

1 HOUSE BILL NO. 351

2 INTRODUCED BY R. MARSHALL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DISABILITY PARKING LAWS; REQUIRING THAT
5 PARKING SPACES FOR THE DISABLED BE MAINTAINED AND CLEAR OF OBSTRUCTIONS; PROVIDING
6 A PENALTY; AND AMENDING SECTION 49-4-302, MCA."

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

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10 **Section 1.** Section 49-4-302, MCA, is amended to read:

11 **"49-4-302. Privileges of permit holder -- privilege for disabled veteran -- exemptions from time**
12 **limits -- requirements for special parking spaces.** (1) The parking permit issued under this part, when
13 displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a
14 disability, whether on public property or on private property available for public use, when the person for whom
15 the permit was issued is using the special parking space to enter or exit the vehicle.

16 (2) A vehicle may not be parked in a parking space on public or private property that is clearly
17 identified by an official sign as being reserved for use by a person with a disability unless:

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

22 (b) the reserved parking space is being used by the person for whom the permit, plate, or placard was
23 issued to enter or exit the vehicle.

24 (3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking
25 permits issued under this part and vehicles lawfully displaying specially inscribed license plates displaying the
26 letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9) and
27 parked in public places along public streets from any time limitation imposed upon parking, except in areas
28 where:

1 (a) stopping, standing, or parking of all vehicles is prohibited;

2 (b) only special vehicles may be parked; or

3 (c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

4 (4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate
5 state agency may impose all, but not less than all, of the following requirements with respect to any special
6 parking space constructed after September 30, 1985, and reserved for a person with a disability or a
7 permit holder on ways of this state open to the public, as defined in 61-8-101:

8 (a) The space must be located on a smooth, level surface as near as practicable to building entrances
9 or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate
10 wheelchairs.

11 (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the
12 front or the rear, by at least 5 feet of striped no-parking area.

13 (c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if
14 located at the end of a line of angle parking spaces, and each other angle parking space designated for a
15 person with a disability must be at least 13 feet wide.

16 (d) A parking space reserved for a person with a disability must be designated by a sign showing the
17 international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation.
18 In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a
19 decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not
20 obscured by a vehicle parked in the space.

21 (e) The parking space must be maintained free of any obstructions, including but not limited to snow,
22 shipping pallets, and shopping carts. Failure to maintain a parking space reserved for a person with a disability
23 is a misdemeanor and is punishable by a fine of \$100."

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