

SENATE BILL NO. 374—SENATOR JACOBSEN

MARCH 16, 2001

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning duty to erect and maintain signs to designate parking spaces for use by handicapped persons. (BDR 43-710)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicles; revising provisions concerning the duty to erect and maintain signs to designate parking spaces for use by handicapped persons; requiring the enactment of local ordinances to address compliance with the duty to erect and maintain signs to designate parking spaces for use by handicapped persons; requiring the enactment of local ordinances to provide for the reimbursement of costs incurred by the local government to bring an owner of private property into compliance with the duty to erect and maintain signs to designate parking spaces for use by handicapped persons; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 484.408 is hereby amended to read as follows:
2 484.408 1. Any parking space designated for the handicapped must
3 be indicated by a sign:
4 (a) Bearing the international symbol of access with or without the words
5 “Parking,” “Handicapped Parking,” “Handicapped Parking Only,” or
6 “Reserved for the Handicapped,” or any other word or combination of
7 words indicating that the space is designated for the handicapped;
8 (b) Stating “Minimum fine of \$100 for use by others” or equivalent
9 words; and
10 (c) The bottom of which must be not less than 4 feet above the ground.
11 2. In addition to the requirements of subsection 1, a parking space
12 designated for the handicapped which:
13 (a) Is designed for the exclusive use of a vehicle with a side-loading
14 wheelchair lift; and
15 (b) Is located in a parking lot with 60 or more parking
16 spaces,



1 must be indicated by a sign using a combination of words to state that the
2 space is for the exclusive use of a vehicle with a side-loading wheelchair
3 lift.

4 3. If a parking space is designed for the use of a vehicle with a side-
5 loading wheelchair lift, the space which is immediately adjacent and
6 intended for use in the loading and unloading of a wheelchair into or out of
7 such a vehicle must be indicated by a sign:

8 (a) Stating "No Parking" or similar words which indicate that parking in
9 such a space is prohibited;

10 (b) Stating "Minimum fine of \$100 for violation" or similar words
11 indicating that the minimum fine for parking in such a space is \$100; and

12 (c) The bottom of which must not be less than 4 feet above the ground.

13 4. *An owner of private property upon which is located a parking*
14 *space described in subsection 1, 2 or 3 shall erect and maintain or cause*
15 *to be erected and maintained any sign required pursuant to subsection 1,*
16 *2 or 3, whichever is applicable. If a parking space described in*
17 *subsection 1, 2 or 3 is located on public property, the governmental entity*
18 *having control over that public property shall erect and maintain or*
19 *cause to be erected and maintained any sign required pursuant to*
20 *subsection 1, 2 or 3, whichever is applicable.*

21 5. A person shall not park a vehicle in a space designated for the
22 handicapped by a sign that meets the requirements of subsection 1, whether
23 on public or privately owned property, unless he is eligible to do so and the
24 vehicle displays:

25 (a) Special license plates issued pursuant to NRS 482.384;

26 (b) A special or temporary parking placard issued pursuant to NRS
27 482.384;

28 (c) A special or temporary parking sticker issued pursuant to NRS
29 482.384;

30 (d) Special license plates, a special or temporary parking sticker, or a
31 special or temporary parking placard displaying the international symbol of
32 access issued by another state or a foreign country; or

33 (e) Special license plates for a disabled veteran and a special parking
34 placard issued pursuant to NRS 482.384.

35 ~~15-1~~ 6. Except as otherwise provided in this subsection, a person shall
36 not park a vehicle in a space that is reserved for the exclusive use of a
37 vehicle with a side-loading wheelchair lift and is designated for the
38 handicapped by a sign that meets the requirements of subsection 2, whether
39 on public or privately owned property, unless:

40 (a) He is eligible to do so;

41 (b) The vehicle displays the special license plates or placard set forth in
42 subsection ~~4-1~~ 5; and

43 (c) The vehicle is equipped with a side-loading wheelchair
44 lift.

45 A person who meets the requirements of paragraphs (a) and (b) may park a
46 vehicle that is not equipped with a side-loading wheelchair lift in such a
47 parking space if the space is in a parking lot with fewer than 60 parking
48 spaces.

