

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 904

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to disability placards; amending 47
8 O.S. 2011, Section 15-112, which relates to physical
9 disability temporary placards; authorizing certain
10 fees; allowing for collection of funds; requiring
11 distribution of funds; providing purpose of funds;
and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 15-112, is
14 amended to read as follows:

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

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

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

23 3. "Advanced registered nurse practitioner" means any person
24 who holds a current license as a registered nurse and a current

1 certificate of recognition for practice as an Advanced Registered
2 Nurse Practitioner as set forth in the Oklahoma Nursing Practice Act
3 pursuant to the state licensing provisions contained in paragraph 5
4 of Section 567.3a of Title 59 of the Oklahoma Statutes; and

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

- 7 a. cannot walk two hundred (200) feet without stopping to
8 rest,
- 9 b. cannot walk without the use of or assistance from a
10 brace, cane, crutch, another person, prosthetic
11 device, wheelchair or other assistance device,
- 12 c. is restricted to such an extent that the person's
13 forced (respiratory) expiratory volume for one (1)
14 second, when measured by spirometry, is less than one
15 (1) liter, or the arterial oxygen tension is less than
16 sixty (60) mm/hg on room air at rest,
- 17 d. must use portable oxygen,
- 18 e. has functional limitations which are classified in
19 severity as Class III or Class IV according to
20 standards set by the American Heart Association,
- 21 f. is severely limited in the person's ability to walk
22 due to an arthritic, neurological or orthopedic
23 condition, or from complications due to pregnancy,
- 24

1 g. is certified legally blind, or is missing one or more
2 limbs.

3 B. The Department of Public Safety shall issue a detachable
4 placard indicating physical disability to any person who submits an
5 application on a form furnished by the Department and certified by a
6 physician, physician assistant, or advanced registered nurse
7 practitioner attesting that the applicant has a physical disability.
8 The attestation of the physician, physician assistant, or advanced
9 registered nurse practitioner shall denote "temporary" as the type
10 of placard requested and shall indicate an expiration date which the
11 physician, physician assistant, or advanced registered nurse
12 practitioner estimates to be the date of termination of such
13 physical disability; however, if the physician, physician assistant,
14 or advanced registered nurse practitioner certifies that the
15 physical disability is permanent, the physician, physician
16 assistant, or advanced registered nurse practitioner shall denote
17 "five-year" as the type of placard requested.

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

20 1. The placard expires;

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

23 3. The placard is no longer needed by the person to whom the
24 placard was issued for the disability for which the placard was

1 originally issued, whereupon such placard shall be returned to the
2 Department.

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

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

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

22 4. On and after January 1, 1998, all placards issued prior to
23 October 31, 1990, shall expire on the last day of the month in which
24 the placard was issued, and the person to whom such placard was

1 issued may follow the procedure provided for in subsection B of this
2 section to obtain a second or subsequent placard.

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

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

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

21 G. Nothing in this section shall prohibit the issuance of a
22 temporary placard to a pregnant woman whose condition, as determined
23 by a physician, physician assistant, or advanced registered nurse
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1 practitioner, meets one or more of the categories described in
2 paragraph 4 of subsection A of this section.

3 H. A one dollar (\$1.00) fee shall be collected by the Oklahoma
4 Tax Commission for all physical disability placards issued by the
5 Department of Public Safety beginning on July 1, 2016. The fees
6 collected by the Oklahoma Tax Commission under this provision shall
7 be deposited into the Office of Disability Concerns Revolving Fund
8 established in Section 9.33 of Title 74 of the Oklahoma State
9 Statutes to be used for the general expenses of the agency.

10 SECTION 2. This act shall become effective November 1, 2016.

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