
195 physical disability, in the opinion of the physician, is not
196 expected to exceed a period of one hundred eighty days. The
197 temporary windshield placard shall conform to the
198 specifications, in respect to size, color, and content, as
199 set forth in federal regulations published by the Department
200 of Transportation. The fee for the temporary windshield
201 placard shall be two dollars. Upon request, and for good
202 cause shown, one additional temporary windshield placard may
203 be issued to an applicant. Temporary windshield placards
204 shall be issued upon presentation of the physician's
205 statement provided by this section and shall be displayed in
206 the same manner as removable windshield placards. A person
207 or entity shall be qualified to possess and display a
208 temporary removable windshield placard for six months and
209 the placard may be renewed once for an additional six months

210 if a physician's statement pursuant to this section is
211 supplied to the director of revenue at the time of renewal.

212 13. A windshield placard shall be renewable only by
213 the person or entity to which the placard was originally
214 issued. Any placard issued pursuant to this section shall
215 only be used when the physically disabled occupant for whom
216 the disabled plate or placard was issued is in the motor
217 vehicle at the time of parking or when a physically disabled
218 person is being delivered or collected. A disabled license
219 plate and/or a removable windshield hanging placard are not
220 transferable and may not be used by any other person whether
221 disabled or not.

222 14. At the time the disabled plates or windshield
223 hanging placards are issued, the director shall issue a
224 registration certificate which shall include the applicant's
225 name, address, and other identifying information as
226 prescribed by the director, or if issued to an agency, such
227 agency's name and address. This certificate shall further
228 contain the disabled license plate number or, for windshield
229 hanging placards, the registration or identifying number
230 stamped on the placard. The validated registration receipt
231 given to the applicant shall serve as the registration
232 certificate.

233 15. The director shall, upon issuing any disabled
234 registration certificate for license plates and/or
235 windshield hanging placards, provide information which
236 explains that such plates or windshield hanging placards are
237 nontransferable, and the restrictions explaining who and
238 when a person or vehicle which bears or has the disabled
239 plates or windshield hanging placards may be used or be
240 parked in a disabled reserved parking space, and the

241 penalties prescribed for violations of the provisions of
242 this act.

243 16. (1) Except as otherwise provided in this
244 subsection, every applicant for issuance of a disabled
245 license plate or placard shall be required to present a new
246 physician's statement dated no more than ninety days prior
247 to such application, and for renewal applications a
248 physician's statement dated no more than ninety days prior
249 to such application shall be required every eighth year.

250 (2) Notwithstanding any provision of law to the
251 contrary, if the applicant has presented proof of disability
252 in the form of a statement from the United States Department
253 of Veterans Affairs verifying that the person is permanently
254 disabled, the applicant shall not be required to provide a
255 physician's statement for the purpose of issuance or renewal
256 of disabled person license plates or windshield placards.

257 (3) Notwithstanding the provisions of paragraph (f) of
258 subdivision (4) of subsection 1 of this section, any person
259 seventy-five years of age or older who provided a
260 physician's statement with the original application shall
261 not be required to provide a physician's statement for the
262 purpose of renewal of disabled person license plates or
263 windshield placards.

264 17. The director of revenue upon receiving a
265 physician's statement pursuant to this subsection shall
266 check with the state board of registration for the healing
267 arts created in section 334.120, or the Missouri state board
268 of nursing established in section 335.021, with respect to
269 physician's statements signed by advanced practice
270 registered nurses, or the Missouri state board of
271 chiropractic examiners established in section 331.090, with
272 respect to physician's statements signed by licensed

273 chiropractors, or with the board of optometry established in
274 section 336.130, with respect to physician's statements
275 signed by licensed optometrists, or the state board of
276 podiatric medicine created in section 330.100, with respect
277 to physician's statements signed by physicians of the foot
278 or podiatrists to determine whether the physician is duly
279 licensed and registered pursuant to law.

280 18. The boards shall cooperate with the director and
281 shall supply information requested pursuant to this
282 subsection. The director shall, in cooperation with the
283 boards which shall assist the director, establish a list of
284 all Missouri physicians and other authorized health care
285 practitioners and of any other information necessary to
286 administer this section.

287 19. Where the owner's application is based on the fact
288 that the vehicle is used at least fifty percent of the time
289 by a physically disabled person, the applicant shall submit
290 a statement stating this fact, in addition to the
291 physician's statement. The statement shall be signed by
292 both the owner of the vehicle and the physically disabled
293 person. The applicant shall be required to submit this
294 statement with each application for license plates. No
295 person shall willingly or knowingly submit a false statement
296 and any such false statement shall be considered perjury and
297 may be punishable pursuant to section 301.420.

298 20. The director of revenue shall retain all
299 physicians' statements and all other documents received in
300 connection with a person's application for disabled license
301 plates and/or disabled windshield placards.

302 21. The director of revenue shall enter into
303 reciprocity agreements with other states or the federal
304 government for the purpose of recognizing disabled person

305 license plates or windshield placards issued to physically
306 disabled persons.

307 22. When a person to whom disabled person license
308 plates or a removable or temporary windshield placard or
309 both have been issued dies, the personal representative of
310 the decedent or such other person who may come into or
311 otherwise take possession of the disabled license plates or
312 disabled windshield placard shall return the same to the
313 director of revenue under penalty of law. Failure to return
314 such plates or placards shall constitute a class B
315 misdemeanor.

316 23. The director of revenue may order any person
317 issued disabled person license plates or windshield placards
318 to submit to an examination by a chiropractor, osteopath, or
319 physician, or to such other investigation as will determine
320 whether such person qualifies for the special plates or
321 placards.

322 24. If such person refuses to submit or is found to no
323 longer qualify for special plates or placards provided for
324 in this section, the director of revenue shall collect the
325 special plates or placards, and shall furnish license plates
326 to replace the ones collected as provided by this chapter.

327 25. In the event a removable or temporary windshield
328 placard is lost, stolen, or mutilated, the lawful holder
329 thereof shall, within five days, file with the director of
330 revenue an application and an affidavit stating such fact,
331 in order to purchase a new placard. The fee for the
332 replacement windshield placard shall be four dollars.

333 26. Fraudulent application, renewal, issuance,
334 procurement or use of disabled person license plates or
335 windshield placards shall be a class A misdemeanor. It is a
336 class B misdemeanor for a physician, chiropractor,

337 podiatrist or optometrist to certify that an individual or
338 family member is qualified for a license plate or windshield
339 placard based on a disability, the diagnosis of which is
340 outside their scope of practice or if there is no basis for
341 the diagnosis.

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