

SECOND REGULAR SESSION

# HOUSE BILL NO. 2645

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MORSE.

5436H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 301.142 and 301.143, RSMo, and to enact in lieu thereof two new sections relating to van accessible parking spaces, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 301.142 and 301.143, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 301.142 and 301.143, to read as follows:

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

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

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

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

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

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

16 (b) The person cannot ambulate or walk without the use of, or assistance from, a  
17 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  
19 forced respiratory expiratory volume for one second, when measured by spirometry, is less  
20 than one 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  
35 indicated on the physician's statement;

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

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

42 3. A physician's statement shall:

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

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

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

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

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

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

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

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

68         7. Owners of motor vehicles who are residents of the state of Missouri, and who are  
69 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a  
70 physically disabled person, or owners of motor vehicles used to primarily transport physically  
71 disabled members of the owner's household may obtain disabled person license plates. Such  
72 owners, upon application, accompanied by the documents and fees provided for in this  
73 section, a current physician's statement which has been issued within ninety days proceeding  
74 the date the application is made and proof of compliance with the state motor vehicle laws  
75 relating to registration and licensing of motor vehicles, shall be issued motor vehicle license  
76 plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-  
77 four thousand pounds, upon which shall be inscribed the international wheelchair  
78 accessibility symbol and the word "DISABLED" in addition to a combination of letters  
79 and numbers. Such license plates shall be made with fully reflective material with a common  
80 color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive,  
81 as prescribed by section 301.130. If at any time an individual who obtained disabled license  
82 plates issued under this subsection no longer occupies a residence with a physically disabled  
83 person, or no longer owns a vehicle that is operated at least fifty percent of the time by a  
84 physically disabled person, such individual shall surrender the disabled license plates to the  
85 department within thirty days of becoming ineligible for their use.

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

92           9. No additional fee shall be paid to the director for the issuance of the special license  
93 plates provided in this section, except for special personalized license plates and other license  
94 plates described in this subsection. Priority for any specific set of special license plates shall  
95 be given to the applicant who received the number in the immediately preceding license  
96 period subject to the applicant's compliance with the provisions of this section and any  
97 applicable rules or regulations issued by the director. If determined feasible by the advisory  
98 committee established in section 301.129, any special license plate issued pursuant to this  
99 section may be adapted to also include the international wheelchair accessibility symbol and  
100 the word "DISABLED" as prescribed in this section and such plate may be issued to any  
101 applicant who meets the requirements of this section and the other appropriate provision of  
102 this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

103           10. Any physically disabled person, or the parent or guardian of any such person, or  
104 any not-for-profit group, organization, or other entity which transports more than one  
105 physically disabled person, may apply to the director of revenue for a removable windshield  
106 placard. The placard may be used in motor vehicles which do not bear the permanent  
107 handicap symbol on the license plate. Such placards must be hung from the front, middle  
108 rearview mirror of a parked motor vehicle and may not be hung from the mirror during  
109 operation. These placards may only be used during the period of time when the vehicle is  
110 being used by a disabled person, or when the vehicle is being used to pick up, deliver, or  
111 collect a disabled person, and shall be surrendered to the department, within thirty days, if a  
112 group, organization, or entity that obtained the removable windshield placard due to the  
113 transportation of more than one physically disabled person no longer transports more than one  
114 disabled person. When there is no rearview mirror, the placard shall be displayed on the  
115 dashboard on the driver's side.

116           11. The removable 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 removable windshield placard shall be renewed every four years. The  
119 director may stagger the expiration dates to equalize workload. Only one removable placard  
120 may be issued to an applicant who has been issued disabled person license plates. Upon  
121 request, one additional windshield placard may be issued to an applicant who has not been  
122 issued disabled person license plates.

