



AN ACT GENERALLY REVISING PARKING LAWS; SUBSTITUTING A DISABILITY PARKING PERMIT FOR A SPECIAL PARKING PERMIT; SUBSTITUTING AN ACCESSIBLE PARKING SPACE FOR A SPECIAL PARKING SPACE; REVISING REQUIREMENTS FOR ACCESSIBLE PARKING SPACES; AND AMENDING SECTIONS 7-5-2109, 7-5-4104, 49-4-301, 49-4-302, 49-4-303, 49-4-304, 49-4-305, 49-4-306, 49-4-307, 49-4-310, 61-3-332, AND 61-3-426, 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) Except as provided in 7-5-2112, a 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 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 disability~~ an accessible parking space.

(2) Except as provided in 7-5-2112, 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:

- (a) define and abate nuisances and impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises that they occupy or control;
 - (b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement;
- and
- (c) enforce the penalty for violations of 7-5-4113 and post copies of 7-5-4113 in conspicuous locations in the municipality.
- (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 disability~~ an accessible parking space."

Section 3. Section 49-4-301, MCA, is amended to read:

"49-4-301. Eligibility for ~~special~~ disability parking permit. (1) The department of justice shall issue a ~~special~~ disability parking permit to a person who has a disability that limits or impairs the person's mobility and for whom a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, submits a certification to the department, by electronic or other means prescribed by the department, that the person 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, the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity to the other conditions listed in this subsection (1).

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

(b) A person who meets one of the criteria in subsection (1) for what is considered to be a permanent condition, as determined by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, may, by application to the department, by electronic or other means prescribed by the department, be issued a ~~special~~ disability license plate displaying a wheelchair under 61-3-332(9) and is not required to reapply for the ~~special-disability~~ license plate when the vehicle is reregistered.

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

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

Section 4. 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-accessible~~ parking spaces. (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in a ~~special parking space reserved for a~~ an accessible parking space designated for use by a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the ~~special~~ accessible parking space to enter or exit the vehicle.

(2) A vehicle ~~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 a person with a disability or motorcycle may not stop, stand, or park within an accessible parking space designated for use by a person with a disability as provided in 49-4-304 unless:~~

(a) (i) the vehicle is lawfully displaying a disability parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or ~~a specially~~ an inscribed license plate displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9); and

~~(b)(ii)~~ the ~~reserved~~ designated accessible parking space is being used by the person for whom the permit, plate, or placard was issued to enter or exit the vehicle; or

(b) the vehicle is being used to transport a person with a disability and is temporarily stopping, standing, or parking in an accessible parking space designated for use by a person with a disability as provided in 49-4-304 only for the purpose of loading or unloading the person with a disability.

(3) A vehicle or motorcycle may not stop, stand, or park within an access aisle designated for use by a person with a disability as provided in 49-4-304, regardless of whether a vehicle is lawfully displaying a disability parking permit issued under this part, a distinguishing license plate, or a placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or an inscribed license plate displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9).

(4) Notice of the penalty for violation of this part is not required at the site of an accessible parking space.

~~(3)(5)~~ The governing body of a city, town, or county may exempt vehicles lawfully displaying a disability parking ~~permits~~ permit issued under this part and vehicles lawfully displaying ~~specially~~ inscribed license plates displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9) and parked in public places along public streets from any time limitation imposed upon parking, 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)(6)~~ (a) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency ~~may~~shall impose all, but not less than all, of the ~~following requirements applicable requirements set forth in 28 CFR 36 as of February 10, 2021,~~ with respect to any ~~special-accessible~~ parking space constructed after September 30, 1985, and reserved for a person with a disability or a permit holder on ways of this state open to the public, as defined in 61-8-101, or in the right-of-way, as defined in 60-1-103.

(b) In addition to requirements imposed under subsection (6)(a), an accessible parking space must be maintained and be free of any obstructions, including but not limited to snow, shipping pallets, and shopping carts. However, no person or business may be cited for violation of this subsection (6)(b) without an initial warning providing a reasonable amount of time to clear an obstruction.:

~~(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 a person with a disability must be at least 13 feet wide.~~

~~(d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, 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 a way that it is not obscured by a vehicle parked in the space."~~

Section 5. Section 49-4-303, MCA, is amended to read:

"49-4-303. Issuance of interim ~~special-disability~~ parking permit. A licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, may issue an interim ~~special-disability~~ parking permit, in a form authorized by the department, to a person who has a disability that

limits or impairs the person's mobility and upon whose behalf the physician, chiropractor, or advanced practice registered nurse has submitted a request for a ~~special-disability~~ parking permit under 49-4-301. The interim ~~special-disability~~ parking permit is valid only in Montana, may not be renewed or extended, and expires 5 days from the date of issuance."

Section 6. Section 49-4-304, MCA, is amended to read:

"49-4-304. Special Disability license plate or placard to be provided and displayed -- additional placards allowed -- rulemaking required. (1) Except as authorized in 49-4-303, unless the department of justice issued a ~~special-disability~~ license plate under 61-3-332(9) or 61-3-458(4)(b) or (4)(i) indicating a ~~special~~ an accessible parking privilege, the department shall provide a placard to be displayed on or in a motor vehicle to indicate a parking privilege granted under this part. The ~~special~~ disability license plate must be affixed to the vehicle according to 61-3-301, or the placard must be prominently displayed in the windshield of a vehicle when the parking privilege is being used by the person with a disability in a vehicle other than the one to which a ~~special-disability~~ license plate is affixed.

(2) Subject to the provisions of 49-4-301 through 49-4-305, a person who is eligible to receive a ~~special-disability~~ parking permit may apply to the department for one or more placards.

