

HOUSE BILL NO. 232

INTRODUCED BY CONNELLY, MANUEL, J. BROWN, PISTORIA

IN THE HOUSE

January 14, 1983	Introduced and referred to Committee on Human Services.
January 31, 1983	Committee recommend bill do pass as amended. Report adopted.
February 1, 1983	Bill printed and placed on members' desks.
February 2, 1983	Second reading, do pass.
February 3, 1983	Considered correctly engrossed.
February 4, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 5, 1983	Introduced and referred to Committee on Local Government.
March 25, 1983	On motion, ordered printed and placed on second reading.
March 26, 1983	Second reading, concurred in as amended.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983	Returned to House with amendments.
April 1, 1983	Second reading, amendments not concurred in.

April 1, 1983

On motion, Conference Committee requested and appointed.

April 8, 1983

Conference Committee dissolved.

On motion, Free Conference Committee requested and appointed.

April 12, 1983

Free Conference Committee reported.

April 13, 1983

Second reading, Free Conference Committee report adopted.

April 14, 1983

Third reading, Free Conference Committee report adopted.

April 16, 1983

Free Conference Committee report adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *232*
 2 INTRODUCED BY *Connelly - Manuel - J. Brown - Victoria*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT BROADENING PRIVILEGES
 5 OF SPECIAL PARKING PERMITHOLDERS AND ALLOWING EXEMPTIONS
 6 FROM TIME LIMITS; REQUIRING SPECIAL LICENSE PLATES OR CARDS
 7 TO BEAR THE WHEELCHAIR EMBLEM; PROVIDING FOR EXPIRATION OF
 8 PERMIT ON RECOVERY OR DEATH OF PERMITTEE; AUTHORIZING
 9 SPECIAL LICENSE PLATES FOR 100-PERCENT DISABLED VETERANS;
 10 PROVIDING A PENALTY; AMENDING SECTIONS 10-2-301, 49-4-302,
 11 49-4-304, AND 49-4-305, MCA; AND PROVIDING A DELAYED
 12 EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 49-4-302, MCA, is amended to read:

16 "49-4-302. Privileges of ~~permit-holder~~ permitholder ~~---~~
 17 exemptions from time limits. (1) The parking permit issued
 18 under this part, when displayed, entitles a person to park a
 19 motor vehicle in special parking spaces reserved for
 20 handicapped persons whether on public property or private
 21 property available for public use.

22 (2) No vehicle other than one lawfully displaying a
 23 parking permit issued under this part and conveying a
 24 handicapped person may be parked in a parking space on
 25 public or private property that is clearly identified by an

1 official sign as being reserved for use by handicapped
 2 persons.

3 (3) The governing body of a city, town, or county may
 4 exempt vehicles lawfully displaying parking permits issued
 5 under this part and parked in public places along public
 6 streets from any time limitation imposed upon parking in
 7 such area except in areas where:

8 (a) stopping, standing, or parking of all vehicles is
 9 prohibited;

10 (b) only special vehicles may be parked; or

11 (c) parking is not allowed during specific periods of
 12 the day in order to accommodate heavy traffic."

13 Section 2. Section 49-4-304, MCA, is amended to read:

14 "49-4-304. ~~Each~~ Special license plate and card to be
 15 provided and displayed. (1) The division of motor vehicles
 16 shall provide a special license plate and card ~~or plate that~~
 17 ~~may~~ to be displayed on or in a motor vehicle to indicate a
 18 parking privilege granted under this part. The special
 19 license plate shall be affixed to the vehicle according to
 20 61-3-301, and the card ~~or plate~~ shall be prominently
 21 displayed in the windshield of a vehicle when the parking
 22 privilege is being used by the handicapped person in a
 23 vehicle other than the one to which his special license
 24 plate is affixed.

25 (2) Upon application under 49-4-303, a handicapped

1 person who does not hold a driver's license or does not own
 2 a vehicle may receive a card described in subsection (1) to
 3 be displayed in a vehicle in which the handicapped person is
 4 being conveyed when the parking privilege is being used.

5 (3) The special license plate and card must each bear
 6 a representation of a wheelchair as the symbol of a
 7 handicapped person."

