

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 spaces must comply with the requirements
11 of the Americans with Disabilities Accessibility Guidelines for Buildings and
12 Facilities as contained in the appendix to title 28, Code of Federal Regulations,
13 part 36 [28 CFR 36] and must be indicated by blue paint on the curb or edge of
14 the paved portion of the street or parking lot adjacent to the space. In addition to
15 blue paint, each reserved space must be indicated by ~~an official~~a sign ~~approved~~
16 ~~by the director~~ bearing the ~~internationally accepted symbol of access~~international
17 symbol of accessibility for the mobility impaired. The sign must indicate that
18 unauthorized use of the space is a nonmoving violation for which a fee of one
19 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~~

- 1 space is reserved for the mobility impaired and blue paint on the curb or edge of
2 the paved portion of the street or parking lot adjacent to the space, unless the
3 space is a temporary mobility impaired parking space,
- 4 c. A parking space clearly identified as reserved for the mobility impaired by a
5 permanently posted sign that does not meet all design standards, is considered
6 designated and reserved for the mobility impaired and is sufficient basis for the
7 enforcement of this section.
- 8 d. A sign posted for the purpose of this section must be at least five feet
9 [1.5 meters] above the ground or finished surface and kept clear of snow or other
10 obstructions which block its visibility. Except for a temporarily reserved parking
11 space for the mobility impaired, a sign posted must be immovable.
- 12 e. A law enforcement officer shall enforce this section in any parking lot or parking
13 facility, whether publicly or privately owned.

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

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

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

23 **39-04-10.2. Special plates for mobility-impaired ~~persons~~individuals.**

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