

HOUSE BILL NO. 478

INTRODUCED BY TOOLE, BROOKE, DAVIS, SQUIRES, KADAS

IN THE HOUSE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 19, 1993	ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 90; NOES, 9.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 20, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 22, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 478
 2 INTRODUCED BY David James Koelud
 3 Senate
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HANDICAP
 5 PARKING LAW; INCREASING THE PENALTY FOR A VIOLATION;
 6 REQUIRING THAT A SIGN DESIGNATING A HANDICAP PARKING SPACE
 7 STATE THE PENALTY FOR A VIOLATION; EXEMPTING "NOTICE OF
 8 VIOLATION" CARDS FROM LITTERING ORDINANCES; LIMITING A
 9 PERMIT TO 4 YEARS; AND AMENDING SECTIONS 7-5-2109, 7-5-4104,
 10 49-4-302, 49-4-305, AND 49-4-307, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 7-5-2109, MCA, is amended to read:

14 "7-5-2109. County control of litter. (1) (a) The
 15 governing body of a county may regulate, control, and
 16 prohibit littering on any county road and on land within the
 17 county by the adoption of an ordinance that substantially
 18 complies with the provisions of 7-5-103 through 7-5-107. The
 19 ordinance may apply to portions of the county and may apply
 20 to persons other than the owners of the property on which
 21 littering occurs.

22 (b) The ordinance may does not apply to lead, copper,
 23 or brass deposits directly resulting from shooting
 24 activities at a shooting range.

25 (c) The ordinance does not apply to a "notice of

1 violation" card placed on a motor vehicle illegally parked
 2 in a handicap parking space.

3 (2) The governing body of a county may establish a fine
 4 not to exceed \$200 as a penalty for violation of the
 5 ordinance referred to in subsection (1). A violation of the
 6 ordinance may not be punishable by imprisonment."

7 **Section 2.** Section 7-5-4104, MCA, is amended to read:

8 "7-5-4104. Control of nuisances -- exception. (1) The
 9 city or town council has power to:

10 (1)(a) define and abate nuisances and impose fines upon
 11 persons guilty of creating, continuing, or suffering a
 12 nuisance to exist on the premises which they occupy or
 13 control;

14 (2)(b) regulate and prohibit the wearing of hats or
 15 bonnets at theaters or public places of amusement.

16 (2) The city or town council may not prohibit the
 17 placing of a "notice of violation" card on a motor vehicle
 18 illegally parked in a handicap parking space."

19 **Section 3.** Section 49-4-302, MCA, is amended to read:

20 "49-4-302. Privileges of permitholder -- privilege for
 21 disabled veteran -- exemptions from time limits --
 22 requirements for special parking spaces. (1) The parking
 23 permit issued under this part, when displayed, entitles a
 24 person to park a motor vehicle in special parking spaces
 25 reserved for handicapped persons whether on public property

or on private property available for public use.

(2) No A vehicle other than one lawfully displaying a parking permit issued under this part or one displaying a distinguishing handicapped person's license plate or placard issued by a foreign jurisdiction conferring the same parking privileges as conferred in subsection (1) and conveying a handicapped person or one displaying a specially inscribed license plate issued under 61-3-332(10)(c) and conveying a 100% disabled veteran may not 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 vehicles lawfully displaying specially inscribed license plates issued under 61-3-332(10)(c) and parked in public places along public streets from any time limitation imposed upon parking in such the 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.

(4) In accordance with subsection (2), the governing

body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for handicapped persons or permit holders on ways of this state open to the public as defined in 61-8-101:

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

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

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

(d) A parking space reserved for handicapped persons must be designated by a sign showing the international symbol of accessibility, and indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall

1 or post in such a way that it is not obscured by a vehicle
2 parked in the space."

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

4 "49-4-305. Expiration of permit. A permit expires on:

5 ~~{1}--the-death-of-the-permittee--or~~

6 ~~{2}--certification-by-a-physician 4 years from the date~~
7 of issuance. A permittee may renew a permit if a physician
8 certifies that the permittee's physical handicap impairing
9 his mobility no-longer still exists."

