

1 HOUSE BILL NO. 451

2 INTRODUCED BY G. GOLIE, SHOCKLEY, CALLAHAN, CARNEY, CHRISTIAENS, P. CLARK, DELL,
3 DEPRATU, EGGERS, FACEY, GALVIN-HALCRO, GILLAN, HARRIS, LINDEEN, MANGAN, RIPLEY,
4 SCHMIDT, SMITH, TRAMELLI, TROPILA, WANZENRIED

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REGULATION OF HUNTING BY A PERSON WITH
7 A DISABILITY; CLARIFYING THAT TURKEYS ARE NOT A GAME BIRD SPECIES THAT MAY BE HUNTED
8 BY A DISABLED HUNTER WITH ONLY A CONSERVATION LICENSE; PROVIDING THAT A PERSON WHO
9 WAS GRANTED A PERMIT TO HUNT FROM A VEHICLE DURING THE 2000 LICENSE YEAR OR A
10 SUBSEQUENT LICENSE YEAR IS CONSIDERED ELIGIBLE FOR THE PERMIT DURING SUBSEQUENT
11 LICENSE YEARS UNLESS PERMIT CRITERIA CHANGE; CLARIFYING THE CRITERIA FOR WHICH A
12 DISABLED PERSON MAY BE GRANTED A PERMIT TO HUNT FROM A VEHICLE; AMENDING SECTION
13 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

16
17 **Section 1.** Section 87-2-803, MCA, is amended to read:

18 **"87-2-803. Persons with disabilities -- definitions.** (1) Persons with disabilities are entitled to fish
19 and to hunt game birds, not including turkeys, with only a conservation license if they are residents of
20 Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A
21 person who has purchased a conservation license and a resident fishing license or game bird license for
22 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing
23 license or game bird license previously purchased for that license year. A person who is certified as
24 disabled pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for license year
25 2000 OR A SUBSEQUENT LICENSE YEAR is automatically entitled to a permit to hunt from a vehicle for
26 subsequent license years if the criteria for obtaining a permit does not change.

27 (2) A resident of Montana who is certified as disabled by the department and who is not residing
28 in an institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident
29 who is 15 years of age or older and who is under 62 years of age. A person who has purchased a
30 conservation license and a resident deer license or resident elk license for a particular license year and who

1 is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously
 2 purchased and reissuance of the license for that license year at the rate established in this subsection.

3 ~~(3) A resident or nonresident person with a disability who is certified as disabled by the~~
 4 ~~department and who is not residing in an institution may carry a permit on a form prescribed by the~~
 5 ~~department. A person with a disability who is issued a permit under this subsection is entitled to have the~~
 6 ~~department stamp the permit with "Permission to Hunt From a Vehicle" if the person establishes to the~~
 7 ~~satisfaction of the department that the person has substantially impaired mobility. A person may be~~
 8 ~~certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed~~
 9 ~~by the department, if the person establishes one or more of the disabilities listed in PURSUANT TO subsection~~
 10 ~~(8)(a) or (8)(b) or if the person is certified by a voluntary board of review to be entitled to a permit to hunt~~
 11 ~~from a vehicle pursuant to subsection (8)(c). The department shall adopt rules to establish a voluntary~~
 12 ~~board or boards of review to resolve any disputes over whether a person meets the criteria established in~~
 13 ~~this subsection (8). Each board must have at least one Montana-licensed physician as a member.~~

14 (4) A person with a disability carrying a permit ~~as required in subsection (3), upon which is~~
 15 ~~stamped "Permission to Hunt From a Vehicle";~~ to hunt from a vehicle, referred to in this subsection as a
 16 permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a
 17 public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a
 18 firearm from within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit
 19 right-of-way in a manner that will not impede traffic or endanger motorists or that is parked in an area, not
 20 a public highway, where hunting is permitted. This subsection does not allow a ~~person with a disability~~
 21 permitholder to shoot across the roadway of any public highway or to hunt on private property without
 22 permission of the landowner. A ~~person with a disability who hunts as authorized in this subsection~~
 23 permitholder must have a companion to assist in immediately dressing any killed game animal. The
 24 companion may also assist the ~~person with a disability~~ permitholder by hunting a game animal that has
 25 been wounded by the ~~person with a disability~~ permitholder when the ~~person with a disability~~ permitholder
 26 is unable to pursue and kill the wounded game animal. Any vehicle from which a ~~person with a disability~~
 27 permitholder is hunting must be conspicuously marked with an orange-colored international symbol of
 28 persons with disabilities on the front, rear, and each side of the vehicle, or as prescribed by the
 29 department.

30 (5) (a) A resident of Montana who is certified by the department as experiencing blindness, as

1 defined in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee
 2 of \$10. The license is valid for the lifetime of the blind individual and allows the licensee to fish as
 3 authorized by department rule. An applicant for a license under this subsection need not obtain a wildlife
 4 conservation license as a prerequisite to licensure.

5 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301,
 6 may be issued regular resident deer and elk licenses in the manner provided in subsection (2), and must
 7 be accompanied by a companion, as provided in subsection (4).

8 (6) The department shall adopt rules to establish the qualifications that a person must meet to be
 9 a companion and may adopt rules to establish when a companion can be a designated shooter for a
 10 disabled person.

11 (7) As used in this section:

12 (a) ~~"disabled person" or "person with disabilities"~~ "person with a disability", or "disabled" means
 13 or refers to a person experiencing a condition medically determined to be permanent and substantial and
 14 resulting in significant impairment of the person's functional ability;

15 ~~—— (b) "permanently physically handicapped person" means a disabled person as defined in subsection~~
 16 ~~(7)(a) except for a person with a disability that is due to mental retardation or mental illness;~~

17 ~~—— (c) "substantially impaired mobility" means, with respect to a disabled person, that the person is~~
 18 ~~nonambulatory or virtually unable to move on foot. The board or boards of review established pursuant~~
 19 ~~to subsection (3) shall resolve any disputes regarding whether a person meets the criteria for having~~
 20 ~~substantially impaired mobility.~~

21 (8) A person is entitled to a permit to hunt from a vehicle if the person:

22 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
 23 wheelchair, crutch, or cane for mobility;

24 (b) is an amputee above the wrist or ankle; or

25 (c) has a doctor-certified disability or performance-based impairment considered by a voluntary
 26 board of review, established pursuant to subsection (3), to warrant issuance of a permit to hunt from a
 27 vehicle. The board of review shall resolve any disputes regarding whether a person meets the criteria of
 28 this subsection (8) IS CERTIFIED BY A LICENSED PHYSICIAN TO BE UNABLE TO WALK, UNASSISTED, 600 YARDS OVER
 29 ROUGH AND BROKEN GROUND WHILE CARRYING 15 POUNDS WITHIN 1 HOUR AND TO BE UNABLE TO HANDLE AND
 30 MANEUVER UP TO 25 POUNDS.

1 (9) CERTIFICATION BY A LICENSED PHYSICIAN UNDER SUBSECTION (8) MUST BE ON A FORM PROVIDED BY THE
2 DEPARTMENT.

3 (10) A PERSON WHO DISAGREES WITH A DETERMINATION OF ELIGIBILITY FOR A PERMIT TO HUNT FROM A VEHICLE
4 MAY REQUEST A REVIEW BY A VOLUNTARY BOARD OF REVIEW PURSUANT TO SUBSECTION (3)."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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