49 ~~16-1~~ 7. A person shall not park in a space which:



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- 1 (a) Is immediately adjacent to a space designed for use by a vehicle
2 with a side-loading wheelchair lift; and
3 (b) Is designated as a space in which parking is prohibited by a sign that
4 meets the requirements of subsection 3,
5 whether on public or privately owned property.
6 ~~7-1~~ 8. A person shall not use a plate, sticker or placard set forth in
7 subsection ~~4-1~~ 5 to park in a space designated for the handicapped unless
8 he is a person with a disability which limits or impairs the ability to walk, a
9 disabled veteran or the driver of a vehicle in which such a person is a
10 passenger.
11 ~~8-1~~ 9. A person who violates any ~~provision~~ of the provisions of
12 subsections 5 to 8, inclusive, of this section is guilty of a misdemeanor and
13 shall be punished:
14 (a) Upon the first offense, by a fine of \$100.
15 (b) Upon the second offense, by a fine of \$250 and not less than 8
16 hours, but not more than 50 hours, of community service.
17 (c) Upon the third or subsequent offense, by a fine of not less than \$500,
18 but not more than \$1,000 and not less than 25 hours, but not more than 100
19 hours, of community service.
20 **Sec. 2.** NRS 484.4085 is hereby amended to read as follows:
21 484.4085 1. ~~1-1~~ *Except as otherwise provided in this subsection, a*
22 *local law enforcement agency may appoint volunteers to issue citations,*
23 *prepared manually or electronically, for the violation of the provisions of*
24 *NRS 484.408 or ordinances enacted by a local authority that govern*
25 *parking for the handicapped. A volunteer appointed pursuant to this*
26 *subsection shall not issue a citation to a governmental entity for a*
27 *violation of subsection 4 of NRS 484.408.*
28 2. The local law enforcement agency appointing volunteers shall:
29 (a) Establish minimum qualifications for the volunteers;
30 (b) Provide training to the volunteers before authorizing them to issue
31 citations; and
32 (c) Provide the volunteers with appropriate equipment, including, but
33 not limited to, uniforms or other identifying attire and traffic citations
34 issued in books or electronic devices that may be used to issue citations.
35 3. *Except as otherwise provided in this subsection:*
36 (a) A citation issued by a volunteer appointed pursuant to subsection 1
37 has the same force and effect as a citation issued by a peace officer ~~1-1~~ ;
38 *and*
39 (b) The volunteer shall file the original or a copy of the citation in the
40 manner prescribed in NRS 484.813.
41 *A citation issued to an owner of private property by a volunteer appointed*
42 *pursuant to subsection 1 for a violation of subsection 4 of NRS 484.408*
43 *must be filed with the county or city, as appropriate, for enforcement*
44 *pursuant to section 3 or 4 of this act, whichever is applicable.*
45 4. For the purposes of this section, a person who volunteers to a local
46 law enforcement agency to issue citations pursuant to subsection 1 shall be
47 deemed an employee of a political subdivision of this state for the purposes
48 of NRS 616A.160 if he has successfully completed the training course for



1 the issuance of such citations provided by the local law enforcement
2 agency.

3 5. Local law enforcement agencies are not liable for the negligent acts
4 or omissions of a person who volunteers to issue citations pursuant to
5 subsection 1 unless:

6 (a) The volunteer made a specific promise or representation to a natural
7 person who relied upon the promise or representation to his detriment; or

8 (b) The conduct of the volunteer affirmatively caused the
9 harm.

10 The provisions of this section are not intended to abrogate the principal of
11 common law that the duty of governmental entities to provide services is a
12 duty owed to the public, not to individual persons.

13 6. An owner of private property on which there are parking spaces
14 designated for the handicapped, or the owner or operator of a business
15 establishment located on such property, is not liable for any acts or
16 omissions resulting from the issuance of a citation by a volunteer pursuant
17 to this section.

18 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding thereto a
19 new section to read as follows:

20 *1. The board of county commissioners of a county shall adopt by*
21 *ordinance procedures pursuant to which the board or its designee may*
22 *order an owner of property within the county to comply with the*
23 *provisions of subsection 4 of NRS 484.408.*

24 *2. An ordinance adopted pursuant to subsection 1 must:*

25 *(a) Contain procedures pursuant to which the owner of the property*
26 *is:*

27 *(1) Sent a notice, by certified mail, return receipt requested, of his*
28 *failure to comply with the provisions of subsection 4 of NRS 484.408 and*
29 *the date by which he must comply with those provisions, which must be*
30 *at least 30 days but not more than 60 days after the date on which the*
31 *notice is sent; and*

32 *(2) Afforded an opportunity for a hearing before the designee of the*
33 *board and an appeal of that decision to the board.*

34 *(b) Provide that the date specified in the notice by which the owner*
35 *must comply with the provisions of subsection 4 of NRS 484.408 is tolled*
36 *for the period during which the owner requests a hearing and receives a*
37 *decision.*