8 Section 3. Section 49-4-305, MCA, is amended to read:
 9 "49-4-305. Expiration of permit. A permit expires on:
 10 ~~December 31 of the year of issue~~

11 (1) the death of the permittee; or

12 (2) certification by a physician that the permittee's
 13 physical handicap impairing his mobility no longer exists."

14 Section 4. Section 10-2-301, MCA, is amended to read:

15 "10-2-301. License plates to disabled veterans ==
 16 special inscriptions. (1) Any person who is a veteran of the
 17 armed service of the United States and 100% disabled because
 18 of an injury which has been determined by the veterans
 19 administration to be service connected and who is a citizen
 20 and resident of the state of Montana and who is the owner of
 21 a passenger automobile or of a truck up to and including
 22 three-quarter ton GVW-rated capacity shall be provided with
 23 specially inscribed license plates upon payment of a fee of
 24 \$5 for such automobile or truck and upon proof of 100%
 25 service-connected disability.

1 (2) The motor vehicle division shall assign to each
 2 veteran qualified under subsection (1) who applies according
 3 to the rules of the division a registration designation
 4 bearing the letters and character "DV-" followed by a number
 5 matching the sequence in which the designations are
 6 assigned, and the division shall issue to the disabled
 7 veteran two special license plates bearing the inscription
 8 assigned to him.

9 (3) The special license plates may be reregistered or
 10 renewed upon payment of the fees required in subsection (1)
 11 and compliance with the rules of the division."

12 NEW SECTION. Section 5. Penalty. A person who parks a
 13 motor vehicle in violation of 49-4-302(2) is guilty of a
 14 misdemeanor and is punishable by a fine of not less than \$10
 15 or more than \$100 or by imprisonment for not more than 10
 16 days.

17 NEW SECTION. Section 6. Codification instruction.
 18 Section 5 is intended to be codified as an integral part of
 19 Title 49, chapter 4, part 3, and the provisions of Title 49,
 20 chapter 4, part 3, apply to section 5.

21 NEW SECTION. Section 7. Effective date. This act is
 22 effective January 1, 1984.

-End-

STATE OF MONTANA

REQUEST NO. 126-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 232 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 232 broadens the privileges of special parking permitholders and allows exemptions from the limits; requires special license plates or cards to bear the wheelchair emblem; provides for expiration of permit on recovery or death of permittee; and authorizes special license plates for 100-percent disabled veterans.

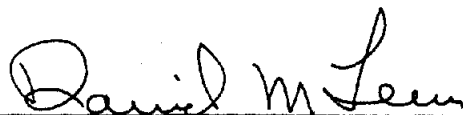
ASSUMPTIONS:

- 1) The same number of cards will be issued as in FY 82 and no additional outlay will be necessary due to stock on hand.
- 2) The cost of a license plate die is \$150.
- 3) 500 handicap permits were issued in 1981 with no measurable increase expected in FY 84 and FY 85.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Operating Expenses		
Under Current Law	\$ 0	\$ 0
Under Proposed Law	<u>300</u>	<u>300</u>
Expenditures To Motor Vehicle Earmarked	<u>\$300</u>	<u>\$300</u>

FISCAL NOTE 5:G/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83

Approved by Comm. on Human Services

HOUSE BILL NO. 232

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A BILL FOR AN ACT ENTITLED: "AN ACT BROADENING PRIVILEGES OF SPECIAL PARKING PERMITHOLDERS AND ALLOWING EXEMPTIONS FROM TIME LIMITS; ALLOWING PERMITS FOR TEMPORARILY HANDICAPPED PERSONS; 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, ~~49-4-301~~, 49-4-302, 49-4-304, AND 49-4-305, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 49-4-301, MCA, 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

(b) regardless of whether he holds a driver's license or owns a motor vehicle, has a permanent physical handicap

that impairs his driving ability and impairs his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination; or

(c) has a temporary physical handicap that impairs his driving ability or his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination.

(2) No one applicant may receive more than one permit."

