

HOUSE BILL NO. 38

INTRODUCED BY G. OBLANDER

BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DISABILITY PARKING; INCREASING FINES FOR VIOLATIONS; ESTABLISHING THAT A PERSON WHO PROVIDES FALSE INFORMATION OR ASSISTS AN UNQUALIFIED PERSON IN ACQUIRING CERTAIN DISABILITY PARKING ACCOMMODATIONS IS GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 49-4-307, MCA."

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

Section 1. Section 49-4-307, MCA, is amended to read:

"49-4-307. ~~Penalty~~ Penalties. (1) (a) ~~A~~ Except as provided in subsection (1)(b), 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 or~~ (3) shall be fined:

(i) ~~_____~~ for a first violation, not less than \$150 or more than \$250; and

(ii) ~~_____~~ for a second or subsequent violation, not less than \$250 or more than \$500.

(b) ~~However, a~~ A person charged with violating who violates 49-4-302(2) or (3) may not be ~~convicted~~ fined if within 3 business days the person produces in court or the office of the arresting officer a disability parking permit that was previously issued to the person and that ~~is~~ was valid at the time of arrest ~~the~~ parking violation.

(2) ~~If the operator was not with the vehicle at the time of the violation, the registered owner of the motor vehicle is personally responsible. A defense that the motor vehicle was parked in violation of 49-4-302(2) or (3) by a person other than the registered owner is not allowed unless it is shown that the motor vehicle was being used at the time without the consent of the registered owner.~~

(2) IF THE OPERATOR WAS NOT WITH THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE REGISTERED OWNER OF THE MOTOR VEHICLE IS PERSONALLY RESPONSIBLE. A DEFENSE THAT THE MOTOR VEHICLE WAS

1 PARKED IN VIOLATION OF 49-4-302(2) OR (3) BY A PERSON OTHER THAN THE REGISTERED OWNER IS NOT ALLOWED
2 UNLESS IT IS SHOWN THAT THE MOTOR VEHICLE WAS BEING USED AT THE TIME WITHOUT THE CONSENT OF THE
3 REGISTERED OWNER.

4 ~~(3)(2)~~ (3) A person who provides false information in order to acquire or who assists an
5 unqualified person in acquiring a disability license plate issued under 61-3-458(4)(b) or (4)(i), a license plate
6 displaying a wheelchair as provided in 61-3-332(9), or a disability parking placard issued under this part or a
7 person who abuses the privileges granted by this part is guilty of a misdemeanor punishable by a fine of not
8 less than \$300 or by community service not to exceed 10 hours dedicated to improving access for persons with
9 disabilities, or both.

10 ~~(4)(3)~~ (4) A sworn law enforcement official in the state or an officer who is authorized by a
11 municipality may enter any parking space, parking lot, or parking facility on the ways of this state open to the
12 public as defined in 61-8-101 or in a public right-of-way as defined in 60-1-103 to enforce the provisions of 49-
13 4-302(2) or (3) with respect to accessible parking for a person with a disability."

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