

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2128

By: Ramsey

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-1007, as amended by Section 1, Chapter 133, O.S.L. 1995 (47 O.S. Supp. 1996, Section 11-1007), which relates to parking a vehicle in a space designated for physically disabled persons; designating other areas that will be reserved for physically disabled persons; modifying fine; providing for tow away of vehicle violating parking restrictions; amending 47 O.S. 1991, Section 15-112, as last amended by Section 2, Chapter 129, O.S.L. 1996 (47 O.S. Supp. 1996, Section 15-112), which relates to physical disability placards; eliminating distinction between five-year and temporary placards; providing for fee to be paid with each application for placard; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1007, as amended by Section 1, Chapter 133, O.S.L. 1995 (47 O.S. Supp. 1996, 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, wheelchair ramp, wheelchair unloading area or any portion thereof that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable insignia 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 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)~~ Three Hundred Dollars (\$300.00) 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. Any vehicle parked in violation of these provisions may be towed from the premises upon the direction of the landowner, any peace officer, or any other person having legal control of the premises and the offender or vehicle owner shall be liable for all reasonable and necessary charges of impoundment and storage.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-112, as last amended by Section 2, Chapter 129, O.S.L. 1996 (47 O.S. Supp. 1996, 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,

- b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device,
- 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,
- d. must use portable oxygen,
- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association,
- f. is severely limited in 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 ~~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 D of this section. The attestation of the physician shall denote ~~"temporary"~~ as the type of placard requested and shall indicate an expiration date which the physician estimates to be the date of termination of such physical disability; ~~provided, however, if.~~ If the physician certifies that the physical disability is permanent, the physician shall denote "five-year" as the type of placard requested. A fee of Five Dollars (\$5.00) will be assessed for a detachable insignia with each application. The fees shall be deposited in a revolving fund maintained by the Department of Public Safety to defray the cost of implementing and maintaining this program.

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

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

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

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

D. On and after July 1, 1995:

1. A five-year placard shall expire five (5) years from the last day of the month in which the placard was issued. Upon the expiration of a five-year placard, the person to whom such placard was issued may obtain a subsequent 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~~ Any other placard shall indicate the expiration date which the physician certifying the physical disability estimates to be the date of termination of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such placard shall expire and shall be returned to the Department; ~~provided, however, nothing.~~ Nothing in

this paragraph shall be construed to prevent the holder from applying for another placard, as provided for in this section; and

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

E. A physician may sign 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 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 placard issued by the Department as provided for in this section. For purposes of this section and other sections of law relating to the physical disability placard, the term "physical disability placard", "five-year placard" or "temporary 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 ~~five-year placard and the temporary placard~~ physical disability placards 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 placards or license plates indicating physical disability issued by those states.

SECTION 3. This act shall become effective November 1, 1997.

46-1-5858

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