

ENROLLED HOUSE
BILL NO. 1049

By: Bastin of the House

and

Brown of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 15-112, as last amended by Section 1, Chapter 123, O.S.L. 1993 and 15-112.1, as amended by Section 2, Chapter 103, O.S.L. 1992 (47 O.S. Supp. 1994, Sections 15-112 and 15-112.1), which relate to physical disability insignias; requiring the state to recognize certain other handicap and disability stickers; defining certain terms; authorizing the parking in certain places of motor vehicles displaying other handicap and disability stickers; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 15-112, as last amended by Section 1, Chapter 123, O.S.L. 1993 (47 O.S. Supp. 1994, 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 ability to walk due to an arthritic, neurological or orthopedic condition, or
- g. is certified legally blind.

B. The Department of Public Safety shall issue a detachable insignia indicating physical disability to any person who submits an application on a form furnished by the Department, together with a certificate signed by a physician stating that the applicant has a physical disability. The certificate of the physician and the

detachable insignia shall each bear an expiration date reflecting the date estimated by the physician to be the termination date of such physical disability unless the physical disability is certified by the physician to be permanent.

C. The Department shall, upon request by a physician, provide said physician temporary insignias indicating physical disability to be issued, at the discretion of the physician, to any person who has a physical disability. The temporary insignia shall bear an expiration date reflecting the date estimated by the physician to be the termination date of such physical disability, which shall not be later than six (6) months from the date of issuance.

D. A physician may sign a certificate stating that a person has a physical disability, as provided in subsection B of this section, or issue to a person a temporary insignia indicating physical disability, as provided in subsection C 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 physician.

E. The Department shall recognize handicap and disability stickers issued by the Veterans Administration and federal military bases in the same manner as the insignia 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, the term "physical disability insignia", "detachable insignia" or "temporary insignia" shall include those handicap and disability stickers issued by the Veterans Administration and federal military bases.

F. 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 and the temporary insignia are to be displayed on a motor vehicle.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-112.1, as amended by Section 2, Chapter 103, O.S.L. 1992 (47 O.S. Supp. 1994, Section 15-112.1), is amended to read as follows:

Section 15-112.1 No person shall be allowed to place or park a motor vehicle in a handicapped parking place other than the person to whom the insignia indicating physical disability is issued pursuant to Section 15-112 of this title or a person who is transporting the person to whom the insignia indicating physical disability is issued.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 8th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the 27th day of March, 1995.

President of the Senate