ENGROSSED SENATE
BILL NO. 429

By: Helton of the Senate

and

Boyd and McCarter of the House

[motor vehicles - physically disabled placards - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1007, as last amended by Section 1, Chapter 21, O.S.L. 1997 (47 O.S. Supp. 1998, 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, or has applied for and been issued a physically disabled special license plate pursuant to the provisions of paragraph 8 of Section 1136 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

B. Violation of these provisions shall be a misdemeanor and upon conviction such person shall be fined not more than One Hundred Dollars ($100.00) 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. <u>Provided, any person cited for a first</u>

offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-111, as last amended by Section 1, Chapter 129, O.S.L. 1996 (47 O.S. Supp. 1998, 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:

1. A ~~five-year or temporary~~ placard indicating physical disability, issued pursuant to the provisions of Section 15-112 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, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic. Nothing in this section shall 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 94, O.S.L. 1997 (47 O.S. Supp. 1998, 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; however, if the physician certifies that the physical disability is permanent, the physician shall denote "five-year" as the type of placard requested.

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 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 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 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.~~

4. On and after January 1, 1998, all placards issued prior to October 31, 1990, shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

5. On and after January 1, 2000, all placards issued between November 1, 1990 and June 30, 1995 shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

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 ~~are~~ is 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 4. AMENDATORY 47 O.S. 1991, Section 15-113, is amended to read as follows:

Section 15-113. Any person who knowingly makes or procures the making of a false statement in an application ~~or certificate~~ submitted pursuant to ~~this act~~ Sections 15-111 through 15-113 of this title or any person who knowingly makes unauthorized use of an insignia issued pursuant to ~~this act~~ Sections 15-111 through 15-113 of this title is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars ($500.00). This penalty shall be stated on all applications ~~and certificates~~.

SECTION 5. AMENDATORY Section 4, Chapter 196, O.S.L. 1997 (47 O.S. Supp. 1998, Section 1604), is amended to read as follows:

Section 1604. ~~A.~~ The Department of Public Safety shall issue a refueling identification card or insignia which may be used to obtain refueling services to a qualified mobility-impaired driver. Application for the refueling service card or insignia may be submitted separately or in conjunction with the application form for

a physical disability parking insignia. The Department ~~shall begin the process of promulgating emergency rules within ninety (90) days after the effective date of this act and~~ shall promulgate ~~permanent~~ rules in accordance with the Administrative Procedures Act, as may be necessary to implement and administer the provisions of ~~this act~~ Sections 1601 through 1604 of this title, including establishing requirements of proof that the person is mobility impaired.

~~B. The Department of Public Safety may charge a fee, not to exceed Two Dollars ($2.00) for the refueling identification card or insignia. The fee shall be deposited in the Department of Public Safety Revolving Fund to be used to pay for the cost of issuing the refueling card or insignia.~~

SECTION 6. This act shall become effective November 1, 1999.

Passed the Senate the 10th day of March, 1999.

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President of the Senate

Passed the House of Representatives the ____ day of _____ , 1999.

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Speaker of the House of Representatives