123           12. A temporary windshield placard shall be issued to any physically disabled person,  
124 or the parent or guardian of any such person who otherwise qualifies except that the physical  
125 disability, in the opinion of the physician, is not expected to exceed a period of one hundred  
126 eighty days. The temporary windshield placard shall conform to the specifications, in respect  
127 to size, color, and content, as set forth in federal regulations published by the Department of  
128 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon

129 request, and for good cause shown, one additional temporary windshield placard may be  
130 issued to an applicant. Temporary windshield placards shall be issued upon presentation of  
131 the physician's statement provided by this section and shall be displayed in the same manner  
132 as removable windshield placards. A person or entity shall be qualified to possess and  
133 display a temporary removable windshield placard for six months and the placard may be  
134 renewed once for an additional six months if a physician's statement pursuant to this section is  
135 supplied to the director of revenue at the time of renewal.

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

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

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

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

160         17. Every new applicant for a disabled license plate or placard shall be required to  
161 present a new physician's statement dated no more than ninety days prior to such application.  
162 Renewal applicants will be required to submit a physician's statement dated no more than  
163 ninety days prior to such application upon their first renewal occurring on or after August 1,  
164 2005. Upon completing subsequent renewal applications, a physician's statement dated no  
165 more than ninety days prior to such application shall be required every eighth year. Such

166 physician's statement shall state the expiration date for the temporary windshield placard. If  
167 the physician fails to record an expiration date on the physician's statement, the director shall  
168 issue the temporary windshield placard for a period of thirty days. The director may stagger  
169 the requirement of a physician's statement on all renewals for the initial implementation of an  
170 eight-year period.

171         18. The director of revenue upon receiving a physician's statement pursuant to this  
172 subsection shall check with the state board of registration for the healing arts created in  
173 section 334.120, or the Missouri state board of nursing established in section 335.021, with  
174 respect to physician's statements signed by advanced practice registered nurses, or the  
175 Missouri state board of chiropractic examiners established in section 331.090, with respect to  
176 physician's statements signed by licensed chiropractors, or with the board of optometry  
177 established in section 336.130, with respect to physician's statements signed by licensed  
178 optometrists, or the state board of podiatric medicine created in section 330.100, with respect  
179 to physician's statements signed by physicians of the foot or podiatrists to determine whether  
180 the physician is duly licensed and registered pursuant to law. If such applicant obtaining a  
181 disabled license plate or placard presents proof of disability in the form of a statement from  
182 the United States Veterans' Administration verifying that the person is permanently disabled,  
183 the applicant shall be exempt from the eight-year certification requirement of this subsection  
184 for renewal of the plate or placard. Initial applications shall be accompanied by the  
185 physician's statement required by this section. Notwithstanding the provisions of paragraph  
186 (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or  
187 older who provided the physician's statement with the original application shall not be  
188 required to provide a physician's statement for the purpose of renewal of disabled persons  
189 license plates or windshield placards.

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

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

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

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

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

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

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

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

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

231           **28. Notwithstanding any other provision of law, any person who uses a**  
232 **distinguishing license plate or placard issued pursuant to this section or section 301.071**  
233 **to park in a parking space designated as lift van accessible who does not use a**  
234 **wheelchair or other assistive device that requires extra space to maneuver, or who is not**  
235 **transporting a person who uses a wheelchair or other assistive device that requires extra**  
236 **space to maneuver, shall be fined fifty dollars for each such violation. Upon a second or**

237 **subsequent violation of this subsection, the person's license plate or placard shall be**  
238 **revoked by the department of revenue.**

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning  
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning  
3 given it in section 301.142.

4 2. Political subdivisions of the state may by ordinance or resolution designate parking  
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card  
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public  
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a  
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever  
9 a political subdivision or owner of private property so designates a parking space, the space  
10 shall be indicated by a sign upon which shall be inscribed the international symbol of  
11 accessibility and may also include any appropriate wording such as "Accessible Parking" to  
12 indicate that the space is reserved for the exclusive use of vehicles which display a  
13 distinguishing license plate or card. The sign described in this subsection shall also state, or  
14 an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to  
15 \$300 fine.". Beginning August 28, 2011, when any political subdivision or owner of private  
16 property restripes a parking lot or constructs a new parking lot, one in every four accessible  
17 spaces, but not less than one, shall be served by an access aisle a minimum of ninety-six  
18 inches wide and shall be designated "lift van accessible only" with signs that meet the  
19 requirements of the federal Americans with Disabilities Act, as amended, and any rules or  
20 regulations established pursuant thereto.

