

House Bill 3170

Sponsored by Representative NELSON (at the request of Kevin O'Reilly)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that one in every four accessible parking spaces for persons with disabilities be van accessible or, if more than four spaces are designated as accessible, then one in every eight be van accessible. Requires that van accessible parking spaces have orange sign reading "Wheelchair User Only" and be striped and marked in orange with International Symbol of Access. Requires that access aisle be striped orange.

Requires Department of Transportation to issue wheelchair placards or decals. Prohibits persons from parking in van accessible parking space with sign reading "Wheelchair User Only" unless vehicle displays wheelchair placard or decal.

A BILL FOR AN ACT

Relating to parking for persons with disabilities; creating new provisions; and amending ORS 447.233, 811.602, 811.615 and 811.635.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 447.233 is amended to read:

447.233. (1) The Director of the Department of Consumer and Business Services shall include in the state building code, as defined in ORS 455.010, a requirement that the number of accessible parking spaces specified in subsection (2) of this section be provided for affected buildings subject to the state building code and that the spaces be signed as required by subsection (2) of this section. Spaces may also be marked in a manner specified in the state building code.

(2)(a) The number of accessible parking spaces shall be:

		Required	
Total Parking		Minimum Number	
In Lot		of Accessible Spaces	
1	to 25	1	
26	to 50	2	
51	to 75	3	
76	to 100	4	
101	to 150	5	
151	to 200	6	
201	to 300	7	
301	to 400	8	
401	to 500	9	
501	to 1,000	2 percent of total	
1,001	and over	20 plus 1 for each	
		100 over 1,000	

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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(b) In addition, **at least one in every four accessible spaces shall be van accessible, but if more than four spaces are designated as accessible spaces, then at least one** in every eight accessible spaces[, *but not less than one,*] shall be van accessible. A van accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.

(c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide.

(d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

(e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access and shall indicate that the spaces are reserved for persons with disabled person parking permits. Van accessible parking spaces shall have an additional sign marked [*“Van Accessible”*] **“Wheelchair User Only”** mounted below the sign.

(f) **Except as provided in this paragraph,** accessible parking spaces and signs shall be designed in compliance with the standards set forth by the Oregon Transportation Commission in consultation with the Oregon Disabilities Commission. **Signs marked “Wheelchair User Only” shall be orange in color with black lettering. Van accessible parking spaces and access aisles shall be striped orange in color and marked in orange with the International Symbol of Access.**

(3) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps may not be situated in such a way that they could be blocked by a legally parked vehicle.

(4) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.

(5) The director is authorized to inspect parking spaces and facilities and buildings subject to the provisions of this section, and to do whatever is necessary to enforce the requirements, including the maintenance requirements, of this section. Municipalities and counties may administer and enforce the requirements of this section in the manner provided under ORS 455.148 or 455.150 for administration and enforcement of specialty codes. All plans for parking spaces subject to the provisions of this section must be approved by the director prior to the creation of the spaces.

(6) Requirements adopted under this section do not apply to long-term parking facilities at the Portland International Airport.

(7) Any reported violation of this section shall be investigated by the administrative authority. The administrative authority shall make a final decision and order correction, if necessary, within 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the administrative authority to the appropriate municipal appeals board or, at the option of the local jurisdiction, directly to the Building Codes Structures Board established under ORS 455.132. The appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may be appealed to the board. The board shall act on the appeal within 60 days of filing. All appeals to the board shall be filed in accordance with ORS 455.690.

SECTION 2. The amendments to ORS 447.233 by section 1 of this 2007 Act apply to new construction or repainting of accessible parking spaces and access aisles commencing on or after the effective date of this 2007 Act.

1 **SECTION 3.** Section 4 of this 2007 Act is added to and made a part of the Oregon Vehicle
 2 Code.

3 **SECTION 4.** The Department of Transportation shall issue disabled person parking per-
 4 mits in the form of wheelchair placards or decals for use on vehicles that are regularly used
 5 for the transportation of persons who use wheelchairs or similar low-powered motorized or
 6 mechanically propelled vehicles designed specifically for use by a person with a physical dis-
 7 ability. All of the following apply to placards or decals issued under this section:

8 (1) The department shall determine the form, size and content of the placards or decals
 9 except that the department shall require that the placards or decals:

10 (a) Be orange in color; and

11 (b) Have an expiration date that is visible from outside the vehicle when the placard or
 12 decal is displayed on or in the vehicle.