10 **Section 5.** Section 49-4-307, MCA, is amended to read:

11 "49-4-307. Penalty. A person who parks a motor vehicle

12 in violation of 49-4-302(2) is guilty of a misdemeanor and

13 is punishable by a fine of \$50 \$100. A person who parks a

14 commercial motor vehicle in violation of 49-4-302(2) is

15 guilty of a misdemeanor and is punishable by a fine of \$200.

16 However, no a person charged with violating 49-4-302(2) may

17 not be convicted if within 24 hours he the person produces

18 in court or the office of the arresting officer a special

19 parking permit that was previously issued to him the person

20 and that is valid at the time of his arrest."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0478, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the handicap parking law; increasing the penalty for a violation; requiring that a sign designating a handicap parking space state the penalty for a violation.

ASSUMPTIONS:

- Currently, handicap parking permits are issued on a permanent basis and no data base of the existing permit holders is maintained by the Department of Justice. The bill proposes to implement a four year permit duration but is not clear about the applicability to existing permit holders. Thus, two assumption scenarios are presented:
 - If the four year cycle starts with all new applicants, and the existing permit holders are not affected, then there would be no material fiscal impact to the Department of Justice.
 - However, if those currently possessing permits (approximately 25,000 current permit holders although it is assumed that only half would choose or be able to renew) would be required to start the four year cycle, the Department would require 1.00 Grade 8 FTE for each year in the 1995 biennium to manually identify and then contact all of the existing permit holders and control and update the existing files. After the first two years of operation, it is assumed that the 1.00 FTE could be reduced to 0.50 FTE to process the extra volume of applications created by the four year cycle. Significant postage expenses (about \$10,000 in FY94), the purchase of about 6,000 additional permit tags per year at \$1 per tag, and other increased operating expenses would be necessary.
- The fiscal impact on local governments cannot be determined. Although the price of fines for handicap parking violations is proposed to be increased, city courts do not keep summary records of traffic offenses by type of offense.

FISCAL IMPACT:

Under assumption 1(A) above, no increased revenues or expenditures are estimated for the Department of Justice.

Under assumption 1(B) above, the following fiscal impact is projected for the Registrar's Bureau, Motor Vehicle Division, Department of Justice:

	FY94			FY95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	64.00	65.00	1.00	58.00	59.00	1.00
Personal Services	1,499,000	1,521,000	22,000	1,375,450	1,397,450	22,000
Operating Expenses	1,031,370	1,049,370	18,000	1,024,930	1,032,930	8,000
Equipment	17,270	17,270	0	2,840	2,840	0
Debt Service	14,700	14,700	0	14,700	14,700	0
Total	2,562,340	2,602,340	40,000	2,417,920	2,447,920	30,000
<u>Funding:</u>						
General Fund	2,562,340	2,602,340	40,000	2,417,920	2,447,920	30,000
<u>Revenues:</u>						
General Fund (handicap permits)	5,000	11,000	6,000	5,000	11,000	6,000
Net Impact to General Fund (Assumption 1(B))			(34,000)			(24,000)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: The estimated fiscal impact, if any, on local governments cannot be accurately determined.

Dave Lewis 2-10-93
DAVE LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

DATE

Howard Toole 2/12/93
HOWARD TOOLE, PRIMARY SPONSOR

DATE

Fiscal Note for HB0478, as introduced

HB 478

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0478, second reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the handicap parking law; increasing the penalty for a violation; requiring that a sign designating a handicap parking space state the penalty for a violation; limiting new permits to 4 years.

ASSUMPTIONS:

1. Under provisions of the bill, as amended, there will be no fiscal impact on the Department of Justice.
2. The fiscal impact on local governments cannot be determined. Although the price of fines for handicap parking violations is proposed to be increased, city courts do not keep summary records of traffic offenses by type of offense.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:


The estimated fiscal impact, if any, on local governments cannot be accurately determined. For example, the City of Helena estimates the initial revenue increase could be \$1,250 to \$3,750 per month.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

In the fifth year after implementation of the bill, and thereafter, the number of handicap parking permit applications will double which may have a fiscal impact on the Department of Justice.

