

SB 429

THE STATE SENATE
Tuesday, February 23, 1999

Senate Bill No. 429
As Amended

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

1 1136 of this title, and such license plate is displayed pursuant to
2 the provisions of the Oklahoma Vehicle License and Registration Act.

3 B. Violation of these provisions shall be a misdemeanor and
4 upon conviction such person shall be fined not more than One Hundred
5 Dollars (\$100.00) and, in addition thereto, such person shall pay
6 any and all reasonable and necessary charges incurred by the
7 landowner or other person in having any motor vehicle removed from
8 the property and stored. Provided, any person cited for a first
9 offense of a violation of this section who has displayed a placard
10 which has expired pursuant to paragraph 4 or 5 of subsection D of
11 Section 15-112 of this title shall be entitled to dismissal of such
12 charge and shall not be required to pay the fine or court costs if
13 the person presents to the court within thirty (30) days of the
14 issuance of the citation a notice from the Department of Public
15 Safety that the person has obtained a valid placard pursuant to the
16 provisions of subsection D of Section 15-112 of this title.

17 SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-111, as
18 last amended by Section 1, Chapter 129, O.S.L. 1996 (47 O.S. Supp.
19 1998, Section 15-111), is amended to read as follows:

20 Section 15-111. A. Municipalities and political subdivisions
21 of the state with authority to regulate the standing or parking of
22 vehicles may extend special parking privileges to a physically

1 disabled person who displays on a motor vehicle operated by or under
2 the direction and for the use of the physically disabled person:

3 1. A ~~five-year or temporary~~ placard indicating physical
4 disability, issued pursuant to the provisions of Section 15-112 of
5 this title; or

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

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

14 SECTION 3. AMENDATORY 47 O.S. 1991, Section 15-112, as
15 last amended by Section 1, Chapter 94, O.S.L. 1997 (47 O.S. Supp.
16 1998, Section 15-112), is amended to read as follows:

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

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

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

- 1 a. cannot walk two hundred (200) feet without stopping to
2 rest,
3 b. cannot walk without the use of or assistance from a
4 brace, cane, crutch, another person, prosthetic
5 device, wheelchair or other assistance device,
6 c. is restricted to such an extent that the person's
7 forced (respiratory) expiratory volume for one (1)
8 second, when measured by spirometry, is less than one
9 (1) liter, or the arterial oxygen tension is less than
10 sixty (60) mm/hg on room air at rest,
11 d. must use portable oxygen,
12 e. has functional limitations which are classified in
13 severity as Class III or Class IV according to
14 standards set by the American Heart Association,
15 f. is severely limited in the person's ability to walk
16 due to an arthritic, neurological or orthopedic
17 condition, or
18 g. is certified legally blind.

19 B. 1. The Department of Public Safety shall issue a detachable
20 ~~temporary~~ placard indicating physical disability to any person who
21 submits an application on a form furnished by the Department and
22 certified by a physician, attesting that the applicant has a
23 physical disability, ~~together with the fee required in subsection D~~

1 ~~of this section.~~ The attestation of the physician shall denote
2 "temporary" as the type of placard requested and shall indicate an
3 expiration date which the physician estimates to be the date of
4 termination of such physical disability; however, if the physician
5 certifies that the physical disability is permanent, the physician
6 shall denote "five-year" as the type of placard requested.

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

11 C. Any placard issued by the Department of Public Safety shall
12 remain valid until:

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

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

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

22 D. ~~On and after July 1, 1995:~~

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

10 2. A temporary placard shall indicate the expiration date which
11 the physician certifying the physical disability estimates to be the
12 date of termination of such physical disability, which shall not be
13 later than six (6) months from the date of issuance and upon which
14 date such placard shall expire and shall be returned to the
15 Department; provided, however, nothing in this paragraph shall be
16 construed to prevent the holder from applying for another placard,
17 as provided for in this section; ~~and.~~

18 3. In the event that a placard, ~~whether a five-year or~~
19 ~~temporary,~~ is lost or destroyed, the person to whom such placard was
20 issued may apply in writing to the Department for a replacement
21 placard, which the Department shall issue with the same expiration
22 date as the original placard. ~~The Department shall charge and the~~

1 ~~applicant shall pay to the Department a replacement fee of Two~~
2 ~~Dollars (\$2.00) for each replacement placard issued.~~

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

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

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

19 F. The Department shall recognize handicap and disability
20 stickers issued by the Veterans Administration and federal military
21 bases in the same manner as the placard issued by the Department as
22 provided for in this section. For purposes of this section and
23 other sections of law relating to the physical disability placard,

1 the term "physical disability placard", ~~"five-year placard"~~ or
2 ~~"temporary placard"~~ shall include those handicap and disability
3 stickers issued by the Veterans Administration and federal military
4 bases.

5 G. The Department shall have the power to formulate, adopt and
6 promulgate rules as may be necessary to implement and administer the
7 provisions of this section, including, but not limited to,
8 prescribing the manner in which the ~~five-year placard and the~~
9 ~~temporary placard~~ are is to be displayed on a motor vehicle.

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

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

16 Section 15-113. Any person who knowingly makes or procures the
17 making of a false statement in an application ~~or certificate~~
18 submitted pursuant to ~~this act~~ Sections 15-111 through 15-113 of
19 this title or any person who knowingly makes unauthorized use of an
20 insignia issued pursuant to ~~this act~~ Sections 15-111 through 15-113
21 of this title is guilty of a misdemeanor and upon conviction shall
22 be punished by a fine of not more than Five Hundred Dollars

1 (\$500.00). This penalty shall be stated on all applications ~~and~~
2 ~~certificates.~~

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

6 Section 1604. ~~A.~~ The Department of Public Safety shall issue a
7 refueling identification card or insignia which may be used to
8 obtain refueling services to a qualified mobility-impaired driver.
9 Application for the refueling service card or insignia may be
10 submitted separately or in conjunction with the application form for
11 a physical disability parking insignia. The Department ~~shall begin~~
12 ~~the process of promulgating emergency rules within ninety (90) days~~
13 ~~after the effective date of this act and shall promulgate permanent~~
14 rules in accordance with the Administrative Procedures Act, as may
15 be necessary to implement and administer the provisions of ~~this act~~
16 Sections 1601 through 1604 of this title, including establishing
17 requirements of proof that the person is mobility impaired.

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
2 PUBLIC SAFETY, dated 2-15-99 - DO PASS, As Amended and Coauthored.