

ENROLLED SENATE
BILL NO. 126

By: Rozell of the Senate

and

Stanley of the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 11-1007, 15-111 and 15-112, as last amended by Section 1, Chapter 123, O.S.L. 1993 (47 O.S. Supp. 1994, Section 15-112), which relate to parking and insignias for parking for physically disabled persons; modifying conditions under which it shall be unlawful for any person to place or park certain motor vehicles; deleting provisions related to reciprocity agreements with other states for certain purposes; requiring display of detachable insignia; allowing certain person certain parking privileges and specifying certain condition; providing for expiration of certain insignias; providing for construction; providing for replacement of lost or destroyed insignias; providing for replacement fee; authorizing the Commissioner of Public Safety to enter into reciprocity agreements with other states for certain purpose; repealing 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), which relates to authorized use of handicapped parking places; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1007, is amended to read as follows:

Section 11-1007. A. It shall be unlawful for any person to place or park a motor vehicle in any parking space ~~on private property accessible to the public and where the public is invited or public property~~ that is designated and posted as a reserved area for the parking of a motor vehicles of vehicle operated by or transporting a physically disabled person unless such is eligible for person has applied for and been issued a detachable insignia as a physically disabled person indicating physical disability under the provisions of Section 15-112 of this title, and such insignia is displayed as provided in Section 15-112 of this title or ~~regulations in rules~~ adopted pursuant thereto.

B. Violation of these provisions shall be a misdemeanor and upon conviction such person shall be fined not more than Fifty Dollars (\$50.00) and, in addition thereto, such person shall pay any and all reasonable and necessary charges incurred by the landowner

or other person in having any motor vehicle removed from the property and stored.

~~C. The Commissioner of Public Safety is hereby authorized to enter into reciprocity agreements with other states for the purpose of recognizing handicapped parking permits issued by those states.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-111, is amended to read as follows:

Section 15-111. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles may extend special privileges to a physically disabled person who displays on a motor vehicle operated by ~~him~~ the physically disabled person, or under ~~his~~ the direction of the physically disabled person and for ~~his~~ the physically disabled person's use, ~~an~~ a detachable insignia indicating physical disability issued pursuant to this ~~act~~ title. No such privilege, however, shall excuse the violation of any state statute or be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic; nor shall this ~~act~~ section be construed as requiring the creation of additional parking spaces.

SECTION 3. 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. 1. 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 the fee required in subsection C of this section and 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.

2. The person to whom such insignia is issued shall be entitled to the parking privileges provided for in Section 15-111 of this

title. Provided, however, the insignia shall be properly displayed on the parked vehicle.

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

1. The insignia, if temporary, expires;

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

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

D. On and after July 1, 1995:

1. A permanent insignia shall expire five (5) years from the last day of the month in which the insignia was issued. Upon the expiration of a permanent insignia, the insignia shall be returned to the Department, and the person to whom such insignia was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent insignia;

2. A temporary insignia shall bear ~~an~~ the expiration date reflecting the date estimated by the physician certifying the physical disability to be the 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 shall expire and shall be returned to the Department. Provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another insignia, as provided for in this section; and

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

~~D. E.~~ 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. 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.

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

SECTION 4. REPEALER 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 hereby repealed.

SECTION 5. 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 Senate the 25th day of April, 1995.

President of the Senate

Passed the House of Representatives the 17th day of April, 1995.

Speaker of the House of Representatives