

HOUSE BILL NO. 645

INTRODUCED BY CLARK, GUTSCHE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING SPECIAL LICENSE PLATES FOR PERMANENTLY DISABLED PERSONS; ALLOWING A PERSON WHO HAS A PERMANENT DISABILITY THAT MEETS CERTAIN CRITERIA TO CONTINUE TO DISPLAY A SPECIAL LICENSE PLATE BEARING THE SYMBOL OF A WHEELCHAIR UPON VEHICLE REREGISTRATION WITHOUT SUBMITTING AN ADDITIONAL APPLICATION; AMENDING SECTIONS 49-4-301 AND 61-3-332, 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. Eligibility for special parking permit. (1) The department of justice shall issue a special parking permit to a person who has a disability that limits or impairs the person's mobility and who, as determined by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, meets one of the following criteria:

- (a) cannot walk 200 feet without stopping to rest;
- (b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;
- (c) is so severely disabled that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) uses portable oxygen;
- (e) is restricted by lung disease to the extent that forced expiratory respiratory volume, when measured by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association; or
- (g) has a disability resulting from an acute sensitivity to automobile emissions or from another disease or physical condition that limits or impairs the person's mobility and that is documented by the licensed physician,

1 the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity
2 to the other conditions listed in this subsection (1).

3 (2) (a) A person who has a condition expected to improve within 6 months may be issued a temporary
4 placard for a period not to exceed 6 months but may not be issued a special license plate under 61-3-332(11).
5 If the condition exists after 6 months, a new temporary placard must be issued for the time period prescribed
6 by the applicant's physician, chiropractor, or advanced practice registered nurse, not to exceed 24 months, upon
7 receipt of a new certification from the disabled person's physician, chiropractor, or advanced practice registered
8 nurse that the conditions specified in subsection (1) continue to exist and are expected to continue for the time
9 specified.

10 (b) A person who meets one of the criteria in subsection (1) for what is considered to be a permanent
11 condition, as determined by a licensed physician, a licensed chiropractor, or a licensed advanced practice
12 registered nurse, may, upon written application on a form prescribed by the department of justice, be issued a
13 special license plate under 61-3-332(11) and is not required to reapply for the special license plate when the
14 vehicle is reregistered.

15 (3) The department of justice may issue special parking permits to an agency or business that provides
16 transportation as a service for persons with a disability. The permits must be used only to load and unload
17 persons with a disability in the special parking place provided for in 49-4-302. As used in this subsection,
18 "disability" means a physical impairment that severely limits a person's ability to walk.

19 (4) Except as provided in subsection (3), an applicant may not receive more than one permit."
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21 **Section 2.** Section 61-3-332, MCA, is amended to read:

22 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana
23 must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

24 (2) In addition to special license plates, collegiate license plates, and generic specialty license plates
25 authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for
26 each of the following vehicle or dealer types:

27 (a) passenger vehicles, including automobiles, vans, and sport utility vehicles;

28 (b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";

29 (c) trucks, bearing the letter "T" or the word "TRUCK";

30 (d) trailers, bearing the letters "TR" or the word "TRAILER";

- 1 (e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D"
2 or the word "DEALER";
- 3 (f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter
4 "U" and the word "DEALER";
- 5 (g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word
6 "DEALER";
- 7 (h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word
8 "DEALER"; and
- 9 (i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".
- 10 (3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all
11 number plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking,
12 and be furnished by the department. In years when number plates are not issued, the department shall provide
13 a registration decal that must be affixed to the rear license plate of the vehicle.
- 14 (b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562
15 and vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive
16 registration decal indicating that the vehicle is permanently registered. The registration decal must be affixed
17 to the rear license plate of the permanently registered vehicle.
- 18 (4) (a) Subject to the provisions of this section, the department shall create a new design for number
19 plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after
20 December 31, 2005, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were
21 displayed on motor vehicles before that date.
- 22 (b) Beginning January 1, 2006, the department shall manufacture and issue new number plates after
23 the existing plates have been used for a minimum period of 4 years.
- 24 (c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may
25 display the number plate and plate design in effect at the time of registration for the entire 24-month registration
26 period.
- 27 (d) A light vehicle described in subsection (3)(b) that is permanently registered may display the number
28 plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently
29 registered.
- 30 (5) For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length.

1 Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive
2 border on the license plates, and the word "Montana" must be placed on each plate. Registration plates must
3 be treated with a reflectorized background material according to specifications prescribed by the department.

4 (6) The distinctive registration numbers must begin with a number one or with a letter-number
5 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special
6 license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number
7 or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the
8 county and appearing in horizontal order on the same horizontal baseline. The county number must be
9 separated from the distinctive registration number by a separation mark unless a letter-number combination is
10 used. The dimensions of the numerals and letters must be determined by the department, and all county and
11 registration numbers must be of equal height.