Section 2. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of ~~permit-holder~~ permitholder ~~exceptions from time limits.~~ (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in special parking spaces reserved for handicapped persons whether on public property or private property available for public use.

(2) No vehicle other than one lawfully displaying a parking permit issued under this part and conveying a handicapped person may be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by handicapped persons.

(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and parked in public places along public

1 ~~streets from any time limitation imposed upon parking in~~
2 ~~such area except in areas where:~~

3 ~~(a) stopping, standing, or parking of all vehicles is~~
4 ~~prohibited;~~

5 ~~(b) only special vehicles may be parked; or~~

6 ~~(c) parking is not allowed during specific periods of~~
7 ~~the day in order to accommodate heavy traffic."~~

8 Section 3. Section 49-4-304, MCA, is amended to read:

9 "49-4-304. ~~Each~~ Special license plate and card to be
10 provided and displayed. ~~(1) The division of motor vehicles~~
11 ~~shall provide a special license plate and card or plate that~~
12 ~~may be displayed on or in a motor vehicle to indicate a~~
13 ~~parking privilege granted under this part. The special~~
14 ~~license plate shall be affixed to the vehicle according to~~
15 ~~61-3-301, and the card or plate shall be prominently~~
16 ~~displayed in the windshield of a vehicle when the parking~~
17 ~~privilege is being used by the handicapped person in a~~
18 ~~vehicle other than the one to which his special license~~
19 ~~plate is affixed.~~

20 ~~(2) Upon application under 49-4-303, a handicapped~~
21 ~~person who does not hold a driver's license or does not own~~
22 ~~a vehicle may receive a card described in subsection (1) to~~
23 ~~be displayed in a vehicle in which the handicapped person is~~
24 ~~being conveyed when the parking privilege is being used.~~

25 ~~(3) The special license plate and card must each bear~~

1 ~~a representation of a wheelchair as the symbol of a~~
2 ~~handicapped person."~~

3 Section 4. Section 49-4-305, MCA, is amended to read:

4 "49-4-305. Expiration of permit. A permit expires on:
5 ~~December 31 of the year of issue~~

6 ~~(1) the death of the permittee; or~~

7 ~~(2) certification by a physician that the permittee's~~
8 ~~physical handicap impairing his mobility no longer exists."~~

9 Section 5. Section 10-2-301, MCA, is amended to read:

10 "10-2-301. License plates to disabled veterans --
11 ~~special inscriptions.~~ ~~(1) Any person who is a veteran of the~~
12 ~~armed service of the United States and 100% disabled because~~
13 ~~of an injury which has been determined by the veterans~~
14 ~~administration to be service connected and who is a citizen~~
15 ~~and resident of the state of Montana and who is the owner of~~
16 ~~a passenger automobile or of a truck up to and including~~
17 ~~three-quarter ton GVW-rated capacity shall be provided with~~
18 ~~specially inscribed license plates upon payment of a fee of~~
19 ~~\$5 for such automobile or truck and upon proof of 100%~~
20 ~~service-connected disability.~~

21 ~~(2) The motor vehicle division shall assign to each~~
22 ~~veteran qualified under subsection (1) who applies according~~
23 ~~to the rules of the division a registration designation~~
24 ~~bearing the letters and character "DV-" followed by a number~~
25 ~~matching the sequence in which the designations are~~

1 ~~assigned, and the division shall issue to the disabled~~
2 ~~veteran two special license plates bearing the inscription~~
3 ~~assigned to him.~~

4 ~~(1) The special license plates may be reregistered or~~
5 ~~renewed upon payment of the fees required in subsection (1)~~
6 ~~and compliance with the rules of the division."~~

7 ~~NEW SECTION. Section 6. Penalty. A person who parks a~~
8 ~~motor vehicle in violation of 49-4-302(2) is guilty of a~~
9 ~~misdemeanor and is punishable by a fine of not less than \$10~~
10 ~~\$25 or more than \$100 or by imprisonment for not more than~~
11 ~~10 days.~~

12 ~~NEW SECTION. Section 7. Codification instruction.~~
13 ~~Section 5 g is intended to be codified as an integral part~~
14 ~~of Title 49, chapter 4, part 3, and the provisions of Title~~
15 ~~49, chapter 4, part 3, apply to section 5 g.~~

16 ~~NEW SECTION. Section 8. Effective date. This act is~~
17 ~~effective January 1, 1984.~~

-End-

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(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

(b) regardless of whether he holds a driver's license or owns a motor vehicle, has a permanent physical handicap

that impairs his driving ability and impairs his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination; ~~or~~

~~(c) has a temporary physical handicap that impairs his driving ability or his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination.~~

(2) No one applicant may receive more than one permit."