13 (2) Placards or decals issued under this section shall be valid for a period of eight years
 14 from the date of issue. Upon expiration, placards or decals may be renewed in a manner de-
 15 termined by the department by rule. The department shall authorize renewal by mail of
 16 placards or decals issued under this section.

17 **SECTION 5.** ORS 811.602 is amended to read:

18 811.602. (1) A disabled person parking permit is a means of identifying vehicles being used to
 19 exercise the parking privileges described in ORS 811.635. The following are disabled person parking
 20 permits:

21 (a) A special decal described in ORS 811.605 issued by the Department of Transportation to be
 22 affixed to a golf cart or substantially similar vehicle;

23 (b) An individual placard described in ORS 811.605;

24 (c) A program placard issued by the department under ORS 811.607;

25 (d) A family placard issued by the department under ORS 811.609; *[and]*

26 (e) A foreign visitor placard issued by the department under ORS 811.611; **and**

27 **(f) A wheelchair placard or decal issued by the department under section 4 of this 2007**
 28 **Act.**

29 (2) The department shall issue a disabled person parking permit in the form of a decal or indi-
 30 vidual placard to any person who submits an application that complies with ORS 811.604. Nothing
 31 in this section prohibits the department from issuing a decal or individual placard to a person who
 32 has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal
 33 or placard.

34 (3) Except as otherwise provided in this subsection, the department may not issue more than one
 35 individual placard to an applicant. The department may issue a replacement placard upon receipt
 36 of proof satisfactory to the department that the original placard has been lost, mutilated or de-
 37 stroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate
 38 permit for travel purposes. A temporary duplicate permit shall be valid for 30 days. The department
 39 shall adopt rules governing application for and issuance of temporary duplicate permits. Nothing in
 40 this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

41 (4) Permits issued under this section, other than temporary duplicate permits, may be renewed
 42 by mail.

43 (5) Permits for use on vehicles that are regularly used as part of a program for the transporta-
 44 tion of disabled persons are issued as provided in ORS 811.607.

45 (6) Except as provided in subsection (7) of this section, the department shall determine the form,

1 size and content of any decal or placard issued under this section and shall adopt rules governing
2 their issuance, display and use as necessary to carry out this section.

3 (7)(a) Except as provided in paragraph (b) of this subsection, the department may not require a
4 decal or placard issued under this section to an individual or a family to contain any identifying
5 information about the person to whom the decal or placard is issued, including any of the following:

- 6 (A) Name;
- 7 (B) Address;
- 8 (C) Telephone number;
- 9 (D) Social Security number;
- 10 (E) Driver license number;
- 11 (F) Golf cart driver permit number;
- 12 (G) Identification card number;
- 13 (H) Passport or visa number; or
- 14 (I) Photograph.

15 (b) The department may require a decal or placard issued under this section to an individual
16 or a family to contain not more than four digits of the driver license or identification card number
17 of the person to whom the decal or placard is issued.

18 **SECTION 6.** ORS 811.615 is amended to read:

19 811.615. (1) A person commits the offense of unlawful parking in a space reserved for *[disabled]*
20 persons **with disabilities** if:

21 (a) The person parks a vehicle in any parking space that is on private or public property and
22 that is marked or signed to provide parking for *[disabled]* persons **with disabilities** and the vehicle
23 does not conspicuously display a disabled person parking permit described under ORS 811.602 or
24 811.606 or a disabled parking permit issued by another jurisdiction; or

25 (b) The person parks a vehicle in the aisle required by ORS 447.233 regardless of whether or
26 not the vehicle displays a disabled person parking permit.

27 **(c) The person parks a vehicle in a parking space that is on private or public property**
28 **and that is marked and signed to provide van accessible parking only for persons with disa-**
29 **ilities using wheelchairs as described in ORS 447.233 and the vehicle does not conspicuously**
30 **display a disabled person parking permit described in section 4 of this 2007 Act.**

31 (2) This section does not apply to any of the following:

32 (a) Momentarily parking a vehicle in a parking space marked or signed for *[disabled]* persons
33 **with disabilities** for the purposes of allowing a *[disabled]* person **with a disability** to enter or leave
34 the vehicle.

