

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2156

By: Reese and Cox of the House

and

Cain of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S.

1991, Sections 15-111, as amended by Section 2, Chapter 133, O.S.L. 1995, and 15-112, as last amended by Section 3, Chapter 358, O.S.L. 1995 (47 O.S. Supp. 1995, Sections 15-111 and 15-112), which relate to parking privileges for physically disabled persons and physical disability placards; clarifying language; providing for physical disability license plate; modifying procedure for receiving a temporary placard or renewing a five-year placard; providing for extension of five-year placard; providing for reciprocity agreements regarding certain types of license plates; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 15-111, as amended by Section 2, Chapter 133, O.S.L. 1995 (47 O.S. Supp. 1995, Section 15-111), is amended to read as follows:

Section 15-111. A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles may extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person, ~~or under the direction of the physically disabled person and for the physically disabled person's use,~~ a detachable insignia:

1. A five-year or temporary placard indicating physical disability, issued pursuant to the provisions of this title; or

2. A physical disability license plate, issued pursuant to the provisions of Section 1136 of this title.

B. No such special parking privilege, however, shall excuse the violation of any state statute ~~or,~~ nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic; ~~nor shall.~~ Nothing in this section shall be construed as requiring the creation of additional parking spaces.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-112, as last amended by Section 3, Chapter 358, O.S.L. 1995 (47 O.S. Supp. 1995, Section 15-112), is amended to read as follows:

Section 15-112. A. As used in this section:

1. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, or optometry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes; and

2. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

a. cannot walk two hundred (200) feet without stopping to rest, ~~or~~

- b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device, ~~or~~
- c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest, ~~or~~
- d. must use portable oxygen, ~~or~~
- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association, ~~or~~
- f. is severely limited in ~~his or her~~ the person's ability to walk due to an arthritic, neurological or orthopedic condition, or
- g. is certified legally blind.

B. 1. The Department of Public Safety shall issue a detachable ~~insignia~~ temporary placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician, attesting that the applicant has a physical disability, together with the fee required in subsection E D of this section ~~and a certificate signed by a physician stating that the applicant has a physical disability.~~ The ~~certificate~~ attestation of the physician shall ~~bear~~ denote "temporary" as the type of placard requested and shall indicate an expiration date ~~reflecting the date estimated by which~~ the physician estimates to be the date of termination ~~date~~ of such physical disability ~~unless;~~ provided, however, if the physician certifies that the physical disability is certified by the physician to be permanent, the physician shall denote "five-year" as the type of placard requested.

2. The person to whom such ~~insignia~~ placard is issued shall be entitled to the special parking privileges provided for in Section 15-111 of this title. ~~Provided; provided,~~ however, the ~~insignia shall be~~ placard is properly displayed on the parked vehicle.

C. Any ~~insignia~~ placard issued by the Department of Public Safety prior to July 1, 1995, shall remain valid until:

1. The ~~insignia~~ placard, if temporary, expires;

2. The person to whom the ~~insignia~~ placard was issued requests a replacement ~~insignia~~ placard, whether ~~permanent~~ a five-year or temporary, whereupon such person shall pay to the Department the replacement fee specified in subsection D of this section; or

3. The ~~insignia~~ placard, whether ~~permanent~~ a five-year or temporary, is no longer needed by the person to whom such ~~insignia~~ placard was issued for the disability for which the ~~insignia~~ placard was originally issued, whereupon such ~~insignia~~ placard shall be returned to the Department.

D. On and after July 1, 1995:

1. A ~~permanent~~ ~~insignia~~ five-year placard shall expire five (5) years from the last day of the month in which the ~~insignia~~ placard was issued. Upon the expiration of a ~~permanent~~ ~~insignia~~ five-year placard, ~~the insignia shall be returned to the Department, and the person to whom such~~ ~~insignia~~ placard was issued may ~~follow the procedure provided for in subsection B of this section to obtain a second or~~ subsequent ~~insignia~~ placard by reapplying to the Department, in the same manner as provided in subsection B of this section. If the physician certifying the application attests that the applicant's physical disability still exists, the physician shall so denote on the application and the expiration date shall be extended an additional five (5) years;

2. A temporary ~~insignia~~ placard shall ~~bear~~ indicate the expiration date ~~reflecting the date estimated by~~ which the physician certifying the physical disability estimates to be the date of

termination ~~date~~ of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such ~~insignia placard~~ shall expire and shall be returned to the Department. ~~Provided;~~ provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another ~~insignia placard~~, as provided for in this section; and

3. In the event that ~~an insignia a placard~~, whether ~~permanent a five-year~~ or temporary, is lost or destroyed, the person to whom such ~~insignia placard~~ was issued may apply in writing to the Department for a replacement ~~insignia placard~~, which the Department shall issue with the same expiration date as the original ~~insignia placard~~. The Department shall charge and the applicant shall pay to the Department a replacement fee of Two Dollars (\$2.00) for each replacement ~~insignia placard~~ issued.

E. A physician may sign ~~a certificate stating~~ an application certifying that a person has a physical disability, as provided in subsection B of this section, only if care and treatment of the illness, disease, injury or condition causing the physical disability of such person falls within the authorized scope of practice of ~~said~~ the physician.

F. The Department shall recognize handicap and disability stickers issued by the Veterans Administration and federal military bases in the same manner as the ~~insignia placard~~ issued by the Department ~~or a physician~~ as provided for in this section. For purposes of this section and other sections of law relating to the physical disability ~~insignia placard~~, the term "physical disability ~~insignia placard~~", "~~detachable insignia five-year placard~~" or "temporary ~~insignia placard~~" shall include those handicap and disability stickers issued by the Veterans Administration and federal military bases.

G. The Department shall have the power to formulate, adopt and promulgate rules as may be necessary to implement and administer the

provisions of this section, including, but not limited to, prescribing the manner in which the ~~detachable insignia~~ five-year placard and the temporary ~~insignia~~ placard are to be displayed on a motor vehicle.

H. The Commissioner of Public Safety is hereby authorized to enter into reciprocity agreements with other states for the purpose of recognizing parking ~~insignias~~ placards or license plates indicating physical disability issued by those states.

SECTION 3. This act shall become effective November 1, 1996.

45-2-2598

CJ