

SENATE BILL NO. 2120

Introduced by

Senators Larsen, Luick, Hogue

Representative Ruby

1 A BILL for an Act to amend and reenact section 39-01-15 of the North Dakota Century Code,
2 relating to parking privileges for a disabled veteran.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-01-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-01-15. Parking privileges for mobility impaired - Certificate - Revocation -**
7 **Continuing appropriation - Penalty.**

8 1. Any mobility-impaired ~~person~~individual who displays prominently upon an automobile
9 parked by that ~~person~~individual or under that ~~person's~~individual's direction and for that
10 ~~person's~~individual's use, the distinguishing certificate specified in subsection 4 of,
11 license plates issued under section 39-04-10.2, or a disabled veteran plate issued
12 under subdivision j of subsection 2 of section 39-04-18 is entitled to courtesy in the
13 parking of the automobile. ~~Provided, however, that~~However, any municipality may
14 prohibit, by ordinance, ~~prohibit~~ parking on any ~~street or~~ highway for the purpose of
15 creating a fire lane, or to provide for the accommodation of heavy traffic during
16 morning and afternoon rush hours, ~~and the.~~ The privileges extended to ~~such a~~
17 mobility-impaired persons ~~do~~individual does not apply on ~~streets or highways where~~
18 ~~and during such times as a~~ highway if parking is prohibited for a fire lane or during rush
19 hours.

20 2. A mobility-impaired ~~person~~individual as used in this section includes ~~any person an~~
21 individual who uses portable oxygen; requires personal assistance or the use of
22 crutches, a wheelchair, or a walker to walk two hundred feet [60.96 meters] without
23 rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred
24 feet [60.96 meters] without rest; has a forced expiratory volume of less than one liter

1 for one second or an arterial oxygen tension of less than sixty millimeters of mercury
2 on room air while at rest and is classified III or IV by standards for cardiac disease set
3 by the American heart association; ~~or~~ has an orthopedic, neurologic, or other medical
4 condition that makes it impossible for the person to walk two hundred feet [60.96
5 meters] without assistance or rest; or is a disabled veteran issued a plate under
6 subdivision j of subsection 2 of section 39-04-18.

7 3. Repealed by S.L. 1989, ch. 319, § 6.

8 4. The director may issue, for a fee of three dollars per year or part of a year, a special
9 identifying certificate to any mobility-impaired applicant upon submission by the
10 applicant of a completed application and a written statement issued by a qualified
11 physician or an advanced practice registered nurse to the director that the applicant is
12 a mobility-impaired person within the criteria of subsection 2. The director shall waive
13 the requirement for a written statement from a qualified physician or an advanced
14 practice registered nurse if the applicant has previously submitted an application
15 containing a certification from a qualified physician or an advanced practice registered
16 nurse that the applicant's impairment is not reversible. The application must include
17 the information required by the director. The physician's or advanced practice
18 registered nurse's statement must describe how the impairment limits the applicant's
19 mobility and daily life functions of the applicant. The certificate is valid for a period, not
20 to exceed three years, as determined by the director. A physician or an advanced
21 practice registered nurse who provides a false statement that ~~a person~~ an individual is
22 mobility impaired for the purpose of that ~~person~~ individual obtaining a certificate under
23 this subsection is guilty of an infraction for which a minimum fine of one hundred
24 dollars must be imposed. A certificate issued under this subsection must be nine and
25 one-half inches [24.13 centimeters] in height and three inches [7.62 centimeters] in
26 width and must bear, in white on blue, the internationally accepted symbol of access
27 for the mobility impaired. The certificate must bear the expiration date and registration
28 number assigned by the director. The director shall adopt rules governing the issuance
29 of the certificate. A temporary certificate, valid for an initial period not to exceed three
30 months, may be issued by the director for a fee of three dollars upon application
31 supported by a physician's or an advanced practice registered nurse's statement. The

1 director may issue a maximum of one additional temporary certificate for a fee of three
2 dollars. The temporary certificate may be extended an additional period, not to exceed
3 three months, upon application supported by a physician's or an advanced practice
4 registered nurse's statement that the extension is warranted. Temporary certificates
5 must be the same size as other certificates issued under this section and must be
6 white on red. The director may issue a maximum of one additional certificate, if the
7 applicant does not have ~~license~~number plates issued under section 39-04-10.2 or
8 under subdivision j of subsection 2 of section 39-04-18, for a fee of six dollars per
9 certificate, to a mobility-impaired ~~person~~individual to whom a certificate has been
10 issued under this subsection. The additional certificates may only be used by or on
11 behalf of the mobility-impaired ~~person~~individual.

12 5. Except as provided in this subsection, two dollars of each fee for issuance of a
13 certificate and one dollar of each fee for issuance of an additional certificate under this
14 section must be deposited in the state highway department fund for purposes of
15 defraying the cost of issuing the certificate. The rest of the fee, and the five dollar fee
16 received for the issuance of an additional certificate under subsection 4, must be
17 deposited in the state treasury and credited to the employment of people with
18 disabilities fund. The fees deposited in the fund are hereby appropriated on a
19 continuing basis to the committee on employment of people with disabilities of the
20 department of human services for development of job opportunities for disabled
21 individuals in this state. If a certificate is lost, mutilated, or destroyed, the
22 ~~person~~individual to whom the certificate was issued is entitled to a replacement. The
23 ~~person~~individual shall furnish proof satisfactory to the director that the certificate has
24 been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.

