

1 *Senate* BILL NO. *214*
 2 INTRODUCED BY *Eek B. Bamhart*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MUNICIPALITIES TO ERECT SIGNS DESIGNATING
 5 PARKING SPACES FOR PERSONS WITH DISABILITIES; AUTHORIZING MUNICIPALITIES AND COUNTY
 6 GOVERNMENTS TO RECRUIT AND TRAIN VOLUNTEERS TO ISSUE CITATIONS TO MOTOR VEHICLE
 7 OWNERS OR OPERATORS WHO VIOLATE DISABLED PARKING REGULATIONS; AND AMENDING SECTION
 8 61-8-704, MCA."

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

11
 12 **Section 1.** Section 61-8-704, MCA, is amended to read:

13 **"61-8-704. Erection of signs.** (1) ~~No operator~~ An operator of a motor vehicle may not be arrested
 14 under 61-8-703 unless signs have been placed at or near the state line on the primary highway system,
 15 outside towns or cities having over 2,500 population, and outside county seats on the primary highways
 16 to indicate the legal rate of speed.

17 (2) ~~Any~~ A municipality ~~which~~ that uses radio microwaves or other electrical ~~device~~ devices for law
 18 enforcement purposes shall erect and maintain appropriate signs giving notice of ~~such~~ of the devices
 19 at a conspicuous place at or near the corporate limits of the municipality, upon each state highway and
 20 arterial street or highway entering the municipality, and at ~~such~~ other places as ~~may be deemed~~ considered
 21 necessary by the municipal authorities for the information of the traveling public.

22 (3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other
 23 electrical ~~device~~ devices ~~shall~~ must be placed as required for speed signs in subsection (1) ~~above~~. However,
 24 the absence of ~~such~~ signs ~~shall not~~ may not in itself invalidate an otherwise proper arrest.

25 (4) (a) A municipality shall erect and maintain signs designating special parking spaces reserved
 26 for persons with disabilities as provided in 49-4-302. The signs must contain:

27 (i) notice of the \$100 penalty for violating 49-4-302 as provided in 49-4-307;

28 (ii) the international symbol of accessibility; and

29 (iii) an indication that a permit is required to park in the designated space.

30 (b) The state shall either provide the signs to municipalities or reimburse the municipalities for the

1 purchase of the signs."

2

3 **NEW SECTION. Section 2. Ticketing officers -- authorization -- training.** (1) For the purposes of
4 this section, "ticketing officer" means a volunteer recruited and trained by a municipality or county
5 government to issue citations for violations of 49-4-302(2).

6 (2) A municipality or county government may recruit and train volunteers to issue citations to motor
7 vehicle owners or operators without permits who park in spaces reserved for persons with disabilities in
8 violation of 49-4-302(2).

9 (3) To be certified as a ticketing officer, a person must successfully complete a training program
10 conducted by the municipal police department or county sheriff's department. The training program may
11 include:

12 (a) identifying the special license plates and cards provided by the department of justice that allow
13 a person with a disability, meeting the criteria in 49-4-301, to park in a space reserved under 49-4-302;

14 (b) identifying imitation plates or cards;

15 (c) an overview of the sections of Montana law governing the rights of persons with disabilities
16 and the penalty for violating 49-4-302; and

17 (d) any other issues considered appropriate by local law enforcement.

18 (4) A ticketing officer may only issue citations and does not have arrest authority beyond that
19 granted to a private person under 46-6-502.

20

21 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
22 integral part of Title 49, chapter 4, part 3, and the provisions of Title 49, chapter 4, part 3, apply to
23 [section 2].

24

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0214, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act requiring municipalities to erect signs designating parking spaces for persons with disabilities; authorizing municipalities and county governments to recruit and train volunteers to issue citations to motor vehicle owners or operators who violate disabled parking regulations.

ASSUMPTIONS:

1. Montana Department of Transportation (MDT) will provide all signs.
2. The sign will be 12 inches by 24 inches, will incorporate three colors and be made from super engineering grade sheeting materials.
3. The information on the sign would be, "Reserved, permit required, \$100 fine". The disability symbol would also be included. If more information is required on the sign the cost would increase.
4. Current signing would not be in compliance with the proposed legislation and would have to be upgraded.
5. Signs would be made available to any municipality to sign designated disabled parking sites.
6. The estimated number of signs is unknown. Total requirement to sign every disabled parking spot could be over 10,000.
7. MDT does not have the manpower nor the resources to produce the quantity of signs required and the signs will have to be put out to competitive bid. The estimated cost is \$15 to \$20 per sign.
8. If additional funding is not provided to acquire the signs other maintenance activities will have to be reduced to cover the cost of acquiring and distributing the signs.
9. The local government would recruit and train volunteers to issue citations.
10. An alternative source for production of the signs might be the Montana State Prison.

FISCAL IMPACT:

Expenditures:

There is no way to accurately estimate the total fiscal impact of this bill. At an estimated cost of \$15 to \$20 per sign, the potential fiscal impact could run from \$150,000 to over \$500,000 depending on the total signs that will have to be replaced and/or new sites. As a prison project the costs would be less.

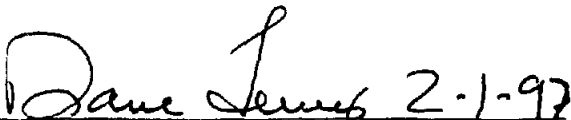
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local municipalities would have to install signs.