Section 2. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permit-holder ~~permitholder -- exemptions from time limits.~~ (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in special parking spaces reserved for handicapped persons ~~whether on public property or private property available for public use.~~

~~(2) No vehicle other than one lawfully displaying a parking permit issued under this part and conveying a handicapped person may be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by handicapped persons.~~

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streets from any time limitation imposed upon parking in such area except in areas where:

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(b) only special vehicles may be parked; or

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Section 3. Section 49-4-304, MCA, is amended to read:

"49-4-304. Each Special license plate and card to be provided and displayed. (1) The division of motor vehicles shall provide a special license plate and card or--plate--that may to be displayed on or in a motor vehicle to indicate a parking privilege granted under this part. The special license plate shall be affixed to the vehicle according to 61-3-301, and the card or--plate shall be prominently displayed in the windshield of a vehicle when the parking privilege is being used by the handicapped person in a vehicle other than the one to which his special license plate is affixed.

(2) Upon application under 49-4-303, a handicapped person who does not hold a driver's license or does not own a vehicle may receive a card described in subsection (1) to be displayed in a vehicle in which the handicapped person is being conveyed when the parking privilege is being used.

(3) The special license plate and card must each bear

a representation of a wheelchair as the symbol of a handicapped person."

Section 4. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. A permit expires on: ~~December 31 of the year of issue~~

(1) the death of the permittee; or

(2) certification by a physician that the permittee's physical handicap impairing his mobility no longer exists."

Section 5. Section 10-2-301, MCA, is amended to read:

"10-2-301. License plates to disabled veterans -- special inscriptions. (1) Any person who is a veteran of the armed service of the United States and 100% disabled because of an injury which has been determined by the veterans administration to be service connected and who is a citizen and resident of the state of Montana and who is the owner of a passenger automobile or of a truck up to and including three-quarter ton GVW-rated capacity shall be provided with specially inscribed license plates upon payment of a fee of \$5 for such automobile or truck and upon proof of 100% service-connected disability.

(2) The motor vehicle division shall assign to each veteran qualified under subsection (1) who applies according to the rules of the division a registration designation bearing the letters and character "DV-" followed by a number matching the sequence in which the designations are

1 ~~assigned, and the division shall issue to the disabled~~
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5 ~~renewed upon payment of the fees required in subsection (1)~~
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7 NEW SECTION. Section 6. Penalty. A person who parks a
8 motor vehicle in violation of 49-4-302(2) is guilty of a
9 misdemeanor and is punishable by a fine of not less than \$10
10 \$25 or more than \$100 ~~or by imprisonment for not more than~~
11 ~~10 days.~~

12 NEW SECTION. Section 7. Codification instruction.
13 Section 5 ~~6~~ is intended to be codified as an integral part
14 of Title 49, chapter 4, part 3, and the provisions of Title
15 49, chapter 4, part 3, apply to section 5 ~~6~~.

16 NEW SECTION. Section 8. Effective date. This act is
17 effective January 1, 1984.

-End-

March 26, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 232 be amended as follows:

1. Title, line 11.

Strike: "10-2-301,"

2. Title, line 12.

Strike: "49-4-302,"

3. Page 2, line 10.

Strike: Section 2 in its entirety.

renumber: subsequent sections

4. Page 3, line 9

Following: "Special license plate"

Strike: "and"

Insert: "or"

5. Page 3, line 11

Following: "special license plate"

Strike: "and"

Insert: "or"

6. Page 3, line 15

Following: "61-3-301,"

Strike: "and"

Insert: "or"

7. Page 3, line 25

Following: "special license plate"

Strike: "and"

Insert: "or"

8. Page 4, line 9

Strike: Sections 5, 6, and 7 in their entirety

renumber: subsequent section

HOUSE BILL NO. 232

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(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

(b) regardless of whether he holds a driver's license or owns a motor vehicle, has a permanent physical handicap

that impairs his driving ability and impairs his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination; or

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Section 2. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permit holder. Permitholder is exempted from time limits. (1) The parking permit issued under this part when displayed, entitles a person to park a motor vehicle in special parking spaces reserved for handicapped persons whether on public property or private property available for public use.

