

## SENATE BILL NO. 547

INTRODUCED BY S. MORIGEAU, W. GALT, B. GILLESPIE, J. TREBAS, W. MCKAMEY, D. ZOLNIKOV, P. FLOWERS, J. ELLIS, W. CURDY, D. FERN, M. REGIER, G. HERTZ, S. NOVAK, L. SMITH, J. MORIGEAU

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY FOR DISABILITY PARKING PERMIT LAWS; PROVIDING FOR A PREGNANT WOMAN TO BE ELIGIBLE FOR A TEMPORARY DISABILITY PARKING PERMIT; PROVIDING THAT A \$10 FEE BE COLLECTED FOR THE ISSUANCE OF THE TEMPORARY DISABILITY PARKING PERMIT AND THAT AMOUNTS COLLECTED BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTION 49-4-301, MCA; AND PROVIDING AN 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 disability parking permit -- eligibility for pregnant woman.** (1) The department of justice shall issue a 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

1 association; or

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

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

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

18 (c) The department of justice shall issue a temporary disability parking permit for a period not to  
19 exceed 1 year to a woman who is pregnant and for whom a licensed physician, a certified midwife, or a  
20 licensed advanced practice registered nurse submits a certification to the department, by electronic or other  
21 means prescribed by the department. The department shall collect a \$10 fee for the temporary disability parking  
22 permit, and the amounts collected must be deposited in the state general fund.

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

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