

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1494

By: Anderson and Johnson
(Constance) of the
Senate

4 and

5 Enns of the House

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(motor vehicles - physical disability placards -
renewal of placards by motor license agents -
removing fee -

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effective date)

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AUTHORS: Add the following House Coauthors: Sherrer and Dank

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AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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"An Act relating to motor vehicles; amending 47 O.S.
2001, Section 15-112, as last amended by Section 17,
Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007,
Section 15-112), which relates to physical
disability placards; authorizing the Department of
Public Safety to promulgate rules for placard
renewal by motor license agents; requiring certain
forms; and providing an effective date.

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

2 SECTION 1. AMENDATORY 47 O.S. 2001, Section 15-112, as
3 last amended by Section 17, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
4 2007, Section 15-112), is amended to read as follows:

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

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

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

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

19 4. "Physical disability" means an illness, disease, injury or
20 condition by reason of which a person:

21 a. cannot walk two hundred (200) feet without stopping to
22 rest,

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- 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 from complications due to pregnancy,
- 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, physician assistant, or advanced registered nurse practitioner attesting that the applicant has a physical disability. The attestation of the physician, physician assistant, or advanced registered nurse practitioner shall denote "temporary" as the type

1 of placard requested and shall indicate an expiration date which the
2 physician, physician assistant, or advanced registered nurse
3 practitioner estimates to be the date of termination of such
4 physical disability; however, if the physician, physician assistant,
5 or advanced registered nurse practitioner certifies that the
6 physical disability is permanent, the physician, physician
7 assistant, or advanced registered nurse practitioner shall denote
8 "five-year" as the type of placard requested.

9 2. The Department is authorized to promulgate rules for the
10 renewal of a physical disability placard by the motor license
11 agents; provided, however, the Department shall retain the authority
12 to assume the duty of placard renewal. Applications for renewal
13 through a motor license agent shall be upon forms approved by the
14 Department.

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

19 C. Any placard issued by the Department of Public Safety or
20 renewed by a motor license agent shall remain valid until:

21 1. The placard expires;

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

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

5 D. 1. A five-year placard shall expire five (5) years from the
6 last day of the month in which the placard was issued. Upon the
7 expiration of a five-year placard, the person to whom such placard
8 was issued may obtain a subsequent placard by reapplying to the
9 Department or a motor license agent, in the same manner as provided
10 in subsection B of this section.

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

20 3. In the event that a placard is lost or destroyed, the person
21 to whom such placard was issued may apply in writing to the
22 Department for a replacement placard, which the Department shall
23 issue with the same expiration date as the original placard.

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

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

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

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

1 include those handicap and disability stickers issued by the
2 Department of Veterans Affairs and federal military bases.

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

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

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

16 SECTION 2. This act shall become effective November 1, 2008."
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1 Passed the House of Representatives the 10th day of April, 2008.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate
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