

House Bill 2677

Sponsored by Representative WINGARD (at the request of Morris Eickhoff)

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**.

Creates wording requirements and prohibitions for signs posted for accessible parking spaces. Applies to new signs on or after effective date of Act and to existing signs five years after effective date of Act.

Requires that sign posted for accessible parking space be maintained in compliance with state building code and other requirements. Gives Oregon Transportation Commission and Oregon Disabilities Commission authority to inspect accessible parking spaces and signs for compliance with state building code and other requirements during hours that parking spaces are open to public entry.

A BILL FOR AN ACT

Relating to accessible parking; creating new provisions; and amending ORS 447.233.

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:

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Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of "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

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.

1	1,001 and over	20 plus 1 for each	-	1 in every 8
2		100 over 1,000		accessible spaces or
3				portion thereof

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6 (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.

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10 (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.

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12 (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.

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14 (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 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."

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20 **(f) A sign posted for an accessible parking space shall state that unlawful parking in the space is a Class A traffic violation and cite to ORS 811.615. If a local government has adopted an ordinance that prohibits unlawful parking in the space, the sign may also cite to the current local ordinance number. The sign may not state the applicable fine amount for violating ORS 811.615 or a local ordinance.**

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25 [(f)] **(g)** 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.

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28 (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.

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30 (4) Parking spaces **and signs** 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. **The Oregon Transportation Commission and the Oregon Disabilities Commission may, during the hours that the parking spaces are open to public entry, inspect accessible parking spaces and signs for compliance with the requirements of this section and standards established by the state building code. The commissions may report noncomplying spaces and signs to an administrative authority enforcing the requirements as described in subsection (5) of this section.**

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38 (5) The director [*is authorized to*] **may** 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.

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

1 (7) Any reported violation of this section shall be investigated by the administrative authority.
2 The administrative authority shall make a final decision and order correction, if necessary, within
3 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the ad-
4 ministrative authority to the appropriate municipal appeals board or, at the option of the local ju-
5 risdiction, directly to the Building Codes Structures Board established under ORS 455.132. The
6 appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may
7 be appealed to the board. The board shall act on the appeal within 60 days of filing. All appeals to
8 the board shall be filed in accordance with ORS 455.690.

9 **SECTION 2. The owner of a sign posted for an accessible parking space and approved by**
10 **an administrative authority before the effective date of this 2009 Act shall bring the sign into**
11 **compliance with ORS 447.233 (2)(f) no later than January 1, 2015. A civil penalty or other**
12 **sanction may not be imposed against the owner of a sign described in this section for failure**
13 **to bring the sign into compliance with ORS 447.233 (2)(f) before January 1, 2015.**

14 **SECTION 3. Section 2 of this 2009 Act is repealed January 2, 2017.**
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