

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 24, 1983

The meeting of the Human Services Committee was called to order by Chairman Marjorie Hart, January 24, 1983, at 12:30 p.m., in Room 104. All members were present except Rep. Brand and Rep. Fabrega who were absent.

HOUSE BILL 102. REP. HEMSTAD, sponsor, said that this bill merely asks that the State Legislature approve a handicapped license plate symbol to be provided for on plates and some sort of a windshield sticker. She felt it would be better if it was in the form of a plate rather than the blue and white sticker that we presently have in the State of Montana. She showed examples from other states. She envisioned the Montana plate to have the wheelchair emblem, the number of the city and the number of the plate. She felt that having these plates in front and back of the vehicle would prevent people from using parking places that should be used only by the handicapped. She thought that peer pressure would help people recognize that a handicapped person authorized with a license plate would be parking in those spaces. She showed photographs also of many other plates used by other states.

HOUSE BILL 183. REP. WINSLOW, sponsor, stated that this bill was inspired by seeing healthy people jump out of a car and run into the store while parking their car in a handicapped person's parking space. He feels we need to make a strict-enough penalty that people will not do it again. He proposed a penalty of a \$25 fine.

HOUSE BILL 232. REP. CONNELLY, sponsor, said that this bill was in two parts--the first part deals with wheel chair emblems; the second part relates to disabled veterans' license plates. This bill calls for a special card in the window in addition to the license plate, and the governing body of the city or town would be in charge of enforcement. It does call for a misdemeanor charge for someone parking in the parking area with no less than \$10 or more than \$100 or imprisonment of not more than ten days to be enforced through city ordinances of the various cities or counties. There would be no need for renewal unless a physician specified that they no longer had a disability. A fiscal note was ordered because there would have to be a dye for the disabled veteran's plate, the cost of which would probably be under \$2,000.

PROPOSERS:

LARRY MAJERUS, Administrator of the Motor Vehicle Division, stated he was in favor of the Legislature making adjustments to this section of law.

CHARLES GRAVELEY, representing the county treasurers, said that in reviewing the various bills, he had only one concern. The bills do not seem to address the problem of being temporarily handicapped and he felt that some provision should be inserted to take care of this problem.

REP. DOZIER replied that this was addressed when we heard the first two bills and we were going to take this under consideration.

OPPONENTS:

MARY ESTES, citizen, did not feel that we needed to change the sticker. She felt it would be an added expense to change to license plates. She drives but does not feel she needs a wheel chair emblem on her license plate. In other states they do have license plates and one can have either the license plate or the sticker. She did not think we needed both.

QUESTIONS:

REP. WINSLOW asked MARY ESTES why she felt she did not need both. If someone picked her up and took her downtown, how would she handle that. She replied that she was satisfied with the card because she could take it with her.

REP. WINSLOW asked if it would not be easier for the person giving the tickets--in case a penalty is put on this--to enforce this if it is on the license plate and not on the front dashboard. MARY ESTES felt that only a few steps were involved in walking to the front of the car.

REP. WINSLOW asked if she should lose the card, where would she get another one. MARY ESTES stated that she had gotten her present one from Deer Lodge or she could pick up an application at the City-County Building.

REP. DRISCOLL asked MARY ESTES if she would object to having either or both for people who wanted both as an option. She answered that she did not want a sticker on her license plate and that she did not want it mandatory that she have to have one.

REP. HANSEN inquired how much this license plate would cost. Would it cost the person who buys it or would it be a cost to the state. REP. HEMSTAD replied that the personalized plate is \$5. She did not think that if the state would impose this license plate on the handicapped they would have to pay the \$5.

REP. HANSEN asked if REP. HEMSTAD'S bill would make both license plate and sticker mandatory. REP. HEMSTAD replied it could be either a license plate or a sticker.

CHAIRMAN HART stated that the number of the permit coincides with the person being issued the license. This would tie in with the temporary permits and they would better be able to keep track of the temporary permits. REP. HEMSTAD replied that it would be left up to the Department of Revenue and the people in Deer Lodge would decide what sort of a system they would use.

MR. MAJERUS stated presently there is nothing available for the temporarily handicapped. The law speaks to a permanent disability. The placard that is given out is for a permanent disability but it is renewed annually. The Motor Vehicle Division keeps track of those centrally. They are issued by number and the county indicator is used so people can be located faster. It is put on a small computer so information can be retrieved rapidly. A computer digit would be designated that would indicate the handicapped--with a star or an asterisk. These would be entered on the computer just as a personalized license plate. In terms of change of system, the only additional cost would be the one-time cost for purchasing the die which is available for \$150 and the processing as a personalized license plate. The Motor Vehicles Division does not have to do any checking against their records, so it is going to process much faster. It will be cheaper to issue one of these in lieu of a personalized license plate. There will be a time factor because they will have to order this made and it will take them up to thirty days to get this plate back to the individual. He did not see any difficulty in administering it either way, or both at the same time.

