



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4345/1
ARG&RNK:eev:jf

2013 ASSEMBLY BILL 826

February 27, 2014 - Introduced by Representative RIPP, cosponsored by Senator PETROWSKI. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 346.503 (1m) (a) 1. to 3.; *to renumber and amend* 346.503
2 (1m) (a) (intro.); and *to amend* 101.13 (2) (d), 101.13 (2) (f) and 346.503 (2m)
3 of the statutes; **relating to:** the requirement to reserve parking spaces for
4 persons with physical disabilities.

Analysis by the Legislative Reference Bureau

Under current law, a person with a disability that limits or impairs the ability to walk may apply for and obtain from the Department of Transportation (DOT) special motor vehicle registration plates (disabled plates) or a special identification card (disabled parking card) that affords certain parking privileges, including parking in spaces reserved for use by persons with physical disabilities (disabled parking spaces). Current law, as set forth in the traffic statutes, also requires the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, to reserve a minimum number of disabled parking spaces if the parking area has at least 26 spaces. If the parking area is not open to the public or has fewer than 26 spaces, the owner or lessee may voluntarily reserve disabled parking spaces. Various requirements apply to reserved disabled parking spaces, including that they must be at least 12 feet wide, marked with a disabled parking sign, and maintained in inclement weather. These provisions in the traffic statutes do not affect the authority of the Department of Safety and Professional Services (DSPA) to require by rule that disabled parking spaces be reserved. Currently DSPA has adopted by rule provisions of the

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International Building Code (IBC), 2009 edition, that include specification of the minimum number of disabled parking spaces that must be reserved.

Also under current law, with limited exceptions, any place of employment or public building, the initial construction of which was commenced after July 1, 1970, but prior to May 27, 1976, must be so designed and constructed as to provide reasonable means of ingress and egress by the physically disabled. In addition, any place of employment or public building, the initial construction of which is commenced on or after May 27, 1976, must be designed and constructed so as to provide reasonable means of access, except: 1) when exempted by DSPS rule; or 2) with respect to parking spaces, ramps, and grade-level entrances of a building that is not more than two stories in height and is either a structure containing two or more units or two or more structures each containing one or more units on the same property (multi-unit building). DSPS must by rule provide minimum regulations to ensure access to and use of public buildings.

Under this bill, the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, must reserve at least the minimum number of disabled parking spaces specified in the IBC, as adopted by rule by DSPS. This requirement applies with respect to any parking area initially constructed, or resurfaced or to which a seal coat is applied, on or after May 27, 1976. Regarding the requirement that any place of employment or public building, the initial construction of which is commenced on or after May 27, 1976, be designed and constructed so as to provide reasonable means of access, the bill eliminates the exemption for parking spaces for multi-unit buildings.

Under current law, a governmental unit may not issue an authorization to occupy a place of employment or public building unless the owner files with the governmental unit a certification of compliance with DSPS rules relating to reserved disabled parking spaces. This bill specifies that the certification must also be in compliance with certain statutory requirements relating to reserved disabled parking spaces.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.13 (2) (d) of the statutes is amended to read:

2 101.13 **(2)** (d) Any place of employment or public building, unless exempted by
3 rule of the department, the initial construction of which is commenced on or after
4 May 27, 1976, shall be designed and constructed so as to provide reasonable means
5 of access. Buildings, as defined in s. 703.02 (5), 1975 stats., of 2 stories or less in

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1 height shall be exempt from requirements relating to ~~parking space~~, ramps and
2 grade-level entrances.

3 **SECTION 2.** 101.13 (2) (f) of the statutes is amended to read:

4 101.13 (2) (f) 1. Except as provided in subd. 2., no governmental unit may issue
5 any authorization to occupy any place of employment or public building prescribed
6 in pars. (a) to (d) unless the owner thereof files with that governmental unit a true
7 certification of compliance with s. 346.503 (1m) and the rules under par. (e)
8 applicable to that place of employment or public building relating to the reservation
9 and marking of parking spaces for use by a motor vehicle used by a physically
10 disabled person.

11 2. An authorization to occupy a place of employment or public building
12 prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities
13 for that place of employment or public building if the owner files a true certification
14 that upon completion of any parking facility for that place of employment or public
15 building that parking facility shall comply with s. 346.503 (1m) and the rules under
16 par. (e) applicable to that place of employment or public building as specified in subd.
17 1.

18 **SECTION 3.** 346.503 (1m) (a) (intro.) of the statutes is renumbered 346.503 (1m)
19 (a) and amended to read:

20 346.503 (1m) (a) The owner or lessee of any public building or place of
21 employment and the owner or lessee of any parking facility which offers parking to
22 the public shall reserve, for use by a motor vehicle used by a physically disabled
23 person, at least the following minimum number of spaces for use by a motor vehicle
24 used by a physically disabled person: specified in section 1106 of the International
25 Building Code, as adopted by rule of the department of safety and professional

ASSEMBLY BILL 826**SECTION 3**

1 services or, if not so adopted, the most recent edition. Notwithstanding s. 101.13 (2)
2 (a) and (d), the requirement under this paragraph applies to any owner or lessee of
3 any public building or place of employment, and to any owner or lessee of any parking
4 facility that offers parking to the public, with respect to any parking area initially
5 constructed, or resurfaced or to which a seal coat is applied, on or after May 27, 1976.

6 **SECTION 4.** 346.503 (1m) (a) 1. to 3. of the statutes are repealed.

7 **SECTION 5.** 346.503 (2m) of the statutes is amended to read:

8 346.503 **(2m)** In addition to the requirements of sub. (1m), the owner or lessee
9 of a parking facility not open to the public ~~and the owner or lessee of a parking facility~~
10 ~~which offers parking for 25 or fewer motor vehicles to the public~~ may reserve one or
11 more spaces as provided under sub. (1m) (b) and (c) for use by a motor vehicle used
12 by a physically disabled person. An owner or lessee reserving spaces under this
13 subsection shall post official traffic signs indicating that the spaces are reserved.

14 **SECTION 6. Initial applicability.**

15 (1) The treatment of sections 101.13 (2) (d) and 346.503 (1m) (a) and (2m) of the
16 statutes first applies with respect to parking areas initially constructed, or
17 resurfaced or to which a seal coat is applied, on the effective date of this subsection.

18 (2) The treatment of section 101.13 (2) (f) of the statutes first applies to
19 certifications of compliance filed with a governmental unit on the effective date of
20 this subsection.

21 **SECTION 7. Effective date.**

22 (1) This act takes effect on the first day of the 7th month beginning after
23 publication.

24 **(END)**