12 (7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee
13 as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the
14 following distinctive markings:

15 (a) For vehicles owned by the state, the department may designate the prefix number for the various
16 state departments. All numbered plates issued to state departments must bear the words "State Owned", and
17 a year number may not be indicated on the plates because these numbered plates are of a permanent nature
18 and will be replaced by the department only when the physical condition of numbered plates requires it.

19 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in
20 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by
21 officials and employees in the line of duty and for vehicles on loan from the United States government or the
22 state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the
23 line of duty, there must be placed on the number plates assigned, in a position that the department may
24 designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor
25 vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates
26 within each county must begin with number one and be numbered consecutively. Because these number plates
27 are of a permanent nature, they are subject to replacement by the department only when the physical condition
28 of the number plates requires it and a year number may not be displayed on the number plates.

29 (8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be
30 transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration fee

1 may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

2 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
3 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
4 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
5 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;
6 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
7 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
8 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
9 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must
10 be assigned numbers by the department as they are formed, beginning with the number 57.

11 (10) Each type of special license plate approved by the legislature, except collegiate license plates
12 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
13 a separate series of plates, numbered as provided in subsection (6), except that the county number must be
14 replaced by a nonremovable design or decal designating the group or organization to which the applicant
15 belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and
16 laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the
17 person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle,
18 and must be removed upon sale or other disposition of the vehicle.

19 (11) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may,
20 upon written application on a form prescribed by the department, be issued a special license plate with a design
21 or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

22 (b) If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle
23 shall maintain evidence of continued eligibility to use the license plate, which must be attached to the registration
24 document in the vehicle.

25 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
26 license plate upon written application, as provided in this subsection (11), is not required to reapply upon
27 reregistration of the vehicle or upon transfer of the special plate as provided in subsection (8).

28 (12) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered
29 as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."
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1 COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 671 AND
 2 [THIS ACT] ARE PASSED AND APPROVED, THEN 49-4-301 MUST BE AMENDED AS FOLLOWS:

3 **"49-4-301. Eligibility for special parking permit.** (1) The department of justice shall issue a special
 4 parking permit to a person who has a disability that limits or impairs the person's mobility and ~~who, as~~
 5 ~~determined by~~ for whom a licensed physician, a licensed chiropractor, or a licensed advanced practice registered
 6 nurse, as provided in 37-8-202, submits a certification to the department, by electronic or other means
 7 prescribed by the department, that the person meets one of the following criteria:

8 (a) cannot walk 200 feet without stopping to rest;

9 (b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;

10 (c) is so severely disabled that the person cannot walk without the use of or assistance from a brace,
 11 cane, another person, prosthetic device, wheelchair, or other assistive device;

12 (d) uses portable oxygen;

13 (e) is restricted by lung disease to the extent that forced expiratory respiratory volume, when measured
 14 by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air
 15 at rest;

16 (f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the
 17 person's functional limitations are classified as class III or IV under standards accepted by the American heart
 18 association; or

19 (g) has a disability resulting from an acute sensitivity to automobile emissions or from another disease
 20 or physical condition that limits or impairs the person's mobility and that is documented by the licensed physician,
 21 the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity
 22 to the other conditions listed in this subsection (1).

23 (2) (a) A person who has a condition expected to improve within 6 months may be issued a temporary
 24 placard for a period not to exceed 6 months but may not be issued a special license plate under ~~61-3-332(11)~~
 25 ~~61-3-332(9)~~. If the condition exists after 6 months, a new temporary placard must be issued for the time period
 26 prescribed by the applicant's physician, chiropractor, or advanced practice registered nurse, not to exceed 24
 27 months, upon receipt of a ~~new~~ later paper or electronic certification from the disabled person's physician,
 28 chiropractor, or advanced practice registered nurse that the conditions specified in subsection (1) continue to
 29 exist and are expected to continue for the time specified.

30 (b) A person who meets one of the criteria in subsection (1) for what is considered to be a permanent

1 condition, as determined by a licensed physician, a licensed chiropractor, or a licensed advanced practice
2 registered nurse, may, by application to the department, by electronic or other means prescribed by the
3 department, be issued a special license plate under 61-3-332(9) and is not required to reapply for the special
4 license plate when the vehicle is reregistered.

5 (3) The department of justice may issue special parking permits to an agency or business that provides
6 transportation as a service for persons with a disability. The permits must be used only to load and unload
7 persons with a disability in the special parking place provided for in 49-4-302. As used in this subsection,
8 "disability" means a physical impairment that severely limits a person's ability to walk.

9 (4) Except as provided in subsection (3), an applicant may not receive more than one permit."
10

11 COORDINATION SECTION. SECTION 4. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 671 AND
12 [THIS ACT] ARE PASSED AND APPROVED, THEN THE CODE COMMISSIONER SHALL CHANGE ALL OF THE REFERENCES TO
13 VEHICLE IN SUBSECTION (11)(C) OF 61-3-332 IN [THIS ACT] TO REFERENCES TO MOTOR VEHICLES.

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15 NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2006.

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