

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 ~~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.

(3) A person who provides false information in order to acquire or who assists an unqualified person in acquiring a disability license plate issued under 61-3-458(4)(b) or (4)(i), a license plate displaying a

1 wheelchair as provided in 61-3-332(9), or a disability parking placard issued under this part or a person who
2 abuses the privileges granted by this part is guilty of a misdemeanor punishable by a fine of not less than \$300
3 or by community service not to exceed 10 hours dedicated to improving access for persons with disabilities, or
4 both.

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

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