

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1494

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Sections 15-112, as last amended by Section 17,  
9 Chapter 326, O.S.L. 2007, and 1141.1, as amended by  
10 Section 7, Chapter 381, O.S.L. 2005 (47 O.S. Supp.  
11 2007, Sections 15-112 and 1141.1), which relate to  
12 physical disability placards and retention of fees by  
13 motor license agents; authorizing the Department of  
14 Public Safety to promulgate rules for placard renewal  
15 by motor license agents; requiring certain forms;  
16 increasing certain fee; authorizing motor license  
17 agents to collect certain fee; directing use of  
18 certain fee; providing for retention of fee by motor  
19 license agents; and providing an effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2001, Section 15-112, as  
22 last amended by Section 17, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
23 2007, Section 15-112), is amended to read as follows:

24 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;

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

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

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

- 12           a. cannot walk two hundred (200) feet without stopping to  
13           rest,
- 14           b. cannot walk without the use of or assistance from a  
15           brace, cane, crutch, another person, prosthetic  
16           device, wheelchair or other assistance device,
- 17           c. is restricted to such an extent that the person's  
18           forced (respiratory) expiratory volume for one (1)  
19           second, when measured by spirometry, is less than one  
20           (1) liter, or the arterial oxygen tension is less than  
21           sixty (60) mm/hg on room air at rest,
- 22           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 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.

1           2. The Department is authorized to promulgate rules for the  
2 renewal of a physical disability placard by the motor license  
3 agents; provided, however, the Department shall retain the authority  
4 to assume the duty of placard renewal. Applications for renewal  
5 through a motor license agent shall be upon forms approved by the  
6 Department.

7           3. 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 or  
12 renewed by a motor license agent shall remain valid until:

13           1. The placard expires;

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

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

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

3 2. A temporary placard shall indicate the expiration date which  
4 the physician, physician assistant, or advanced registered nurse  
5 practitioner certifying the physical disability estimates to be the  
6 date of termination of such physical disability, which shall not be  
7 later than six (6) months from the date of issuance and upon which  
8 date such placard shall expire and shall be returned to the  
9 Department; provided, however, nothing in this paragraph shall be  
10 construed to prevent the holder from applying for another placard,  
11 as provided for in this section.

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

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

21 5. On and after January 1, 2000, all placards issued between  
22 November 1, 1990, and June 30, 1995, shall expire on the last day of  
23 the birth month of the person to whom the placard was issued, and  
24 the person to whom such placard was issued may follow the procedure

1 provided for in subsection B of this section to obtain a second or  
2 subsequent placard.

3 E. A physician, physician assistant, or advanced registered  
4 nurse practitioner may sign an application certifying that a person  
5 has a physical disability, as provided in subsection B of this  
6 section, only if care and treatment of the illness, disease, injury  
7 or condition causing the physical disability of such person falls  
8 within the authorized scope of practice of the physician or  
9 physician assistant, or advanced registered nurse practitioner.

10 F. The Department shall recognize handicap and disability  
11 stickers issued by the Department of Veterans Affairs and federal  
12 military bases in the same manner as the placard issued by the  
13 Department as provided for in this section. For purposes of this  
14 section and other sections of law relating to the physical  
15 disability placard, the term "physical disability placard" shall  
16 include those handicap and disability stickers issued by the  
17 Department of Veterans Affairs and federal military bases.

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

23 H. The Commissioner of Public Safety is hereby authorized to  
24 enter into reciprocity agreements with other states for the purpose

1 of recognizing parking placards or license plates indicating  
2 physical disability issued by those states.

3 I. The Department shall charge and the applicant shall pay to  
4 the Department a fee of ~~One Dollar (\$1.00)~~ Five Dollars (\$5.00) for  
5 each placard issued. The fee shall be deposited in the Department  
6 of Public Safety Revolving Fund. Each motor license agent accepting  
7 applications for the renewal of a placard shall receive One Dollar  
8 (\$1.00) to be deducted from the total collected for each renewal  
9 application accepted. The One-Dollar fee received by the motor  
10 license agent shall be used for operating expenses.

