

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1135**

Introduced by

Representatives Boschee, Adams, Fegley, Hanson, Hatlestad, M. Johnson, Magrum, Pyle,  
Strinden

Senators Bakke, Clemens, Dwyer

1 A BILL for an Act to amend and reenact subsections 9 and 10 of section 39-01-15 and section  
2 39-04-10.2 of the North Dakota Century Code, relating to parking spaces for the mobility  
3 impaired; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 9 of section 39-01-15 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 9. a. If a public or private entity ~~designates~~provides parking spaces for use by a motor-  
8 vehicle operated by a mobility-impaired individual, those reserved ~~motor vehicles,~~  
9 ~~accessible parking spaces designated for mobility-impaired individuals also must~~  
10 ~~be provided. The accessible parking, the~~ spaces must comply with the  
11 requirements of the Americans with Disabilities Accessibility Guidelines for  
12 Buildings and Facilities as contained in the appendix to title 28, Code of Federal  
13 Regulations, part 36 [28 CFR 36] and must be indicated by blue paint on the curb  
14 or edge of the paved portion of the street or parking lot adjacent to the space. In  
15 addition to blue paint, each reserved space must be indicated by an ~~official~~a sign  
16 approved by the director bearing the internationally-accepted symbol of-  
17 ~~access~~international symbol of accessibility for the mobility impaired. The sign  
18 must indicate that unauthorized use of the space is a nonmoving violation for  
19 which a fee of one hundred dollars must be imposed.

20 b. For ~~particular events~~any event, a public or a private entity temporarily may  
21 reserve additional accessible parking spaces for use by motor vehicles operated  
22 by a mobility-impaired individual. In that case, each temporarily reserved space  
23 must be indicated by a sign ~~or other suitable means. A sign indicating that a~~

space is reserved for the mobility impaired and blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space, unless the space is a temporary mobility-impaired parking space, bearing the international symbol of accessibility for the mobility impaired at least four hours before the event.

c. ~~A parking space clearly identified as reserved for the mobility impaired by a permanently posted sign that does not meet all design standards,~~ is considered designated and reserved for the mobility impaired and is sufficient basis for the enforcement of this section - if the parking space has two of the following requirements:

(1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;

(2) A sign bearing the international symbol of accessibility for the mobility impaired; or

(3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.

d. ~~A sign posted for the purpose of this section must be at least five feet [1.5 meters] above the ground or finished surface and kept clear of snow or other obstructions which block its visibility.~~ Except for a temporarily reserved parking space for the mobility impaired, a sign posted must be immovable.

e. A law enforcement officer shall enforce this section in any parking lot or parking facility, whether publicly or privately owned.

**SECTION 2. AMENDMENT.** Subsection 10 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

10. If the designated ~~mobility-impaired~~ parking spaces for mobility-impaired individuals are occupied or ~~unavailable~~inaccessible, a motor vehicle displaying the distinguishing certificate specified in subsection 4, license plates issued under section 39-04-10.2, or a disabled veteran plate issued under subdivision j of subsection 2 of section 39-04-18 may park at an angle and occupy two standard parking spaces.

**SECTION 3. AMENDMENT.** Section 39-04-10.2 of the North Dakota Century Code is amended and reenacted as follows:

1        **39-04-10.2. Special plates for mobility-impaired persons**~~persons~~individuals.

2        The director may issue, without charge, upon application and payment of the regular license  
3 fee, plates marked with the ~~internationally accepted symbol of access~~international symbol of  
4 accessibility for the mobility impaired, to ~~any~~a motor vehicle owner ~~who possesses~~possessing a  
5 parking certificate issued under subsection 4 of section 39-01-15. This section is not applicable  
6 to ~~applicants who possess~~an applicant possessing more than one parking certificate issued  
7 under subsection 4 of section 39-01-15.