

SENATE BILL NO. 195  
INTRODUCED BY RASMUSSEN

IN THE SENATE

JANUARY 21, 1987 ON MOTION, RULES SUSPENDED TO ALLOW  
INTRODUCTION OF SENATE BILL NO. 195.

JANUARY 22, 1987 INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE & SAFETY.

FEBRUARY 3, 1987 COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 4, 1987 PRINTING REPORT.

FEBRUARY 6, 1987 SECOND READING, DO PASS.

FEBRUARY 7, 1987 ENGROSSING REPORT.

FEBRUARY 9, 1987 THIRD READING, PASSED.  
AYES, 47; NOES, 2.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1987 INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

MARCH 10, 1987 COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1987 SECOND READING, CONCURRED IN.

MARCH 14, 1987 THIRD READING, CONCURRED IN.  
AYES, 95; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987 RECEIVED FROM HOUSE.  
SENT TO ENROLLING.

1 INTRODUCTION BY AB BILL NO. 195  
2 R. S. Morrison

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFY THE PENALTY  
5 FOR ILLEGALLY PARKING IN A HANDICAPPED PARKING ZONE;  
6 EXTENDING THE SPECIAL PARKING PERMIT TO A LONG-TERM CARE  
7 FACILITY; AND AMENDING SECTIONS 49-4-302 AND 49-4-307, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "49-4-302. Privileges of permitholder -- privilege for  
12 disabled veteran -- exemptions from time limits --  
13 requirements for special parking spaces. (1) The parking  
14 permit issued under this part, when displayed, entitles a  
15 person to park a motor vehicle in special parking spaces  
16 reserved for handicapped persons whether on public property  
17 or, ~~upon the request of the private property owner,~~ on  
18 private property available for public use.

19 (2) No vehicle other than one lawfully displaying a  
20 parking permit issued under this part or one displaying a  
21 distinguishing handicapped person's license plate or placard  
22 issued by a foreign jurisdiction conferring the same parking  
23 privileges as conferred in subsection (1) and conveying a  
24 handicapped person or one displaying a specially inscribed  
25 license plate issued under 61-3-451 and conveying a 100%

1 disabled veteran may be parked in a parking space on public  
2 or private property that is clearly identified by an  
3 official sign as being reserved for use by handicapped  
4 persons.

5 (3) The governing body of a city, town, or county may  
6 exempt vehicles lawfully displaying parking permits issued  
7 under this part and vehicles lawfully displaying specially  
8 inscribed license plates issued under 61-3-451 and parked in  
9 public places along public streets from any time limitation  
10 imposed upon parking in such area except in areas where:

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

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

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

16 (4) The In accordance with subsection (2), the  
17 governing body of a city, town, or county or appropriate  
18 state agency may impose all, but not less than all, of the  
19 following requirements with respect to any special parking  
20 space constructed after September 30, 1985, and reserved for  
21 handicapped persons or permitholders on public--or--private  
22 property--in--accordance--with--subsection--(2) ways of this  
23 state open to the public as defined in 61-8-101:

24 (a) The space must be located on a smooth, level  
25 surface as near as practicable to building entrances or



-2- INTRODUCED BILL  
SB-195

1 walkways that have curb cuts and appropriately designed  
2 ramps and access lanes to accommodate wheelchairs.

3 (b) If parallel to curbside, the parking space must be  
4 separated from an adjacent space, either in the front or the  
5 rear, by at least 5 feet of striped no-parking area.

6 (c) If at an angle to curbside, the parking space must  
7 be at least 8 feet wide and free of obstruction if located  
8 at the end of a line of angle parking spaces, and each other  
9 angle parking space designated for handicapped persons must  
10 be at least 13 feet wide.

11 (d) A parking space reserved for handicapped persons  
12 must be designated by a sign showing the international  
13 symbol of accessibility and indicating that a permit is  
14 required. The sign must be attached to a wall or post in  
15 such a way that it is not obscured by a vehicle parked in  
16 the space."

17 Section 2. Section 49-4-307, MCA, is amended to read:

18 "49-4-307. Penalty. A person who parks a motor vehicle  
19 in violation of 49-4-302(2) is guilty of a misdemeanor and  
20 is punishable by a fine of ~~not less than \$10 or more than~~  
21 \$100 \$50. However, no person charged with violating  
22 49-4-302(2) may be convicted if within 24 hours he produces  
23 in court or the office of the arresting officer a special  
24 parking permit previously issued to him and valid at the  
25 time of his arrest."

