SENATE BILL NO. 4

INTRODUCED BY M. YAKAWICH

A BILL FOR AN ACT ENTITLED: “AN ACT ALLOWING PHYSICAL THERAPISTS TO CERTIFY DISABILITY PARKING PERMITS; AND AMENDING SECTIONS 49-4-301, 49-4-303, AND 49-4-305, MCA.”

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.** (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, a licensed physical therapist, 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, the licensed physical therapist, 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 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, physical therapist, 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, physical therapist, 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, a licensed physical therapist, 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 disability license plate displaying a wheelchair under 61-3-332(9) and is not required to reapply for the disability license plate when the vehicle is reregistered.

(3) The department of justice may issue 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 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 2. Section 49-4-303, MCA, is amended to read:

"**49-4-303. Issuance of interim disability parking permit.** A certified physician, chiropractor, physical therapist, or advanced practice registered nurse may issue an interim 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, physical therapist, or advanced practice registered nurse has submitted a request for a disability parking permit under 49-4-301. The interim disability parking permit is valid only in Montana, may not be renewed or extended, and expires 5 days from the date of issuance."

Section 3. 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 disability parking permit expires on the occurrence of either of the following:

(a) 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, a licensed physical therapist, 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, a licensed physical therapist, 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 the earlier of:

(a) the death of the permittee;

(b) certification by a licensed physician, a licensed chiropractor, a licensed physical therapist, 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."

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