(2) No vehicle other than one lawfully displaying a parking permit issued under this part and conveying a handicapped person may be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by handicapped persons.

(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and parked in public places along public

~~streets from any time limitation imposed upon parking in such areas except in areas where:~~

~~(a) stopping, standing, or parking of all vehicles is prohibited;~~

~~(a) only special vehicles may be parked;~~

~~(c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic."~~

Section 2. Section 49-4-304, MCA, is amended to read:

"49-4-304. Each Special license plate and OR card to be provided and displayed. (1) The division of motor vehicles shall provide a special license plate and OR card or plate that may be displayed on or in a motor vehicle to indicate a parking privilege granted under this part. The special license plate shall be affixed to the vehicle according to 61-3-301, and OR the card or plate shall be prominently displayed in the windshield of a vehicle when the parking privilege is being used by the handicapped person in a vehicle other than the one to which his special license plate is affixed.

(2) Upon application under 49-4-303, a handicapped person who does not hold a driver's license or does not own a vehicle may receive a card described in subsection (1) to be displayed in a vehicle in which the handicapped person is being conveyed when the parking privilege is being used.

(3) The special license plate and OR card must each

bear a representation of a wheelchair as the symbol of a handicapped person."

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(2) certification by a physician that the permittee's physical handicap impairing his mobility no longer exists."

Section 5. Section 10-2-301, MCA, is amended to read:

"10-2-301. License plates to disabled veterans -- ~~inscriptions:~~ (1) Any person who is a veteran of the armed service of the United States and is disabled because of an injury which has been determined by the veterans administration to be service-connected and who is a citizen and resident of the state of Montana and who is the owner of a passenger automobile or of a truck up to and including three-quarter-ton GVW-rated capacity shall be provided with ~~specialty inscribed~~ license plates upon payment of a fee of \$5 for such automobile or truck and upon proof of 100% service-connected disability.

(2) The motor vehicle division shall assign to each veteran qualified under subsection (1) who applies according to the rules of the division registration designation bearing the letters and characters "DV" followed by a number matching the sequence in which the designations are

1 assigned--and--the--division--shall--issue--to--the--disabled
2 veteran--two--special--license--plates--bearing--the--inscription
3 assigned--to--him
4 **131--the--special--license--plates--may--be--re-registered--or**
5 **renewed--upon--payment--of--the--fees--required--in--subsection--111**
6 **and--conditions--with--the--rules--of--the--division"**
7 **NEW-SECTION--Section-5--Penalty--A--person--who--parks**
8 **a--motor--vehicle--in--violation--of--49-4-302(a)-is--guilty--of--a**
9 **misdemeanor--and--is--punishable--by--a--fine--of--not--less--than--\$10**
10 **\$25--or--more--than--\$100--or--by--imprisonment--for--not--more--than**
11 **10--days**
12 **NEW-SECTION--Section-3--Codification-----instructions**
13 **Section--5--is--intended--to--be--codified--as--an--integral--part**
14 **of--title--49--chapter--4--part--3--and--the--provisions--of--title**
15 **49--chapter--4--part--3--apply--to--section--5--&c**
16 **NEW-SECTION--Section 4. Effective date. This act is**
17 **effective January 1, 1994.**

-End-

April 11, 1983

..... 19

FREE CONFERENCE COMMITTEE REPORT
HOUSE BILL 232
(Report No. 1, 4:00 P.M.)

Mr. Speaker:

We, your Free Conference Committee on House Bill 232, met and considered Senate Committee of the Whole amendments of March 26, 1983.

