

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2740

By: Brannon

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 15-112, as last amended by Section 17,  
9 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section  
10 15-112), which relates to handicap placards; allowing  
11 certain disabled veteran license plates the same  
12 parking privileges as temporary handicap parking  
13 placards; and declaring an emergency.

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

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

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

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

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

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

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

- 9           a. cannot walk two hundred (200) feet without stopping to  
10 rest,
- 11           b. cannot walk without the use of or assistance from a  
12 brace, cane, crutch, another person, prosthetic  
13 device, wheelchair or other assistance device,
- 14           c. is restricted to such an extent that the person's  
15 forced (respiratory) expiratory volume for one (1)  
16 second, when measured by spirometry, is less than one  
17 (1) liter, or the arterial oxygen tension is less than  
18 sixty (60) mm/hg on room air at rest,
- 19           d. must use portable oxygen,
- 20           e. has functional limitations which are classified in  
21 severity as Class III or Class IV according to  
22 standards set by the American Heart Association,  
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- 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 of Public Safety 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 of placard requested and shall indicate an expiration date which the physician, physician assistant, or advanced registered nurse practitioner estimates to be the date of termination of such physical disability; however, if the physician, physician assistant, or advanced registered nurse practitioner certifies that the physical disability is permanent, the physician, 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.

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

3 1. The placard expires;

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

6 3. The placard is no longer needed by the person to whom the  
7 placard was issued for the disability for which the placard was  
8 originally issued, whereupon such placard shall be returned to the  
9 Department of Public Safety.

10 D. 1. A five-year placard shall expire five (5) years from the  
11 last day of the month in which the placard was issued. Upon the  
12 expiration of a five-year placard, the person to whom such placard  
13 was issued may obtain a subsequent placard by reapplying to the  
14 Department of Public Safety, in the same manner as provided in  
15 subsection B of this section.

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

1           3. In the event that a placard is lost or destroyed, the person  
2 to whom such placard was issued may apply in writing to the  
3 Department of Public Safety for a replacement placard, which the  
4 Department of Public Safety shall issue with the same expiration  
5 date as the original placard.

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

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

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

1 F. The Department of Public Safety shall recognize handicap and  
2 disability stickers issued by the Department of Veterans Affairs and  
3 federal military bases and disabled veterans license plate with the  
4 international accessibility symbol, issued pursuant to the  
5 provisions of Section 1135.2 of this title in the same manner as the  
6 placard issued by the Department of Public Safety as provided for in  
7 this section. For purposes of this section and other sections of  
8 law relating to the physical disability placard, the term "physical  
9 disability placard" shall include those handicap and disability  
10 stickers issued by the Department of Veterans Affairs and federal  
11 military bases and disabled veterans license plate with the  
12 international accessibility symbol, issued pursuant to the  
13 provisions of Section 1135.2 of this title.

14 G. The Department of Public Safety shall have the power to  
15 formulate, adopt and promulgate rules as may be necessary to  
16 implement and administer the provisions of this section, including,  
17 but not limited to, prescribing the manner in which the placard is  
18 to be displayed on a motor vehicle.

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

23 I. The Department of Public Safety shall charge and the  
24 applicant shall pay to the Department of Public Safety a fee of One

1 Dollar (\$1.00) for each placard issued. The fee shall be deposited  
2 in the Department of Public Safety Revolving Fund.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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