

1 SENATE BILL NO. 88

2 INTRODUCED BY W. CURDY

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT EXCLUDING THE REQUIREMENT TO OBTAIN AN AQUATIC
 6 INVASIVE SPECIES PREVENTION PASS TO ACQUIRE A LIFETIME FISHING LICENSE FOR THE BLIND;
 7 AMENDING SECTIONS 87-2-130 AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 8 DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
 12 **Section 1.** Section 87-2-130, MCA, is amended to read:

13 **"87-2-130. Aquatic invasive species prevention pass.** (1) ~~To~~ Except as provided in 87-2-803(6), to
 14 be eligible to fish in Montana or to apply for a fishing license or a combination license that includes a fishing
 15 license, a person who is 16 years of age or older must first obtain an aquatic invasive species prevention pass
 16 as provided in this section. The pass must be purchased once each license year.

17 (2) Resident aquatic invasive species prevention passes may be purchased for a fee of \$2.

18 (3) Nonresident aquatic invasive species prevention passes may be purchased for a fee of \$7.50."
 19

20 **Section 2.** Section 87-2-803, MCA, is amended to read:

21 **"87-2-803. Licenses for persons with disabilities -- definitions.** (1) Persons with disabilities who
 22 are residents of Montana not residing in an institution and are certified as disabled as prescribed by
 23 departmental rule may purchase the following for one-half the cost:

24 (a) a Class A fishing license;

25 (b) a Class A-1 upland game bird license;

26 (c) a Class A-3 deer A tag;

27 (d) a Class A-5 elk tag.

28 (2) A person who has purchased a wildlife conservation license and a resident fishing license,

1 game bird license, deer tag, or elk tag for a particular license year and who is subsequently certified as disabled
2 is entitled to a refund for one-half of the cost of the fishing license, game bird license, deer tag, or elk tag
3 previously purchased for that license year.

4 (3) A person who is certified as disabled pursuant to subsection (4) and who was issued a permit
5 to hunt from a vehicle for license year 2014 or a subsequent license year is automatically entitled to a permit to
6 hunt from a vehicle for subsequent license years if the criteria for obtaining a permit do not change.

7 (4) A person may be certified as disabled by the department and issued a permit to hunt from a
8 vehicle, on a form prescribed by the department, if the person meets the requirements of subsection (9).

9 (5) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this
10 subsection (5) as a permitholder, may hunt by shooting a firearm from:

11 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101,
12 except a state or federal highway;

13 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-
14 of-way in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public
15 highway, where hunting is permitted; or

16 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is
17 permitted and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway
18 vehicle or snowmobile is marked as described in subsection (5)(d) of this section.

19 (b) This subsection (5) does not allow a permitholder to shoot across the roadway of any public
20 highway or to hunt on private property without permission of the landowner.

21 (c) A permitholder must have a companion to assist in immediately dressing any killed game
22 animal. The companion may also assist the permitholder by hunting a game animal that has been wounded by
23 the permitholder when the permitholder is unable to pursue and kill the wounded game animal.

24 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
25 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
26 or as prescribed by the department.

27 (6) (a) A resident of Montana who is certified by the department as experiencing blindness, as
28 defined in 53-7-301, may be issued a lifetime fishing license for the blind ~~upon~~on payment of a one-time fee of

1 §10. The license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by
2 department rule. A wildlife conservation license ~~is~~ and an aquatic invasive species prevention pass are not a
3 ~~prerequisite~~ prerequisites to licensure under this subsection (6)(a).

4 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301,
5 may be issued regular resident deer and elk licenses, in the manner provided in subsection (1) of this section,
6 and must be accompanied by a companion, as provided in subsection (5)(c) of this section.

7 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
8 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
9 person.

10 (8) As used in this section, "disabled person", "person with a disability", or "disabled" means or
11 refers to a person experiencing a condition medically determined to be permanent and substantial and resulting
12 in significant impairment of the person's functional ability.

13 (9) (a) A person qualifies for a permit to hunt from a vehicle if the person is certified by a licensed
14 physician, a licensed chiropractor, a licensed physician assistant, or an advanced practice registered nurse to
15 be nonambulatory, to have substantially impaired mobility, or to have a documented genetic condition that limits
16 the person's ability to walk or carry significant weight for long distances.

17 (b) For the purposes of this subsection (9), the following definitions apply:

18 (i) "Advanced practice registered nurse" means a registered professional nurse who has
19 completed educational requirements related to the nurse's specific practice role, as specified by the board of
20 nursing pursuant to 37-8-202, in addition to completing basic nursing education.

21 (ii) "Chiropractor" means a person who has a valid license to practice chiropractic in this state
22 pursuant to Title 37, chapter 12, part 3.

23 (iii) "Documented genetic condition" means a diagnosis derived from genetic testing and confirmed
24 by a licensed physician.

25 (iv) "Nonambulatory" means permanently, physically reliant on a wheelchair or a similar
26 compensatory appliance or device for mobility.

27 (v) "Physician" means a person who holds a degree as a doctor of medicine or doctor of
28 osteopathy and who has a valid license to practice medicine or osteopathic medicine in this state.

- 1 (vi) "Physician assistant" has the meaning provided in 37-20-401.
- 2 (vii) "Substantially impaired mobility" means virtual inability to move on foot due to permanent
- 3 physical reliance on crutches, canes, prosthetic appliances, or similar compensatory appliances or devices.
- 4 (10) Certification under subsection (9) must be on a form provided by the department.
- 5 (11) The department or a person who disagrees with a determination of disability or eligibility for a
- 6 permit to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203."

7

8 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

9

- END -