(3) The department shall issue up to two placards to eligible individuals and may issue additional placards. The department shall adopt rules to determine the process for an individual to request additional placards.

(4) Upon application under 49-4-301, a person with a disability who does not hold a driver's license or does not own a vehicle may receive a placard to be displayed in a vehicle in which the person with a disability is being conveyed when the parking privilege is being used.

(5) The placard must bear a representation of a wheelchair as the symbol of a person with a disability."

Section 7. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. (1) Except as provided in 49-4-303 and subsection (2) of this section, a ~~special-disability~~ parking permit expires on the occurrence of either of the following:

(a) ~~3-5~~ years from the date of issuance, unless the permit was issued to a person who has a condition expected to improve within 6 months. A person may renew a permit if a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, certifies that the person's mobility disability still exists and that one of the criteria specified in 49-4-301 continues to be met.

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met.

(2) A permit issued before October 1, 1993, expires on:

(a) the death of the permittee; ~~or~~

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met; or

(c) October 1, 2022."

Section 8. Section 49-4-306, MCA, is amended to read:

"49-4-306. Department of justice to publicize permit. (1) The department of justice shall publicize the provisions of 49-4-301 through 49-4-305 in a manner designed to inform those eligible for a ~~special~~ disability parking permit.

(2) The department of justice shall budget sufficient funds to accomplish the requirements of subsection (1)."

Section 9. Section 49-4-307, MCA, is amended to read:

"49-4-307. Penalty. A person who parks a motor vehicle or motorcycle in violation of 49-4-302(2) is guilty of a misdemeanor and is punishable by a fine of \$100. However, a person charged with violating 49-4-302(2) may not be convicted if within ~~24 hours~~ 3 business days the person produces in court or the office of the arresting officer a ~~special~~ disability parking permit that was previously issued to the person and that is valid at the time of arrest."

Section 10. Section 49-4-310, MCA, is amended to read:

"49-4-310. ~~Special~~ Disability parking permit for long-term care facility. A long-term care facility, as defined in 37-9-101, may apply for a permit issued for ~~special~~ accessible parking spaces under 49-4-302. If granted, the permit entitles the facility to the privileges granted in 49-4-302."

Section 11. Section 61-3-332, MCA, is amended to read:

"61-3-332. Standard license plates. (1) In addition to special license plates, collegiate license plates, generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned by other persons.

(2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking, as determined by the department, and be furnished by the department. In years when standard license plates are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered motor vehicle.

(c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word "permanent" on the plate in lieu of issuing a registration decal for the plate.

(3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate design first issued in 1989 or later or current collegiate or generic specialty license plate designs. For the purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as

standard license plates.

(ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon renewal of registration under 61-3-312, the license plates are 5 or more years old or will become older than 5 years during the registration period. New license plates must be issued in accordance with the implementation schedule adopted by the department under 61-14-101.

(iii) A vehicle owner may elect to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under this subsection.

(b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may display the license plate and plate design in effect at the time of registration for the entire registration period.

(c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may display the license plate and plate design in effect at the time of registration for the entire period that the light vehicle or motor home is permanently registered.

(d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer.

(e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized under 61-3-458.

(4) (a) All license plates must be metal and treated with a reflectorized background material according to specifications prescribed by the department. The word "Montana" must be placed on each license plate and, except for license plates that are 4 inches wide and 7 inches in length, the outline of the state of Montana must be used as a distinctive border on each standard license plate.

(b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in length.

(c) Plates for motorcycles and quadricycles must be 4 inches wide and 7 inches in length.

(d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a

declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall pay all applicable fees for the plates chosen.

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

(6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition to the markings provided in this section, standard license plates must bear the following distinctive markings:

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

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of

each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the license plates requires it and a year number may not be displayed on the plates.

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

(8) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of standard license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(9) (a) A Montana resident who is eligible to receive a ~~special~~ disability parking permit under 49-4-301 may and a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided in 61-5-122 must, upon written application on a form prescribed by the department, be issued a ~~special~~ disability license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of

the motor vehicle shall provide, upon request of a person authorized to enforce ~~special-disability~~ parking laws or ordinances in this or any state, evidence of continued eligibility to use the license plate in the form of a valid ~~special-disability~~ parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

(c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a ~~special-disability~~ license plate upon written application, as provided in this subsection (9), is not required to reapply upon reregistration of the motor vehicle.

(10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is registered 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."

Section 12. Section 61-3-426, MCA, is amended to read:

"61-3-426. Combined license plates. (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued under 61-3-458(4) or with an application for ~~special-disability~~ license plates issued to a person with a disability who complies with the provisions in 61-3-332(9).

(2) Issuance of combined license plates is subject to 61-3-422.

(3) The combined license plates must display the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also display the design or decal provided for in 61-3-332(9) or 61-3-458(4)."

- END -

I hereby certify that the within bill,
HB 598, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 598

INTRODUCED BY K. WHITMAN, A. BUCKLEY, E. BUTTREY

AN ACT GENERALLY REVISING PARKING LAWS; SUBSTITUTING A DISABILITY PARKING PERMIT FOR A SPECIAL PARKING PERMIT; SUBSTITUTING AN ACCESSIBLE PARKING SPACE FOR A SPECIAL PARKING SPACE; REVISING REQUIREMENTS FOR ACCESSIBLE PARKING SPACES; AND AMENDING SECTIONS 7-5-2109, 7-5-4104, 49-4-301, 49-4-302, 49-4-303, 49-4-304, 49-4-305, 49-4-306, 49-4-307, 49-4-310, 61-3-332, AND 61-3-426, MCA.