We recommend as follows:

That the Senate recede from Senate Committee amendments 2, 3, and 8;

That the House accede to Senate Committee amendments 1, and 4 through 7;

That House Bill 232 be further amended as indicated in Clerical Instructions 2 and 3; and

That this Free Conference Committee report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1) Strike Senate Committee of the Whole amendments 2, 3 and 8

2) Page 2, line 15

Following: "~~or~~"

Insert: ", upon the request of the private property owner, on"

3) Page 5, line 10

Strike: "~~\$25~~"

Insert: "\$10"

FOR THE HOUSE

M. E. Connelly
CONNELLY, CHAIR

Dozier
DOZIER

Carl Winslow
WINSLOW

FOR THE SENATE

Frank Severson
SEVERSON, CHAIR

Gage
GAGE

Norman
NORMAN

HOUSE BILL NO. 232

INTRODUCED BY CONNELLY, MANUEL, J. BROWN, PISTORIA

A BILL FOR AN ACT ENTITLED: "AN ACT BROADENING PRIVILEGES OF SPECIAL PARKING PERMITHOLDERS AND ALLOWING EXEMPTIONS FROM TIME LIMITS; ALLOWING PERMITS FOR TEMPORARILY HANDICAPPED PERSONS; 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 ~~18-2-301~~, ~~10-2-301~~, ~~49-4-301~~, ~~49-4-302~~, ~~49-4-304~~, AND ~~49-4-305~~, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 49-4-301, MCA, 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

(b) regardless of whether he holds a driver's license or owns a motor vehicle, has a permanent physical handicap

that impairs his driving ability and impairs his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination; or

(c) has a temporary physical handicap that impairs his driving ability or his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination.

(2) No one applicant may receive more than one permit."

~~Section 2. Section 49-4-302, MCA, is amended to read:~~

~~"49-4-302. Privileges of permit holder. permitholder. exemptions from time limits. (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in special parking spaces reserved for handicapped persons whether on public property or private property available for public use.~~

~~(2) No vehicle other than one lawfully displaying a parking permit issued under this part and conveying a handicapped person may be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by handicapped persons.~~

~~(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and parked in public places along public~~

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~~streets from any time limitation imposed upon parking in
such area except in areas where:~~

~~(a) stopping, standing, or parking of all vehicles is
prohibited;~~

~~(b) only special vehicles may be parked; or~~

~~(c) parking is not allowed during specific periods of
the day in order to accommodate heavy traffic."~~

SECTION 2. SECTION 49-4-302, MCA, IS AMENDED TO READ:

"49-4-302. Privileges of permit-holder ~~permitholder --~~
~~exemptions from time limits.~~ (1) The parking permit issued
under this part, when displayed, entitles a person to park a
motor vehicle in special parking spaces reserved for
handicapped persons ~~whether on public property or, UPON THE~~
~~REQUEST OF THE PRIVATE PROPERTY OWNER, ON private property~~
~~available for public use.~~

~~(2) No vehicle other than one lawfully displaying a
parking permit issued under this part and conveying a
handicapped person may be parked in a parking space on
public or private property that is clearly identified by an
official sign as being reserved for use by handicapped
persons.~~

~~(3) The governing body of a city, town, or county may
exempt vehicles lawfully displaying parking permits issued
under this part and parked in public places along public
streets from any time limitation imposed upon parking in~~

~~such area except in areas where:~~

~~(a) stopping, standing, or parking of all vehicles is
prohibited;~~

~~(b) only special vehicles may be parked; or~~

~~(c) parking is not allowed during specific periods of
the day in order to accommodate heavy traffic."~~

Section 3. Section 49-4-304, MCA, is amended to read:

"49-4-304. ~~Each~~ Special license plate and OR card to
be provided and displayed. (1) The division of motor
vehicles shall provide a ~~special license plate and OR card~~
~~or plate--that may to be displayed on or in a motor vehicle~~
to indicate a parking privilege granted under this part. The
~~special license plate shall be affixed to the vehicle~~
~~according to 61-3-301, and OR the card or plate shall be~~
prominently displayed in the windshield of a vehicle when
the parking privilege is being used ~~by the handicapped~~
~~person in a vehicle other than the one to which his special~~
~~license plate is affixed.~~

~~(2) Upon application under 49-4-303, a handicapped~~
~~person who does not hold a driver's license or does not own~~
~~a vehicle may receive a card described in subsection (1) to~~
~~be displayed in a vehicle in which the handicapped person is~~
~~being conveyed when the parking privilege is being used.~~

~~(3) The special license plate and OR card must each~~
~~bear a representation of a wheelchair as the symbol of a~~

handicapped person."