 2-20-93

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/23/93

HOWARD TOOLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0478, second reading

HB478-#2

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 478

INTRODUCED BY TOOLE, BROOKE, DAVIS, SQUIRES, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HANDICAP PARKING LAW; INCREASING THE PENALTY FOR A VIOLATION; REQUIRING THAT A SIGN DESIGNATING A HANDICAP PARKING SPACE STATE THE PENALTY FOR A VIOLATION; EXEMPTING "NOTICE OF VIOLATION" CARDS FROM LITTERING ORDINANCES; LIMITING A PERMIT NEW PERMITS TO 4 YEARS; AND AMENDING SECTIONS 7-5-2109, 7-5-4104, 49-4-302, 49-4-305, AND 49-4-307, MCA."

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

Section 1. Section 7-5-2109, MCA, is amended to read:

"7-5-2109. County control of litter. (1) (a) The governing body of a county may regulate, control, and prohibit littering on any county road and on land within the county by the adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107. The ordinance may apply to portions of the county and may apply to persons other than the owners of the property on which littering occurs.

(b) The ordinance may does not apply to lead, copper, or brass deposits directly resulting from shooting activities at a shooting range.

(c) The ordinance does not apply to a "notice of

violation" card placed on a motor vehicle illegally parked in a handicap parking space.

(2) The governing body of a county may establish a fine not to exceed \$200 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the ordinance may not be punishable by imprisonment."

Section 2. Section 7-5-4104, MCA, is amended to read:

"7-5-4104. Control of nuisances -- exception. (1) The city or town council has power to:

~~(1)~~(a) define and abate nuisances and impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises which they occupy or control;

~~(2)~~(b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement.

(2) The city or town council may not prohibit the placing of a "notice of violation" card on a motor vehicle illegally parked in a handicap parking space."

Section 3. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for special parking spaces. (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 on private property available for public use.

(2) No A vehicle other than one lawfully displaying a parking permit issued under this part or one displaying a distinguishing handicapped person's license plate or placard issued by a foreign jurisdiction conferring the same parking privileges as conferred in subsection (1) and conveying a handicapped person or one displaying a specially inscribed license plate issued under 61-3-332(10)(c) and conveying a 100% disabled veteran may not 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 vehicles lawfully displaying specially inscribed license plates issued under 61-3-332(10)(c) and parked in public places along public streets from any time limitation imposed upon parking in such the 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.

(4) In accordance with subsection (2), the governing

body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for handicapped persons or permitholders on ways of this state open to the public as defined in 61-8-101:

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

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

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

(d) A parking space reserved for handicapped persons must be designated by a sign showing the international symbol of accessibility, and indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall

or post in such a way that it is not obscured by a vehicle parked in the space."

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

"49-4-305. Expiration of permit. A (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A permit expires on: ON THE OCCURRENCE OF EITHER OF THE FOLLOWING:

(1)--the-death-of-the-permittee--or

(2)--certification-by-a-physician (A) 4 years from the date of issuance. A permittee may renew a permit if a physician certifies that the permittee's physical handicap impairing his mobility no longer still exists.

(B) CERTIFICATION BY A PHYSICIAN THAT THE PERMITTEE'S PHYSICAL HANDICAP IMPAIRING MOBILITY NO LONGER EXISTS.

(2) A PERMIT ISSUED BEFORE OCTOBER 1, 1993, EXPIRES ON:

(A) THE DEATH OF THE PERMITTEE; OR

(B) CERTIFICATION BY A PHYSICIAN THAT THE PERMITTEE'S PHYSICAL HANDICAP IMPAIRING MOBILITY NO LONGER EXISTS."

Section 5. Section 49-4-307, MCA, is amended to read:

"49-4-307. 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 \$50 \$100. A person who parks a commercial motor vehicle in violation of 49-4-302(2) is guilty of a misdemeanor and is punishable by a fine of \$200. However, no a person charged with violating 49-4-302(2) may not be convicted if within 24 hours he the person produces

in court or the office of the arresting officer a special parking permit that was previously issued to him the person and that is valid at the time of his arrest."

-End-

1 HOUSE BILL NO. 478

2 INTRODUCED BY TOOLE, BROOKE, DAVIS, SQUIRES, KADAS

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16 prohibit littering on any county road and on land within the
17 county by the adoption of an ordinance that substantially
18 complies with the provisions of 7-5-103 through 7-5-107. The
19 ordinance may apply to portions of the county and may apply
20 to persons other than the owners of the property on which
21 littering occurs.

