

Sixty-sixth
Legislative Assembly
of North Dakota

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

18 b. For ~~particular events~~ any event, a public or a private entity temporarily may
19 reserve additional accessible parking spaces for use by motor vehicles operated
20 by a mobility-impaired individual. In that case, each temporarily reserved space
21 must be indicated by a sign ~~or other suitable means. A sign indicating that a~~
22 ~~space is reserved for the mobility-impaired and blue paint on the curb or edge of~~
23 ~~the paved portion of the street or parking lot adjacent to the space, unless the~~

1 space is a temporary mobility-impaired parking space, bearing the international
2 symbol of accessibility for the mobility impaired at least four hours before the
3 event.

4 c. A parking space clearly identified as reserved for the mobility impaired is
5 considered designated and reserved for the mobility impaired and is sufficient
6 basis for the enforcement of this section: if the parking space has two of the
7 following requirements:

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

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

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

14 d. Except for a temporarily reserved parking space for the mobility impaired, a sign
15 posted must be immovable.

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

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

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

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

27 **39-04-10.2. Special plates for mobility-impaired persons**individuals.

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

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- 1 to ~~applicants who possess~~an applicant possessing more than one parking certificate issued
- 2 under subsection 4 of section 39-01-15.