1 NEW SECTION. Section 3. Special parking permit for  
2 long-term care facility. A long-term care facility, as  
3 defined in 37-9-101, may apply for a permit issued for  
4 special parking spaces under 49-4-302. If granted, the  
5 permit entitles the facility to the privileges granted in  
6 49-4-302.

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

-End-

APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

1. AB BILL NO. 195  
2. INTRODUCED BY R. S. MUMFORD

3.  
4. A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFY THE PENALTY  
5. FOR ILLEGALLY PARKING IN A HANDICAPPED PARKING ZONE;  
6. EXTENDING THE SPECIAL PARKING PERMIT TO A LONG-TERM CARE  
7. FACILITY; AND AMENDING SECTIONS 49-4-302 AND 49-4-307, MCA."

8.  
9. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11. "49-4-302. Privileges of permitholder -- privilege for  
12. disabled veteran -- exemptions from time limits --  
13. requirements for special parking spaces. (1) The parking  
14. permit issued under this part, when displayed, entitles a  
15. person to park a motor vehicle in special parking spaces  
16. reserved for handicapped persons whether on public property  
17. ~~or upon the request of the private property owner,~~ on  
18. private property available for public use.

19. (2) No vehicle other than one lawfully displaying a  
20. parking permit issued under this part or one displaying a  
21. distinguishing handicapped person's license plate or placard  
22. issued by a foreign jurisdiction conferring the same parking  
23. privileges as conferred in subsection (1) and conveying a  
24. handicapped person or one displaying a specially inscribed  
25. license plate issued under 61-3-451 and conveying a 100%

1. disabled veteran may be parked in a parking space on public  
2. or private property that is clearly identified by an  
3. official sign as being reserved for use by handicapped  
4. persons.

5. (3) The governing body of a city, town, or county may  
6. exempt vehicles lawfully displaying parking permits issued  
7. under this part and vehicles lawfully displaying specially  
8. inscribed license plates issued under 61-3-451 and parked in  
9. public places along public streets from any time limitation  
10. imposed upon parking in such area except in areas where:

11. (a) stopping, standing, or parking of all vehicles is  
12. prohibited;

13. (b) only special vehicles may be parked; or

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

16. (4) The In accordance with subsection (2), the  
17. governing body of a city, town, or county or appropriate  
18. state agency may impose all, but not less than all, of the  
19. following requirements with respect to any special parking  
20. space constructed after September 30, 1985, and reserved for  
21. handicapped persons or permitholders on ~~public or private~~  
22. ~~property in accordance with subsection (2)~~ ways of this  
23. state open to the public as defined in 61-8-101:

24. (a) The space must be located on a smooth, level  
25. surface as near as practicable to building entrances or



1 walkways that have curb cuts and appropriately designed  
2 ramps and access lanes to accommodate wheelchairs.

3 (b) If parallel to curbside, the parking space must be  
4 separated from an adjacent space, either in the front or the  
5 rear, by at least 5 feet of striped no-parking area.

6 (c) If at an angle to curbside, the parking space must  
7 be at least 8 feet wide and free of obstruction if located  
8 at the end of a line of angle parking spaces, and each other  
9 angle parking space designated for handicapped persons must  
10 be at least 13 feet wide.

11 (d) A parking space reserved for handicapped persons  
12 must be designated by a sign showing the international  
13 symbol of accessibility and indicating that a permit is  
14 required. The sign must be attached to a wall or post in  
15 such a way that it is not obscured by a vehicle parked in  
16 the space."

17 Section 2. Section 49-4-307, MCA, is amended to read:  
18 "49-4-307. Penalty. A person who parks a motor vehicle  
19 in violation of 49-4-302(2) is guilty of a misdemeanor and  
20 is punishable by a fine of ~~not less than \$10 or more than~~  
21 ~~\$100~~ \$50. However, no person charged with violating  
22 49-4-302(2) may be convicted if within 24 hours he produces  
23 in court or the office of the arresting officer a special  
24 parking permit previously issued to him and valid at the  
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1 NEW SECTION. Section 3. Special parking permit for  
2 long-term care facility. A long-term care facility, as  
3 defined in 37-9-101, may apply for a permit issued for  
4 special parking spaces under 49-4-302. If granted, the  
5 permit entitles the facility to the privileges granted in  
6 49-4-302.

7 NEW SECTION. Section 4. Codification instruction.  
8 Section 3 is intended to be codified as an integral part of  
9 Title 49, chapter 4, part 3, and the provisions of Title 49,  
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19 (2) No vehicle other than one lawfully displaying a  
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23 privileges as conferred in subsection (1) and conveying a  
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1 disabled veteran may be parked in a parking space on public  
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