22 (b) The ordinance may does not apply to lead, copper,
23 or brass deposits directly resulting from shooting
24 activities at a shooting range.

25 (c) The ordinance does not apply to a "notice of

1 violation" card placed on a motor vehicle illegally parked
2 in a handicap parking space.

3 (2) The governing body of a county may establish a fine
4 not to exceed \$200 as a penalty for violation of the
5 ordinance referred to in subsection (1). A violation of the
6 ordinance may not be punishable by imprisonment."

7 Section 2. Section 7-5-4104, MCA, is amended to read:

8 "7-5-4104. Control of nuisances -- exception. (1) The
9 city or town council has power to:

10 (1)(a) define and abate nuisances and impose fines upon
11 persons guilty of creating, continuing, or suffering a
12 nuisance to exist on the premises which they occupy or
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15 bonnets at theaters or public places of amusement.

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17 placing of a "notice of violation" card on a motor vehicle
18 illegally parked in a handicap parking space."

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21 disabled veteran -- exemptions from time limits --
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24 person to park a motor vehicle in special parking spaces
25 reserved for handicapped persons whether on public property

1 or on private property available for public use.

2 (2) No A vehicle other than one lawfully displaying a
3 parking permit issued under this part or one displaying a
4 distinguishing handicapped person's license plate or placard
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21 prohibited;

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24 the day in order to accommodate heavy traffic.

25 (4) In accordance with subsection (2), the governing

1 body of a city, town, or county or appropriate state agency
2 may impose all, but not less than all, of the following
3 requirements with respect to any special parking space
4 constructed after September 30, 1985, and reserved for
5 handicapped persons or permitholders on ways of this state
6 open to the public as defined in 61-8-101:

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8 surface as near as practicable to building entrances or
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12 separated from an adjacent space, either in the front or the
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17 angle parking space designated for handicapped persons must
18 be at least 13 feet wide.

19 (d) A parking space reserved for handicapped persons
20 must be designated by a sign showing the international
21 symbol of accessibility, and indicating that a permit is
22 required, and stating the penalty for a violation. In order
23 to meet the penalty statement requirement, signs existing on
24 October 1, 1993, must have attached a decal stating the
25 penalty for a violation. The sign must be attached to a wall

or post in such a way that it is not obscured by a vehicle parked in the space."

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in court or the office of the arresting officer a special parking permit that was previously issued to him the person and that is valid at the time of his arrest."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 478 (first reading copy -- blue), respectfully report that House Bill No. 478 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 5, lines 21 through 23.

Following: "\$100." on line 21

Strike: remainder of line 21 through "\$200." on line 23

-END-

SENATE

H B 478

ml- Amd. Coord.
nw Sec. of Senate

Burski-Maus
Senator Carrying Bill

621004SC.Sma

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 19, 1993 2:43 pm

Mr. Chairman: I move to amend House Bill No. 478 (second reading copy -- blue).

ADOPT

REJECT

Signed: _____

Cecil Weeding
Senator Cecil Weeding

That such amendments read:

1. Title, line 4.

Strike: "HANDICAP"

Insert: "DISABILITY"

2. Title, line 6.

Strike: "HANDICAP"

Insert: "DISABILITY"

3. Page 2, line 2.

Strike: "handicap"

Insert: "disability"

4. Page 2, line 18.

Strike: "handicap"

Insert: "disability"

5. Page 5, line 10.

Strike: "physical handicap"

Insert: "disability"

6. Page 5, line 13.

Strike: "PHYSICAL HANDICAP"

Insert: "disability"

7. Page 5, line 17.

Strike: "PHYSICAL HANDICAP"

Insert: "disability"

8. Page 6.

Following: line 3

Insert: "NEW SECTION. Section 6. Coordination instruction. If House Bill No. 496 is not passed and approved, then references in amended language in [this act] to "disability" are void and the code commissioner is instructed to change references to "disability" in amended language in [this act] to "handicap" or "physical handicap", as appropriate."