11 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1141.1, as  
12 amended by Section 7, Chapter 381, O.S.L. 2005 (47 O.S. Supp. 2007,  
13 Section 1141.1), is amended to read as follows:

14 Section 1141.1 A. Each motor license agent shall be entitled  
15 to retain the following amounts from the taxes and fees collected by  
16 such agent to be used to fund the operation of the office of such  
17 motor license agent subject to the provisions of Sections 1140  
18 through 1147 of this title:

19 1. Beginning July 1, 2005, Two Dollars and eighty-one cents  
20 (\$2.81) for each vehicle registered and for each special license  
21 plate issued pursuant to the Oklahoma Vehicle License and  
22 Registration Act. Beginning July 1, 2006, and thereafter, Three  
23 Dollars and fifty-six cents (\$3.56) for each vehicle registered and  
24

1 for each special license plate issued pursuant to the Oklahoma  
2 Vehicle License and Registration Act;

3 2. One Dollar and twenty-five cents (\$1.25) for each  
4 certificate of title issued for boats and motors pursuant to the  
5 Oklahoma Statutes;

6 3. For each certificate of registration issued for boats and  
7 motors pursuant to the Oklahoma Statutes, an amount determined  
8 pursuant to the provisions of subsection B of this section;

9 4. Two Dollars and twenty-five cents (\$2.25) for each  
10 certificate of title issued pursuant to the Oklahoma Vehicle License  
11 and Registration Act;

12 5. Beginning October 1, 2000, three percent (3%) of the vehicle  
13 excise tax collected pursuant to Section 2103 of Title 68 of the  
14 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent  
15 shall be entitled to retain three and one hundred twenty-five one-  
16 thousandths percent (3.125%) of the vehicle excise tax collected  
17 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

18 Beginning July 1, 2002, and for all subsequent years, each motor  
19 license agent shall be entitled to retain three and twenty-five one-  
20 hundredths percent (3.25%) of the vehicle excise tax collected  
21 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

22 However, beginning July 1, 2003, the Legislature shall annually  
23 review the percentage to be retained by the motor license agents

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1 pursuant to this paragraph to determine whether such percentage  
2 should be adjusted;

3 6. Four percent (4%) of the excise tax collected on the  
4 transfer of boats and motors pursuant to the Oklahoma Statutes;

5 7. Two Dollars (\$2.00) for each driver license, endorsement,  
6 identification license, or renewal or duplicate issued pursuant to  
7 Section 6-101 et seq. of this title;

8 8. Two Dollars (\$2.00) for the recording of security interests  
9 as provided in Section 1110 of this title;

10 9. Two Dollars (\$2.00) for each inspection conducted pursuant  
11 to subsection L of Section 1105 of this title;

12 10. Three Dollars (\$3.00) for each inspection conducted  
13 pursuant to subsection M of Section 1105 of this title;

14 11. One Dollar (\$1.00) for each certificate of ownership filed  
15 pursuant to subsection Q of Section 1105 of this title;

16 12. One Dollar (\$1.00) for each temporary permit issued  
17 pursuant to Section 1124 of this title;

18 13. One Dollar and fifty cents (\$1.50) for processing each  
19 proof of financial responsibility, driver license information,  
20 insurance verification information, and other additional information  
21 as provided in Section 7-602 of this title;

22 14. The mailing fees and registration fees provided in Sections  
23 1131 and 1140 of this title;

24 15. The notary fee provided in Section 1143 of this title;

1        16. Three Dollars (\$3.00) for each lien entry form completed  
2 and recorded on a certificate of title pursuant to subsection G of  
3 Section 1105 of this title;

4        17. Seven Dollars (\$7.00) for each notice of transfer as  
5 provided by subsection B of Section ~~6~~ 1107.4 of this ~~act~~ title;

6        18. Seven Dollars (\$7.00) for each certificate of title or each  
7 certificate of registration issued for repossessed vehicles pursuant  
8 to Section 1126 of this title; and

9        19. One Dollar (\$1.00) for each application for the renewal of  
10 a physical disability placard as provided by subsection I of Section  
11 15-112 of this title; and

12        20. Any amount specifically authorized by law to be retained by  
13 the motor license agent for the furnishing of a summary of a traffic  
14 record.

15        The balance of the funds collected shall be remitted to the  
16 Oklahoma Tax Commission as provided in Section 1142 of this title to  
17 be apportioned pursuant to Section 1104 of this title.

18        B. For each certificate of registration issued for boats and  
19 motors, each motor license agent shall be entitled to retain the  
20 greater of One Dollar and twenty-five cents (\$1.25) or an amount to  
21 be determined by the Tax Commission according to the provisions of  
22 this subsection. At the end of fiscal year 1997 and each fiscal  
23 year thereafter, the Tax Commission shall compute the average amount  
24 of registration fees for all boats and motors registered in this

1 state during the fiscal year and shall multiply the result by six  
2 and twenty-two one-hundredths percent (6.22%). The resulting  
3 product shall be the amount which may be retained by each motor  
4 license agent for each certificate of registration for boats and  
5 motors issued during the following calendar year.

6 SECTION 3. This act shall become effective November 1, 2008.

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