



ADMINISTRATIVE RULES OF MONTANA



37.30.2501 DEFINITIONS

- (1) "Act" means the Blind Vendors Act codified as part 4 of Title 18, chapter 5, MCA.
- (2) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision in the better eye to such a degree that the widest diameter of the visual field subtends an angle no greater than 20 degrees as determined by an ophthalmologist or a physician skilled in diseases of the eye.
- (3) "Blind vendor" means a person certified as a blind person for the purpose of this subchapter and who is operating a vending facility administered by the department.
- (4) "Blind vendors program" means the program administered by the department for the purpose of providing to certified blind persons the business opportunities authorized by Title 18, chapter 5, part 4, MCA. The blind vendors program is administered in conjunction with the business enterprise program of the department.
- (5) "Business enterprise facility" for the purpose of this subchapter means a vending facility administered by the department.
- (6) "Certified blind person" means a blind person whom the department has determined is a blind person as defined in this subchapter, is in need of vocational opportunities, and is qualified to operate a vending facility.
- (7) "Department" means the department of public health and human services.
- (8) "Federal property" means buildings or portions of buildings or other real property owned or leased by the federal government excluding military reservations upon which the department may administer vending facilities by an agreement entered into under the authority of the federal Randolph-Sheppard Act, as amended.
- (9) "License" means the certification of a blind person provided for in 18-5-403, MCA, for the purpose of providing vocational opportunity through a state-administered vending stand.
- (10) "Licensing agency" means the visual service division, department of public health and human services, state of Montana.
- (11) "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by such blind vendors).

- (12) "Nominee" means a non-profit agency or organization designated by the state licensing agency through a written agreement to act as its agent in the provision of services to blind licensees under the state's vending facility program.
- (13) "Other property" means all real property other than state or federal property as defined in this rule.
- (14) "State property" means those buildings or portions of buildings or other real property owned or leased under a lease-purchase agreement, or in the case of a building, leased in its entirety by the state or agencies of the state that are utilized in the conduct of state matters and occupied principally by state employees. State property for the purpose of this subchapter does not include vocational institutions or institutions of higher education.
- (15) "Vending facility" means an area and equipment inclusive of vending machines on state, federal or other property which is or may be utilized in providing a food, beverage, or other service to employees and other persons present on the property, and may include any of the following:
 - (a) shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment that is necessary for the vending of articles that are approved by the agency, or other authority having care, custody and control of the property in or on which the vending stand is located;
 - (b) manual or coin operated vending machines or similar devices for vending the approved articles;
 - (c) cafeteria or snack bar facilities for the dispensing of approved foods and beverages.
- (16) "Vending machine" means a device for the dispensing of foodstuffs, liquids, or other products when money is inserted into the device. Vending machine does not include postage stamp machines or coin-operating telephones.
- (17) "Vendor" means either a blind vendor or any person who is by contract temporarily managing and operating a business enterprise facility which is part of the blind vendors program.
- (18) "Vocational rehabilitation programs" means those programs provided for under the federal Randolph-Sheppard Act, as amended, and Title 53, chapter 7, part 3, MCA.

Authorizing statute(s): Sec. 18-5-414, MCA

Implementing statute(s): Sec. 18-5-401 through 18-5-416, MCA

History: NEW, 1983 MAR p. 657, Eff. 6/17/83; TRANS, from SRS, 1998 MAR p. 2040.