35 (b) Any parking space that is marked or signed to provide parking for *[disabled]* persons **with**
36 **disabilities** and that is subject to different provisions or requirements under city or county ordi-
37 nance if the different provisions or requirements are clearly posted.

38 (3) Unless the police officer or other authorized person issuing the citation witnesses the park-
39 ing of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section
40 was parked by the registered owner of the vehicle and the citation issued for the violation may be
41 placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other
42 person authorized to issue a citation for the offense, the operator of the vehicle is in violation of
43 this section.

44 (4) The penalties provided by this section shall be imposed regardless of the text or symbol
45 displayed on the marking or sign reserving the space or aisle for *[disabled]* persons **with**

1 **disabilities.** The penalties are in addition to the following:

2 (a) A vehicle parked on private property in violation of this section is subject to removal under
3 ORS 98.810 and to lien and sale under ORS 98.812.

4 (b) A vehicle parked in violation of this section may be removed and sold as provided under ORS
5 811.620.

6 (5) The offense described in this section, unlawful parking in a space reserved for [*disabled*]
7 persons **with disabilities**, is a Class A traffic violation except that a person in violation of this
8 section shall pay a minimum fine of \$190 for the first offense and a minimum fine of \$450 for each
9 subsequent offense.

10 (6) Notwithstanding any other provision of law and except as otherwise provided in subsection
11 (7) of this section:

12 (a) A court may not suspend imposition or execution of a sentence to pay at least the minimum
13 fine required by this section for a person's first offense unless the court finds from clear and con-
14 vincing evidence that compelling circumstances require a suspension of a portion of the fine in the
15 interests of justice. In no event shall a court suspend under this paragraph more than \$140 of the
16 minimum \$190 fine.

17 (b) A court may not suspend imposition or execution of a sentence to pay a fine for a second
18 or subsequent offense.

19 (7) If the court finds that the person who was issued a citation for the offense described in this
20 section lawfully held, but failed to properly display, a valid permit at the time of citation, then the
21 court may suspend all but \$20 of the fine.

22 **SECTION 7.** ORS 811.635 is amended to read:

23 811.635. All of the following apply to the parking privileges granted to disabled persons under
24 a disabled person parking permit other than a program placard described in ORS 811.607:

25 (1) The privileges granted under a permit may be exercised notwithstanding ORS 811.575, any
26 authority granted under ORS 810.160 or parking restrictions imposed by any city or county and
27 without violation thereof.

28 (2) Subject to the limitations under subsection (3) of this section, a permit allows its holder, or
29 another person while transporting its holder to or from the parking location, to exercise the fol-
30 lowing privileges:

31 (a) Park a motor vehicle in any public parking zone restricted as to the length of time permitted
32 therein without incurring penalties imposed for overtime parking in such zones.

33 (b) Park a motor vehicle in any public parking zone with metered parking without being re-
34 quired to pay any parking meter fee.

35 (3) The privileges granted under subsection (2) of this section do not include any of the follow-
36 ing:

37 (a) Parking in zones where stopping, parking or standing of all motor vehicles is prohibited.

38 (b) Parking in the late evening or overnight where such parking is prohibited.

39 (c) Parking in zones reserved for special types of motor vehicles or activities.

40 (d) Parking in zones where parking is permitted only for 30 minutes or less.

41 **(e) Parking in van accessible parking spaces marked and signed for wheelchair users**
42 **only, unless displaying a wheelchair placard or decal issued under section 4 of this 2007 Act.**

43 (4) In addition to other privileges granted under a permit, the person issued a permit, or another
44 person while transporting the person issued the permit to or from the parking location, may use the
45 permit to park in a parking space that is marked or signed to provide parking for disabled persons

1 without violation of ORS 811.615.

2 **SECTION 8. Section 4 of this 2007 Act and the amendments to ORS 811.602, 811.615 and**
3 **811.635 by sections 5 to 7 of this 2007 Act apply to persons parking in van accessible parking**
4 **spaces marked and signed for wheelchair users only on or after the effective date of this 2007**
5 **Act.**

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