

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2289

2001 SENATE TRANSPORTATION

SB 2289


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2289

Senate Transportation Committee

Conference Committee

Hearing Date 2-2-01;2-8-01

Tape Number	Side A	Side B	Meter #
2	x		15.7-30.6
2-8-01 1	x		22.6-27.3
Committee Clerk Signature 			

Minutes: SB 2289 relates to parking spaces for mobility-impaired individuals; and to provide a penalty.

Layton Freborg: (District 8; Supports) See attached. States that the Federal Act requires blue lines and the State requires a sign for each space. What I want is a fine for the infraction of not putting up the signs.

Cal Swanson: (Desmond, ND; Supports) States that if there is no sign, the blue curb is often covered with snow so able bodies park there. If you don't put up a sign, there should be a fine.

Senator Stenehjem: Who gives the "official notification" as stated in proposed bill?

Senator Espgaard: Law enforcement officers shall enforce this.

Hearing closed.

Committee reopened on SB 2289 on 2-8-01.

Senator O'Connell: The fine's too high.

Senator Stenehjem: It doesn't mandate a \$500 fine.

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Senate Transportation Committee

Bill/Resolution Number SB 2289

Hearing Date ~~2-1-01~~ 2-8-01

Senator Epegard moves to Do Pass. Seconded by Senator Trenbeath. Roll call taken. 4-2-0.

Carrier is Senator Stenehjem.

Committee closed.

REPORT OF STANDING COMMITTEE (410)
February 9, 2001 1:46 p.m.

Module No: SR-24-2887
Carrier: Stenehjem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2289: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the
Eleventh order on the calendar.

2001 HOUSE TRANSPORTATION

SB 2289

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2289

House Transportation Committee

Conference Committee

Hearing Date March 2, 2001

Tape Number	Side A	Side B	Meter #
1		x	398
Committee Clerk Signature <i>Lauren L. Ford</i>			

Minutes: Rep. Pollert - Vice Chairman opened the hearing on SB 2289: A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking spaces for mobility-impaired individuals; and to provide a penalty.

Sen. Freborg: I am Layton Freborg, State Senator from District 8. SB 2289 changes nothing in law. It doesn't change the requirements for handicap parking. First, requirements for handicap parking is a federal law. The federal government requires parking spaces and the state law kicks in. The spaces must be indicated by blue paint at each reserved space and each space must be indicated by an official sign. The sign say that the fine (violation) is \$100. There is no penalty for not putting up the sign.

Rep. Jensen: (592) Why do we not have a penalty?

Sen Freborg: Because they can't force them to put the sign up. If you look it up you will see that it is an infraction and only after 60 days notice -- that is after they have been given the warning

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House Transportation Committee

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they have 60 days to comply. The biggest problem, especially in rural areas is that they use the blue paint and don't put the sign up.

Rep. Thoreson: (693) Do they have to have the blue paint in a gravel parking lot also?

Sen. Freborg. No -- everyone does not have to have a parking space. The federal law says that one must be readily achievable or otherwise everyone else must provide one or more.

Remember that North Dakota does not require you to have a parking space. The federal law does. We require the signs if you have the space but there is not space. If you don't put the signs up there is no penalty.

Kell Swanson: I am from Esmond. I am here to support SB 2289. There are businesses here that refuse to put up the signs. They have only the blue paint painted on the pavement. In the winter it is covered. If there were signs it would more readily identify these areas which should be reserved for the handicapped. We feel that first the spaces should be, then the signs and the penalty. I ask that you give this a do pass. It is important.

Rep. Thorpe: (1086) Why is this drafted like this --? A private entity ?

Kell Swanson: I think what they are talking about are private businesses.

Sen Freborg: Yes, it is definitely private businesses. Under the federal law all you need is the blue lines. If you are a small business and have a parking place within 7 paces from the front door you are not required to have a handicapped parking spot. The private entity does refer to a private business.

Rep. Thorpe: (1233) My question was whether this suffices. It is a little confusing because if it is public business owned by a individual.

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House Transportation Committee

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Rep. Hawken: (1278) So what we are doing here is that it would be \$100 fine for a business that did not post a sign?

Sen. Freborg: No -- its an infraction. I believe that is up to \$500.

Rep. Price: (1418) The last time we put in a penalty for parking in a handicapped space the judges weren't applying the fine that made it worth the while for enforcement people -- because the infraction is a wide open amount they can set it -- maybe we have set a specific amount like had to do on the phones?

Sen. Freborg: You mean so that the infraction that -- I would not be opposed to that. Law enforcement needs something to use as a lever because there is not penalty.

Rep. Price: (1501) I think we need to look a something to make people stop parking.

? (unidentified voice) Excuse me but I think the cost of a sign is \$18 according to the DOT.

Darrell Farland, I am testifying today as a private citizen. I have copies of this section of the law. (a copy of his handout is attached). I am happy some body brought this bill because they recognize that this isn't a handicapped bill -- it is about the mobility impaired. Over the years we have tried several things. At one time we called it a fine and because judge --well then we called it a fee. My question on this particular amendment is who is going to enforce it? It is a constant problem with law enforcement is that if you can't see the blue paint -- or -- there is no sign -- if you look at section 9, it says it must be marked with blue paint and signs. If it's not there, the attorney says sorry it is not appropriately marked. We some how need to get them to put their paint down and their sign but to do it in the manner prescribed by our DOT, the federal law, and our own state law. I am also going to suggest that you put both 'public' or 'private'. Keith (Kiser

- from the DOT in the audience) I don't know how many parking permits we are up to now --
(answer - 40,000).

Rep. Mahoney: (2376) How many spaces are required? In North Dakota are some businesses providing more spaces than required?

Darrell Farland: Only if they are a medical facility and that makes sense. But if it like here at the capital they meet the requirements. There is a formula to go by but I don't have it here right now.

Rep. Mahoney: (2473) What I am looking at - say grocery stores-- down in south Bismarck, they have a lot of spaces -- I am wondering how many of those are required and how many of those are voluntary.

Rep. Mahoney: (2510) Where there are more marked and signed places and those businesses are required with a penalty to put up these spaces -- it may have an adverse effect of less spaces in some areas -- if they are threatened with a violation if the marking isn't keep up?

Darrell Farland: If you look at section 9 --

Rep. Mahoney: (2584) I know understand that -- I have seen there are spaces that aren't compliance -- you couldn't enforce them because they don't have sign -- they are left open nonetheless but they may disappear rather than put a sign.

Darrell Farland: What you are saying is that many places are going to provide the minimum-- I say there a lot of them are doing that now.

Rep. Mahoney: (2768) Have you seen any improvement since we put that \$100 penalty notice on the signs?

Darrell Farland: No -- who's going to enforce that.

Rep. Mahoney: Did the availability of spaces improve after we put that \$100 notice on signs?

Kell Swanson: I realize that I have talked to only one county sheriff, but that sheriff readily admits -- if the signs are up and there is a law that could cause a penalty, he would enforce that.

Sen. Freborg: Just for the committees information - - I am doing this from memory but according to ADA -- If you have 2 spots, one spot has to be handicap - I believe it is if you have 25 - - it is one spot and from there on up it is one for each additional 25 -- I know that is not 100% accurate because that is not what it says but it works out that way. So, if you have two spots-- one has to be handicap.

Rep. Pollert - Vice Chairman: (3066) There was no one appearing to testify as opposed to SB 2289. There were no others wishing to testify. Rep. Pollert closed the hearing on further testimony.

