

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3343

By: Thompson

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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 physical disability
11 temporary placard; allowing issuance of placard by
12 authorized motor license agencies; setting fee;
13 providing for allocation of fee; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 15-112, as
17 last amended by Section 17, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
18 2007, Section 15-112), is amended to read as follows:

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

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

24 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;

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 or authorized motor license agency 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 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

1 this title; provided, however, the placard is properly displayed on
2 the parked vehicle.

3 C. Any placard issued by the Department of Public Safety or
4 authorized motor license agency shall remain valid until:

5 1. The placard expires;

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

8 3. The placard is no longer needed by the person to whom the
9 placard was issued for the disability for which the placard was
10 originally issued, whereupon such placard shall be returned to the
11 Department of Public Safety or authorized motor license agency.

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

18 2. A temporary placard shall indicate the expiration date which
19 the physician, physician assistant, or advanced registered nurse
20 practitioner certifying the physical disability estimates to be the
21 date of termination of such physical disability, which shall not be
22 later than six (6) months from the date of issuance and upon which
23 date such placard shall expire and shall be returned to the
24 Department of Public Safety or authorized motor license agency;

1 provided, however, nothing in this paragraph shall be construed to
2 prevent the holder from applying for another placard, as provided
3 for in this section.

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

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

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

21 E. A physician, physician assistant, or advanced registered
22 nurse practitioner may sign an application certifying that a person
23 has a physical disability, as provided in subsection B of this
24 section, only if care and treatment of the illness, disease, injury

1 or condition causing the physical disability of such person falls
2 within the authorized scope of practice of the physician or
3 physician assistant, or advanced registered nurse practitioner.

4 F. The Department of Public Safety shall recognize handicap and
5 disability stickers issued by the Department of Veterans Affairs and
6 federal military bases in the same manner as the placard issued by
7 the Department of Public Safety or authorized motor license agency
8 as provided for in this section. For purposes of this section and
9 other sections of law relating to the physical disability placard,
10 the term "physical disability placard" shall include those handicap
11 and disability stickers issued by the Department of Veterans Affairs
12 and federal military bases.

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

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

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

1 Department of Public Safety Revolving Fund. An authorized motor
2 license agency shall charge and the applicant shall pay to the
3 authorized motor license agency a fee of Five Dollars (\$5.00) for
4 each placard and the authorized motor license agency shall remit One
5 Dollar (\$1.00) to the Department and retain Four Dollars (\$4.00).

6 SECTION 2. This act shall become effective November 1, 2008.

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8 51-2-9703 CJB 01/16/08
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