This bill may require local governments to spend additional sums for which no specific means of financing are provided. Section 1-2-114, MCA, provides that bills which have such an impact may not be introduced.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The MDT would be required to provide signing for every disabled parking site within every municipality within the state forever.


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

DOROTHY ECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0214, as introduced

SB 214

SENATE BILL NO. 214

INTRODUCED BY ECK, BARNHART

A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING MUNICIPALITIES TO ERECT SIGNS DESIGNATING PARKING SPACES FOR PERSONS WITH DISABILITIES;~~ AUTHORIZING MUNICIPALITIES AND COUNTY GOVERNMENTS TO RECRUIT AND TRAIN VOLUNTEERS TO ISSUE CITATIONS TO MOTOR VEHICLE OWNERS OR OPERATORS WHO VIOLATE DISABLED PARKING REGULATIONS; AND AMENDING SECTION 61-8-704, MCA."

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

Section 1. ~~Section 61-8-704, MCA, is amended to read:~~

~~"61-8-704. Erection of signs. (1) No operator~~ An operator ~~of a motor vehicle may not be arrested under 61-8-703 unless signs have been placed at or near the state line on the primary highway system, outside towns or cities having over 2,500 population, and outside county seats on the primary highways to indicate the legal rate of speed.~~

~~(2) Any~~ A ~~municipality which that uses radio microwaves or other electrical device devices for law enforcement purposes shall erect and maintain appropriate signs giving notice of such use of the devices at a conspicuous place at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at such other places as may be deemed considered necessary by the municipal authorities for the information of the traveling public.~~

~~(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device devices shall must be placed as required for speed signs in subsection (1) above. However, the absence of such signs shall not may not in itself invalidate an otherwise proper arrest.~~

~~(4) (a) A municipality shall erect and maintain signs designating special parking spaces reserved for persons with disabilities as provided in 49-4-302. The signs must contain:~~

~~(i) notice of the \$100 penalty for violating 49-4-302 as provided in 49-4-307;~~

~~(ii) the international symbol of accessibility; and~~

~~(iii) an indication that a permit is required to park in the designated space.~~

~~(b) The state shall either provide the signs to municipalities or reimburse the municipalities for the~~

1 ~~purchase of the signs."~~

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3 **NEW SECTION. Section 1. Ticketing officers -- authorization -- training.** (1) For the purposes of
4 this section, "ticketing officer" means a volunteer recruited and trained by a municipality or county
5 government to issue citations for violations of 49-4-302(2).

6 (2) A municipality or county government may recruit and train volunteers to issue citations to motor
7 vehicle owners or operators without permits who park in spaces reserved for persons with disabilities in
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10 conducted by the municipal police department or county sheriff's department. The training program may
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17 (d) any other issues considered appropriate by local law enforcement.

18 (4) A ticketing officer may only issue citations and does not have arrest authority beyond that
19 granted to a private person under 46-6-502.

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21 **NEW SECTION. Section 2. Codification instruction.** [Section ~~2~~ 1] is intended to be codified as an
22 integral part of Title 49, chapter 4, part 3, and the provisions of Title 49, chapter 4, part 3, apply to
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24

-END-

SENATE BILL NO. 214

INTRODUCED BY ECK, BARNHART

A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING MUNICIPALITIES TO ERECT SIGNS DESIGNATING PARKING SPACES FOR PERSONS WITH DISABILITIES;~~ AUTHORIZING MUNICIPALITIES AND COUNTY GOVERNMENTS TO RECRUIT AND TRAIN VOLUNTEERS TO ISSUE CITATIONS TO MOTOR VEHICLE OWNERS OR OPERATORS WHO VIOLATE DISABLED PARKING REGULATIONS; AND AMENDING SECTION 61-8-704, MCA."

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

~~Section 1. Section 61-8-704, MCA, is amended to read:~~

~~"61-8-704. Erection of signs. (1) No operator of a motor vehicle may not be arrested under 61-8-703 unless signs have been placed at or near the state line on the primary highway system, outside towns or cities having over 2,500 population, and outside county seats on the primary highways to indicate the legal rate of speed.~~

~~(2) Any A municipality which that uses radio microwaves or other electrical device devices for law enforcement purposes shall erect and maintain appropriate signs giving notice of such use of the devices at a conspicuous place at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at such other places as may be deemed considered necessary by the municipal authorities for the information of the traveling public.~~

~~(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device devices shall must be placed as required for speed signs in subsection (1) above. However, the absence of such signs shall not may not in itself invalidate an otherwise proper arrest.~~

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23 [section ~~2~~ 1].

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0214, third reading

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act authorizing municipalities and county governments to recruit and train volunteers to issue citations to motor vehicle owners or operators who violate disabled parking regulations; and amending section 61-8-704, MCA.

ASSUMPTIONS:

1. The local government would recruit and train volunteers to issue citations.
2. There would no fiscal impact to the state.

FISCAL IMPACT:

None

Dave Lewis 3-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Dorothy Eck 3/11/97
DORTHY ECK, PRIMARY SPONSOR DATE
Fiscal Note for SB0214, third reading
Am SB 214-#2