21 3. Any political subdivision, by ordinance or resolution, and any person or  
22 corporation in lawful possession of a public off-street parking facility or any other owner of  
23 private property may designate reserved parking spaces for the exclusive use of vehicles  
24 which display a distinguishing license plate or card issued pursuant to section 301.071 or  
25 301.142 as close as possible to the nearest accessible entrance. Such designation shall be  
26 made by posting immediately adjacent to, and visible from, each space, a sign upon which is  
27 inscribed the international symbol of accessibility, and may also include any appropriate  
28 wording to indicate that the space is reserved for the exclusive use of vehicles which display a  
29 distinguishing license plate or card.

30 4. The local police or sheriff's department may cause the removal of any vehicle not  
31 displaying a distinguishing license plate or card on which is inscribed the international  
32 symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a  
33 "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license  
34 plate or card issued by any other state from a space designated for physically disabled persons  
35 if there is posted immediately adjacent to, and readily visible from, such space a sign on



36 which is inscribed the international symbol of accessibility and may include any appropriate  
37 wording to indicate that the space is reserved for the exclusive use of vehicles which display a  
38 distinguishing license plate or card. Any person who parks in a space reserved for physically  
39 disabled persons and is not displaying distinguishing license plates or a card is guilty of an  
40 infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars  
41 nor more than three hundred dollars. Any vehicle which has been removed and which is not  
42 properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

43 5. Spaces designated for use by vehicles displaying the distinguishing "disabled"  
44 license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the  
45 federal Americans with Disabilities Act, as amended, and any rules or regulations established  
46 pursuant thereto. Notwithstanding the other provisions of this section, on-street parking  
47 spaces designated by political subdivisions in residential areas for the exclusive use of  
48 vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or  
49 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant  
50 to this subsection and any such space shall have clearly and visibly painted upon it the  
51 international symbol of accessibility and any curb adjacent to the space shall be clearly and  
52 visibly painted blue.

53 6. Any person who, without authorization, uses a distinguishing license plate or card  
54 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under  
55 authority of this section shall be guilty of a class B misdemeanor.

56 **7. Any person who uses a distinguishing license plate or placard issued pursuant**  
57 **to section 301.071 or 301.142 to park in a lift van accessible parking space who does not**  
58 **use a wheelchair or other assistive device that requires extra space to maneuver, or who**  
59 **is not transporting a person who uses a wheelchair or other assistive device that requires**  
60 **extra space to maneuver, shall be fined fifty dollars for each such violation. Upon a**  
61 **second or subsequent violation of this subsection, the person's license plate or placard**  
62 **shall be revoked by the department of revenue.**

63 ~~[7-]~~ 8. Law enforcement officials may enter upon private property open to public use  
64 to enforce the provisions of this section and section 301.142, including private property  
65 designated by the owner of such property for the exclusive use of vehicles which display a  
66 distinguishing license plate or card issued pursuant to section 301.071 or 301.142.

67 ~~[8-]~~ 9. Nonconforming signs or spaces otherwise required pursuant to this section  
68 which are in use prior to August 28, 2011, shall not be in violation of this section during the  
69 useful life of such signs or spaces. Under no circumstances shall the useful life of the  
70 nonconforming signs or spaces be extended by means other than those means used to  
71 maintain any sign or space on the owner's property which is not used for vehicles displaying a  
72 disabled license plate.

73           ~~[9-]~~ **10.** Beginning August 28, 2011, all new signs erected under this section shall not  
74 contain the words "Handicap Parking" or "Handicapped Parking".

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