

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1135

(Representatives Boschee, Adams, Fegley, Hanson, Hatlestad, M. Johnson, Magrum, Pyle, Strinden)
(Senators Bakke, Clemens, Dwyer)

AN ACT to amend and reenact subsections 9 and 10 of section 39-01-15 and section 39-04-10.2 of the North Dakota Century Code, relating to parking spaces for the mobility impaired; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

9.
 - a. ~~If a public or private entity designates parking spaces for use by a motor vehicle operated by a mobility-impaired individual, those reserved accessible parking, the spaces must comply with the requirements of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by an official sign approved by the director bearing the internationally accepted symbol of accessinternational symbol of accessibility for the mobility impaired. The sign must indicate that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.~~
 - b. ~~For particular eventsany event, a public or a private entity temporarily may reserve additional accessible parking spaces for use by motor vehicles operated by a mobility-impaired individual. In that case, each temporarily reserved space 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 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. 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:

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1135.

House Vote: Yeas 88 Nays 5 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State