-END-

HB 478

SENATE

HOUSE BILL NO. 478

INTRODUCED BY TOOLE, BROOKE, DAVIS, SQUIRES, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HANDICAP DISABILITY PARKING LAW; INCREASING THE PENALTY FOR A VIOLATION; REQUIRING THAT A SIGN DESIGNATING A HANDICAP DISABILITY PARKING SPACE STATE THE PENALTY FOR A VIOLATION; EXEMPTING "NOTICE OF VIOLATION" CARDS FROM LITTERING ORDINANCES; LIMITING A--PERMIT NEW PERMITS TO 4 YEARS; AND AMENDING SECTIONS 7-5-2109, 7-5-4104, 49-4-302, 49-4-305, AND 49-4-307, MCA."

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(b) The ordinance ~~may~~ does not apply to lead, copper, or brass deposits directly resulting from shooting activities at a shooting range.

(c) The ordinance does not apply to a "notice of violation" card placed on a motor vehicle illegally parked in a handicap DISABILITY parking space.

(2) The governing body of a county may establish a fine not to exceed \$200 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the ordinance may not be punishable by imprisonment."

Section 2. Section 7-5-4104, MCA, is amended to read:

"7-5-4104. Control of nuisances -- exception. (1) The city or town council has power to:

~~(1)(a)~~ (a) define and abate nuisances and impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises which they occupy or control;

~~(2)(b)~~ (b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement.

(2) The city or town council may not prohibit the placing of a "notice of violation" card on a motor vehicle illegally parked in a handicap DISABILITY parking space."

Section 3. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for special parking spaces. (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 on private property available for public use.

(2) No A vehicle other than one lawfully displaying a parking permit issued under this part or one displaying a distinguishing handicapped person's license plate or placard issued by a foreign jurisdiction conferring the same parking privileges as conferred in subsection (1) and conveying a handicapped person or one displaying a specially inscribed license plate issued under 61-3-332(10)(c) and conveying a 100% disabled veteran may not 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 vehicles lawfully displaying specially inscribed license plates issued under 61-3-332(10)(c) and parked in public places along public streets from any time limitation imposed upon parking in such the 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.

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

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

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

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

(d) A parking space reserved for handicapped persons must be designated by a sign showing the international symbol of accessibility, and indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the

penalty for a violation. The sign must be attached to a wall or post in such a way that it is not obscured by a vehicle parked in the space."

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

"49-4-305. Expiration of permit. A (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A permit expires on: ON THE OCCURRENCE OF EITHER OF THE FOLLOWING:

{1}--the-death-of-the-permittee;-or

{2}--certification-by-a-physician (A) 4 years from the date of issuance. A permittee may renew a permit if a physician certifies that the permittee's physical-handicap DISABILITY impairing his mobility no-longer still exists.

(B) CERTIFICATION BY A PHYSICIAN THAT THE PERMITTEE'S PHYSICAL--HANDICAP DISABILITY IMPAIRING MOBILITY NO LONGER EXISTS.

(2) A PERMIT ISSUED BEFORE OCTOBER 1, 1993, EXPIRES ON:

(A) THE DEATH OF THE PERMITTEE; OR

(B) CERTIFICATION BY A PHYSICIAN THAT THE PERMITTEE'S PHYSICAL--HANDICAP DISABILITY IMPAIRING MOBILITY NO LONGER EXISTS."

Section 5. Section 49-4-307, MCA, is amended to read:

"49-4-307. 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 \$50 \$100. A-person--who--parks--a-commercial--motor--vehicle--in--violation--of--49-4-302(2)--is

guilty-of-a-misdemeanor-and-is-punishable-by-a-fine-of-\$200-

However, no a person charged with violating 49-4-302(2) may not be convicted if within 24 hours he the person produces in court or the office of the arresting officer a special parking permit that was previously issued to him the person and that is valid at the time of his arrest."

NEW SECTION. SECTION 6. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 496 IS NOT PASSED AND APPROVED, THEN REFERENCES IN AMENDED LANGUAGE IN [THIS ACT] TO "DISABILITY" ARE VOID AND THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE REFERENCES TO "DISABILITY" IN AMENDED LANGUAGE IN [THIS ACT] TO "HANDICAP" OR "PHYSICAL HANDICAP", AS APPROPRIATE.

-End-