

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED 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 personsindividual do not apply on ~~streets or highways where and~~
18 ~~during such times as a~~ highway if parking is prohibited.

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

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

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 Repealed by S.L. 1989, ch. 319, § 6.

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

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

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

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

30 7. An applicant may appeal a decision denying issuance of the certificate to the director.
31 Written notice of the appeal must be received within ten business days following

1 receipt by the applicant of notice of denial. The applicant has sixty days to provide
2 additional supportive material to the director for purposes of deciding the appeal. The
3 director shall affirm or reverse the decision to deny issuance of the certificate within
4 thirty days after receipt of the supportive material. Written notice of the decision must
5 be given to the applicant.

6 8. If a law enforcement officer finds that the certificate is being improperly used, the
7 officer may report to the director any ~~such~~ violation and the director may, in the
8 director's discretion, remove the privilege. ~~Any person~~An individual who is not mobility
9 impaired and who exercises the privileges granted a mobility-impaired
10 ~~person~~individual under subsection 1 is guilty of an infraction for which a fine of one
11 hundred dollars must be imposed.

12 9. ~~Whenever any~~If a public or private entity designates parking spaces for use by a motor
13 ~~vehicles~~vehicle operated by a mobility-impaired ~~persons~~individual, those reserved
14 spaces must comply with the requirements of the Americans with Disabilities
15 Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title
16 28, Code of Federal Regulations, part 36 [28 CFR 36] and must be indicated by blue
17 paint on the curb or edge of the paved portion of the street or parking lot adjacent to
18 the space. In addition to blue paint, each reserved space must be indicated by an
19 official sign approved by the director bearing the internationally accepted symbol of
20 access for the mobility impaired. The sign must indicate that unauthorized use of the
21 space is a nonmoving violation for which a fee of one hundred dollars must be
22 imposed. For particular events, a public or a private entity may reserve additional
23 parking spaces for use by motor vehicles operated by a mobility-impaired
24 ~~persons~~individual. In that case, each temporarily reserved space must be indicated by
25 a sign or other suitable means. A sign indicating that a space is reserved for the
26 mobility impaired and blue paint on the curb or edge of the paved portion of the street
27 or parking lot adjacent to the space, unless the space is a temporary mobility-impaired
28 parking space, is sufficient basis for the enforcement of this section. A law
29 enforcement officer shall enforce this section in any parking lot or parking facility,
30 whether publicly or privately owned.

- 1 10. ~~A person~~An individual may not stop, stand, or park any vehicle in any designated
2 parking space that is reserved for the mobility impaired unless the vehicle displays a
3 mobility-impaired identification certificate issued by the director to a mobility-impaired
4 ~~person~~individual. A mobility-impaired ~~person~~individual may not permit the use of a
5 certificate issued under this section by a ~~person~~an individual who is not mobility
6 impaired when that use is not in connection with the transport of the mobility-impaired
7 ~~person~~individual. The registered owner of a vehicle may not allow that vehicle to be
8 used in a manner that violates this subsection. Proof of intent is not required to prove
9 a registered owner's violation of this subsection. The registered owner, however, may
10 be excused from a violation if the owner provides the citing authority with the name
11 and address of the ~~person~~individual operating the vehicle at the time of the violation. A
12 vehicle may temporarily use a space reserved for a mobility-impaired
13 ~~persons~~individual without a mobility-impaired certificate for the purpose of loading and
14 unloading a mobility-impaired ~~persons~~individual. A violation of this subsection is a
15 nonmoving violation for which a fee of one hundred dollars must be imposed.
16 Notwithstanding section 29-27-02.1, fifty percent of the fee imposed and collected
17 under this subsection is appropriated on a continuing basis to the local committee on
18 persons with disabilities, if one exists in the city in which the violation occurred, for the
19 development of job opportunities for disabled individuals in the community.
- 20 11. Any motor vehicle licensed in another state which displays a special authorized
21 vehicle designation issued by the licensing authority of that state for vehicles used in
22 the transportation of a mobility-impaired ~~persons~~individual must be accorded the same
23 privilege provided in this section for similar vehicles licensed in this state if the laws of
24 the other state provide the same privileges to North Dakota motor vehicles displaying
25 the special identifying certificate authorized in this section.
- 26 12. An entity that violates the requirements of subsection 9 is guilty of an infraction if the
27 entity does not comply with subsection 9 within sixty days after receiving official
28 notification of the violation.
- 29 13. The department shall issue a mobility-impaired parking permit for a vehicle owned and
30 operated by care providers licensed by the state, veterans-related organizations, and
31 other entities that regularly transport mobility-impaired individuals for use by those

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- 1 providers and entities to park in designated parking spaces while transporting
- 2 mobility-impaired individuals.