Section 4. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. A permit expires on:
December 31 of the year of issue

(1) the death of the permittee; or

(2) certification by a physician that the permittee's
physical handicap impairing his mobility no longer exists."

Section 5. Section 10-2-301, MCA, is amended to read:

"10-2-301. License plates to disabled veterans ==

special inscriptions. (1) Any person who is a veteran of the

armed service of the United States and 100% disabled because

of an injury which has been determined by the veterans

administration to be service connected and who is a citizen

and resident of the state of Montana and who is the owner of

a passenger automobile or of a truck up to and including

three-quarter ton GVW-rated capacity shall be provided with

special inscribed license plates upon payment of a fee of

\$5 for such automobile or truck and upon proof of 100%

service-connected disability.

(2) The motor vehicle division shall assign to each

veteran qualified under subsection (1) who applies according

to the rules of the division a registration designation

bearing the letters and character "DV" followed by a number

matching the sequence in which the designations are

assigned and the division shall issue to the disabled

veteran two special license plates bearing the inscription
assigned to him.

(3) The special license plates may be reregistered or
renewed upon payment of the fees required in subsection (1)
and compliance with the rules of the division."

NEW SECTION. Section 6. Penalty. A person who parks
a motor vehicle in violation of 49-4-302(2) is guilty of a
misdemeanor and is punishable by a fine of not less than \$10
or more than \$100 or by imprisonment for not more than
10 days.

NEW SECTION. Section 7. Codification. Instructions
Section 5 is intended to be codified as an integral part
of Title 49, chapter 4, part 3, and the provisions of Title
49, chapter 4, part 3, apply to section 5.

SECTION 5. SECTION 10-2-301, MCA, IS AMENDED TO READ:

"10-2-301. License plates to disabled veterans ==
special inscriptions. (1) Any person who is a veteran of the
armed service of the United States and 100% disabled because
of an injury which has been determined by the veterans
administration to be service connected and who is a citizen
and resident of the state of Montana and who is the owner of
a passenger automobile or of a truck up to and including
three-quarter ton GVW-rated capacity shall be provided with
special inscribed license plates upon payment of a fee of
\$5 for such automobile or truck and upon proof of 100%

1 service-connected disability.

2 ~~(2) The motor vehicle division shall assign to each~~
 3 ~~veteran qualified under subsection (1) who applies according~~
 4 ~~to the rules of the division a registration designation~~
 5 ~~bearing the letters and character "DV-" followed by a number~~
 6 ~~matching the sequence in which the designations are~~
 7 ~~assigned, and the division shall issue to the disabled~~
 8 ~~veteran two special license plates bearing the inscription~~
 9 ~~assigned to him.~~

10 ~~(3) The special license plates may be reregistered or~~
 11 ~~renewed upon payment of the fees required in subsection (1)~~
 12 ~~and compliance with the rules of the division."~~

13 ~~NEW SECTION.~~ Section 6. Penalty. A person who parks a
 14 motor vehicle in violation of 49-4-302(2) is guilty of a
 15 misdemeanor and is punishable by a fine of not less than \$10
 16 ~~\$25 \$10~~ or more than \$100 ~~or by imprisonment for not more~~
 17 ~~than 10 days.~~

18 ~~NEW SECTION.~~ Section 7. Codification instruction.
 19 Section 5 6 is intended to be codified as an integral part
 20 of Title 49, chapter 4, part 3, and the provisions of Title
 21 49, chapter 4, part 3, apply to section 5 6.

22 ~~NEW SECTION.~~ Section 8. Effective date. This act is
 23 effective January 1, 1984.

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