25 6. A certificate issued under this section must be hung from the rearview mirror of the
26 motor vehicle whenever the vehicle is occupying a space reserved for the mobility
27 impaired and is being used by a mobility-impaired ~~person~~individual or another
28 ~~person~~individual for the purposes of transporting the mobility-impaired
29 ~~person~~individual. No part of the certificate may be obscured. A fee of five dollars may
30 be imposed for a violation of this subsection.

- 1 7. An applicant may appeal a decision denying issuance of the certificate to the director.
2 Written notice of the appeal must be received within ten business days following
3 receipt by the applicant of notice of denial. The applicant has sixty days to provide
4 additional supportive material to the director for purposes of deciding the appeal. The
5 director shall affirm or reverse the decision to deny issuance of the certificate within
6 thirty days after receipt of the supportive material. Written notice of the decision must
7 be given to the applicant.
- 8 8. If a law enforcement officer finds that the certificate is being improperly used, the
9 officer may report to the director any ~~such~~ violation and the director may, in the
10 director's discretion, remove the privilege. ~~Any person~~An individual who is not mobility
11 impaired and who exercises the privileges granted a mobility-impaired
12 ~~person~~individual under subsection 1 is guilty of an infraction for which a fine of one
13 hundred dollars must be imposed.
- 14 9. ~~Whenever any~~If a public or private entity designates parking spaces for use by a motor
15 ~~vehicles~~vehicle operated by a mobility-impaired ~~persons~~individual, those reserved
16 spaces must comply with the requirements of the Americans with Disabilities
17 Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title
18 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be indicated by blue
19 paint on the curb or edge of the paved portion of the street or parking lot adjacent to
20 the space. In addition to blue paint, each reserved space must be indicated by an
21 official sign approved by the director bearing the internationally accepted symbol of
22 access for the mobility impaired. The sign must indicate that unauthorized use of the
23 space is a nonmoving violation for which a fee of one hundred dollars must be
24 imposed. For particular events, a public or a private entity may reserve additional
25 parking spaces for use by motor vehicles operated by a mobility-impaired
26 ~~persons~~individual. In that case, each temporarily reserved space must be indicated by
27 a sign or other suitable means. A sign indicating that a space is reserved for the
28 mobility impaired and blue paint on the curb or edge of the paved portion of the street
29 or parking lot adjacent to the space, unless the space is a temporary mobility-impaired
30 parking space, is sufficient basis for the enforcement of this section. A law

1 enforcement officer shall enforce this section in any parking lot or parking facility,
2 whether publicly or privately owned.

3 10. ~~A person~~An individual may not stop, stand, or park any vehicle in any designated
4 parking space that is reserved for the mobility impaired unless the vehicle displays a
5 mobility-impaired identification certificate issued by the director to a mobility-impaired
6 ~~person~~individual. A mobility-impaired ~~person~~individual may not permit the use of a
7 certificate issued under this section by a ~~person~~an individual who is not mobility
8 impaired when that use is not in connection with the transport of the mobility-impaired
9 ~~person~~individual. The registered owner of a vehicle may not allow that vehicle to be
10 used in a manner that violates this subsection. Proof of intent is not required to prove
11 a registered owner's violation of this subsection. The registered owner, however, may
12 be excused from a violation if the owner provides the citing authority with the name
13 and address of the ~~person~~individual operating the vehicle at the time of the violation. A
14 vehicle may temporarily use a space reserved for a mobility-impaired
15 ~~persons~~individual without a mobility-impaired certificate for the purpose of loading and
16 unloading a mobility-impaired ~~persons~~individual. A violation of this subsection is a
17 nonmoving violation for which a fee of one hundred dollars must be imposed.
18 Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected
19 under this subsection is appropriated on a continuing basis to the local committee on
20 persons with disabilities, if one exists in the city in which the violation occurred, for the
21 development of job opportunities for disabled individuals in the community.

22 11. Any motor vehicle licensed in another state which displays a special authorized
23 vehicle designation issued by the licensing authority of that state for vehicles used in
24 the transportation of a mobility-impaired ~~persons~~individual must be accorded the same
25 privilege provided in this section for similar vehicles licensed in this state if the laws of
26 the other state provide the same privileges to North Dakota motor vehicles displaying
27 the special identifying certificate authorized in this section.

28 12. An entity that violates the requirements of subsection 9 is guilty of an infraction if the
29 entity does not comply with subsection 9 within sixty days after receiving official
30 notification of the violation.

- 1 13. The department shall issue a mobility-impaired parking permit for a vehicle owned and
- 2 operated by care providers licensed by the state, veterans-related organizations, and
- 3 other entities that regularly transport mobility-impaired individuals for use by those
- 4 providers and entities to park in designated parking spaces while transporting
- 5 mobility-impaired individuals.