ENROLLED SENATE
BILL NO. 899

By: Morgan of the Senate

and

Rice and Nance of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 15-112, as amended by Section 28, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, Section 15-112), which relates to physical disability placards; adding definition; authorizing issuance of certain placards upon certification by certain nurse practitioners; 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. 2001, Section 15-112, as amended by Section 28, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2003, 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;

2. "Physician assistant" means any person holding a valid license as a physician assistant, pursuant to the state licensing provisions of the Physician Assistant Act; ~~and~~

3. "Advanced registered nurse practitioner" means any person who holds a current license as a registered nurse and a current certificate of recognition for practice as an Advanced Registered Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act pursuant to the state licensing provisions contained in paragraph 5 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

4. "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,

g. is certified legally blind, or

h. is missing one or more limbs.

B. 1. The Department of Public Safety shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician ~~or~~, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician ~~or~~, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician ~~or~~, physician assistant, or advanced registered nurse practitioner estimates to be the date of termination of such physical disability; however, if the physician ~~or~~, physician assistant, or advanced registered nurse practitioner certifies that the physical disability is permanent, the physician ~~or~~, physician assistant, or advanced registered nurse practitioner 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 expires;

2. The person to whom the placard was issued requests a replacement placard; or

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

D. 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.

2. A temporary placard shall indicate the expiration date which the physician ~~or~~, physician assistant, or advanced registered nurse practitioner 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.

3. In the event that a placard 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.

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 birth month of the person to whom 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 ~~or~~, physician assistant, or advanced registered nurse practitioner 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 or physician assistant, or advanced registered nurse practitioner.

F. The Department shall recognize handicap and disability stickers issued by the Department of Veterans Affairs 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" shall include those handicap and disability stickers issued by the Department of Veterans Affairs 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 placard 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.

I. The Department shall charge and the applicant shall pay to the Department a fee of One Dollar ($1.00) for each placard issued. The fee shall be deposited in the Department of Public Safety Revolving Fund.

SECTION 2. This act shall become effective July 1, 2004.

SECTION 3. 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 12th day of April, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of March, 2004.

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Presiding Officer of the House
of Representatives