CHAIRMAN HART asked regarding the annual renewal--if they did not choose to renew it, does the Motor Vehicles Division assume they were temporarily handicapped and did not choose to renew it. Do they still keep the card? LARRY MAJERUS replied that the division has no way of knowing. If it was a license plate, they would have to handle it in the same way they do now. If one does not renew a personalized license plate after thirty days, the division assumes that it is no longer wanted and they are free to issue it to someone else.

REP. DOZIER stated that in talking with some of the handicapped people, their feeling was that in the case of a temporarily handicapped, we would issue only a card--not a plate. The permanent card would be the regular blue emblem. The temporary ones would be colored according to the year.

REP. DARKO asked who has the authority to cite somebody parking on private property. REP. CONNELLY responded that according to her research if the city designates that a private party has a parking permit system, then the city has the same authority as if the offender was on the main street.

REP. SWIFT asked REP. HEMSTAD if she would object to a penalty as far as the bill is concerned. REP. HEMSTAD said that in talking to her own city officials, there were already penalties for parking in unauthorized places. She did not feel that there was any use to add a state-wide penalty because every community can take care of themselves.

REP. DOZIER responded to a testimony error--all the cities are not honoring the state's permits. Handicapped people are being ticketed for parking in handicapped spots.

REP. WINSLOW inquired regarding private parking. REP. CONNELLY clarified it by saying that if a grocery store gets a handicapped sign and puts it in, then the city can enforce it. REP. WINSLOW asked if the sign of the handicapped has to be obtained from the city. REP. CONNELLY replied that that was her understanding. REP. DOZIER stated that the private business may contract with the city to enforce parking on their parking lots.

REP. HEMSTAD closed the hearing on HOUSE BILL 102 by stating that she wanted peer pressure and visibility of the plate to take care of people parking in those places.

The hearing on HOUSE BILLS 102, 183 and 232 closed.

EXECUTIVE SESSION:

CHAIRMAN HART put the five bills, HOUSE BILLS 12, 21, 102, 183 and 232, into a subcommittee appointing REP. CONNELLY and REP. WINSLOW with REP. DOZIER acting as chairman.

REP. DOZIER asked if they could go ahead and advertise the meeting for Thursday evening, January 27, notifying the interested individuals so their input could be utilized.

REP. DRISCOLL wanted to make sure that the parents of handicapped children are eligible to get a license plate, or card or both.

REP. SWIFT was concerned that five bills were involved and one bill calls for a different emblem on the plate. He did not know whether that may be a question or not.

CHAIRMAN HART said she understood somebody to say on one of the other bills that the state symbol is not uniform throughout the state. REP. CONNELLY replied that is correct. MARY ESTES displayed the state placard and stated that it is the cities that have the different stickers.

REP. DRISCOLL asked if all cities honored the placard. MARY ESTES replied that they did in Helena.

REP. DOZIER asked if the subcommittee decides that one of the bills is a vehicle to use, would they be allowed to let the others co-sponsor this bill. CHAIRMAN HART stated she would like to see the subcommittee work in that direction.

The meeting adjourned at 1:05 p.m.



Chairman Marjorie Hart



Secretary

STANDING COMMITTEE REPORT

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HOUSE BILL 232

January 31, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 232

first reading copy (white color)

A BILL FOR AN ACT ENTITLED: "AN ACT BROADENING PRIVILEGES OF SPECIAL PARKING PERMITHOLDERS AND ALLOWING EXEMPTIONS FROM TIME LIMITS; REQUIRING SPECIAL LICENSE PLATES OR CARDS TO BEAR THE WHEELCHAIR EMBLEM; PROVIDING FOR EXPIRATION OF PERMIT ON RECOVERY OR DEATH OF PERMITTEE; AUTHORIZING SPECIAL LICENSE PLATES FOR 100-PERCENT DISABLED VETERANS; PROVIDING A PENALTY; AMENDING SECTIONS 10-2-301, 49-4-302, 49-4-304, AND 49-4-305, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 232

BE AMENDED AS FOLLOWS:

1. Title: line 6.

Following: "LIMITS;"

Insert: "ALLOWING PERMITS FOR TEMPORARILY HANDICAPPED PERSONS;"

2. Title: line 19.

Following: "301,"

Insert: "49-4-301,"

3. Page 1.

Following: line 14.

Insert: "Section 1. Section 49-4-301 is amended to read:

49-4-301. Who eligible for special parking permit. (1) The division of motor vehicles, department of justice, shall issue a special parking permit to a person who:

(a) holds a valid Montana driver's license and owns a motor vehicle, other than a commercial vehicle, and has a permanent physical handicap that impairs his mobility when not in a motor vehicle; or

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