

Enrolled Senate Bill 716

Sponsored by COMMITTEE ON HEALTH POLICY AND PUBLIC AFFAIRS (at the request of Oregon Paralyzed Veterans of America)

CHAPTER

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:

[_____]

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

[_____]

Required	Required Minimum Number	Required Minimum Number of
-----------------	------------------------------------	---------------------------------------

Total Parking In Lot	Minimum Number of Accessible Spaces	Number of Van Accessible Spaces	“Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5	-	1
151 to 200	6	-	1
201 to 300	7	-	1
301 to 400	8	-	1
401 to 500	9	-	2
501 to 1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

(b) In addition, one in every eight accessible spaces, but not less than one, shall be van accessible. **Where five or more parking spaces are designated accessible, any space that is designated as van accessible shall be reserved for wheelchair users.** 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. **A van accessible parking [spaces] space shall have an additional sign marked “Van Accessible” mounted below the sign. A van accessible parking space reserved for wheelchair users shall have a sign that includes the words “Wheelchair User Only.”**

(f) 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.

(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 ad-

ministrative 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 construction or repainting of accessible parking spaces and access aisles commencing on or after the effective date of this 2007 Act.

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

SECTION 4. (1) The Department of Transportation shall issue a "Wheelchair User" disabled person parking permit in the form of a "Wheelchair User" placard or decal for use by a person who uses a wheelchair or similar low-powered motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

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

(a) Include the words "Wheelchair User."

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

(3) The department shall by rule determine how a person may qualify for a "Wheelchair User" placard or decal under this section.

(4) An applicant for a "Wheelchair User" placard or decal issued by the department under this section must have a driver license, a disability golf cart driver permit or an identification card issued by the department. The placard or decal shall be valid as long as the license, permit or identification card is valid and may be renewed when the license, permit or identification card is renewed.

(5) The expiration date shall be the same as the expiration date of the driver license, disability golf cart driver permit or identification card of the holder of the placard or decal.

SECTION 5. ORS 811.602 is amended to read:

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

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

(b) An individual placard described in ORS 811.605;

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

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

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

(f) A "Wheelchair User" placard or decal issued by the department under section 4 of this 2007 Act.

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

(3) Except as otherwise provided in this subsection, the department may not issue more than one individual placard to an applicant. The department may issue a replacement placard upon receipt of proof satisfactory to the department that the original placard has been lost, mutilated or destroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate permit for travel purposes. A temporary duplicate permit shall be valid for 30 days. The department shall adopt rules governing application for and issuance of temporary duplicate permits.

Nothing in this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

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

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

(6) Except as provided in subsection (7) of this section, the department shall determine the form, size and content of any decal or placard issued under this section and shall adopt rules governing their issuance, display and use as necessary to carry out this section.

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

- (A) Name;
- (B) Address;
- (C) Telephone number;
- (D) Social Security number;
- (E) Driver license number;
- (F) Golf cart driver permit number;
- (G) Identification card number;
- (H) Passport or visa number; or
- (I) Photograph.

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

SECTION 6. ORS 811.615 is amended to read:

811.615. (1) A person commits the offense of unlawful parking in a space reserved for disabled persons if:

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

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

(c) The person parks a vehicle in a parking space that is on private or public property and that is marked or signed "Wheelchair User Only" as described in ORS 447.233 and the vehicle does not conspicuously display a "Wheelchair User" placard or decal issued under section 4 of this 2007 Act.

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

(a) Momentarily parking a vehicle in a parking space marked or signed for disabled persons for the purposes of allowing a disabled person to enter or leave the vehicle.

(b) Any parking space that is marked or signed to provide parking for disabled persons and that is subject to different provisions or requirements under city or county ordinance if the different provisions or requirements are clearly posted.

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

(4) The penalties provided by this section shall be imposed regardless of the text or symbol displayed on the marking or sign reserving the space or aisle for disabled persons. The penalties are in addition to the following:

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

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

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

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

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

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

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

SECTION 7. ORS 811.635 is amended to read:

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

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

(2) Subject to the limitations under subsection [(3)] (4) of this section, a [permit] **“Wheelchair User” placard or decal** allows its holder, or another person while transporting its holder to or from the parking location, to exercise the following privileges:

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

(b) Park a motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.

(3) A city or county may allow any person who holds a disabled person parking permit to exercise the rights described in subsection (2) of this section.

[(3)] (4) The privileges granted under subsection (2) of this section do not include any of the following:

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

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

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

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

(e) Parking in a parking space marked or signed for “Wheelchair User Only,” unless displaying a “Wheelchair User” placard or decal issued under section 4 of this 2007 Act.

[(4)] (5) In addition to other privileges granted under a permit, the person issued a permit, or another person while transporting the person issued the permit to or from the parking location, may use the permit to park in a parking space that is marked or signed to provide parking for disabled persons without violation of ORS 811.615.

SECTION 8. The amendments to ORS 811.602, 811.615 and 811.635 by sections 5, 6 and 7 of this 2007 Act apply to persons parking in accessible parking spaces marked or signed for “Wheelchair User Only” on or after the effective date of this 2007 Act.

Passed by Senate April 16, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House June 4, 2007

.....
Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State