38 *(c) Provide the manner in which the county will recover money*
39 *expended for labor and materials used to bring the property into*
40 *compliance with the provisions of subsection 4 of NRS 484.408 if the*
41 *owner fails to comply with those provisions.*

42 *(d) Provide for civil penalties for each day that the owner failed to*
43 *comply with the provisions of subsection 4 of NRS 484.408 after the date*
44 *specified in the notice by which the owner was required to comply with*
45 *those provisions.*

46 *3. The board or its designee may direct the county to bring the*
47 *property into compliance with the provisions of subsection 4 of NRS*
48 *484.408 and may recover the amount expended by the county for labor*



1 *and materials used to bring the property into compliance with those*
2 *provisions if:*

3 *(a) The owner has not requested a hearing within the time prescribed*
4 *in the ordinance adopted pursuant to subsection 1 and has failed to*
5 *comply with the provisions of subsection 4 of NRS 484.408 within the*
6 *period specified in the notice;*

7 *(b) After a hearing in which the owner did not prevail, the owner has*
8 *not filed an appeal within the time prescribed in the ordinance adopted*
9 *pursuant to subsection 1 and has failed to comply with the provisions of*
10 *subsection 4 of NRS 484.408 within the period specified in the order; or*

11 *(c) The board has denied the appeal of the owner and the owner has*
12 *failed to comply with the provisions of subsection 4 of NRS 484.408*
13 *within the period specified in the order.*

14 *4. In addition to any other reasonable means of recovering money*
15 *expended by the county to bring the property into compliance with the*
16 *provisions of subsection 4 of NRS 484.408, the board may provide that*
17 *the expense is a lien upon the property with respect to which the owner*
18 *failed to comply with those provisions. The lien must be perfected by:*

19 *(a) Mailing by certified mail a notice of the lien, separately prepared*
20 *for each lot affected, addressed to the last known owner of the property at*
21 *his last known address, as determined by the real property assessment*
22 *roll in the county in which the property is located; and*

23 *(b) Filing with the county recorder of the county in which the property*
24 *is located a statement of the amount due and unpaid and describing the*
25 *property subject to the lien.*

26 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding thereto a
27 new section to read as follows:

28 *1. The city council of a city shall adopt by ordinance procedures*
29 *pursuant to which the council or its designee may order an owner of*
30 *property within the city to comply with the provisions of subsection 4 of*
31 *NRS 484.408.*

32 *2. An ordinance adopted pursuant to subsection 1 must:*

33 *(a) Contain procedures pursuant to which the owner of the property*
34 *is:*

35 *(1) Sent a notice, by certified mail, return receipt requested, of his*
36 *failure to comply with the provisions of subsection 4 of NRS 484.408 and*
37 *the date by which he must comply with those provisions, which must be*
38 *at least 30 days but not more than 60 days after the date on which the*
39 *notice is sent; and*

40 *(2) Afforded an opportunity for a hearing before the designee of the*
41 *council and an appeal of that decision to the council.*

42 *(b) Provide that the date specified in the notice by which the owner*
43 *must comply with the provisions of subsection 4 of NRS 484.408 is tolled*
44 *for the period during which the owner requests a hearing and receives a*
45 *decision.*

46 *(c) Provide the manner in which the city will recover money expended*
47 *for labor and materials used to bring the property into compliance with*
48 *the provisions of subsection 4 of NRS 484.408 if the owner fails to*
49 *comply with those provisions.*



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1 (d) Provide for civil penalties for each day that the owner failed to
2 comply with the provisions of subsection 4 of NRS 484.408 after the date
3 specified in the notice by which the owner was required to comply with
4 those provisions.

5 3. The council or its designee may direct the city to bring the
6 property into compliance with the provisions of subsection 4 of NRS
7 484.408 and may recover the amount expended by the city for labor and
8 materials used to bring the property into compliance with those
9 provisions if:

10 (a) The owner has not requested a hearing within the time prescribed
11 in the ordinance adopted pursuant to subsection 1 and has failed to
12 comply with the provisions of subsection 4 of NRS 484.408 within the
13 period specified in the notice;

14 (b) After a hearing in which the owner did not prevail, the owner has
15 not filed an appeal within the time prescribed in the ordinance adopted
16 pursuant to subsection 1 and has failed to comply with the provisions of
17 subsection 4 of NRS 484.408 within the period specified in the order; or

18 (c) The council has denied the appeal of the owner and the owner has
19 failed to comply with the provisions of subsection 4 of NRS 484.408
20 within the period specified in the order.

21 4. In addition to any other reasonable means of recovering money
22 expended by the city to bring the property into compliance with the
23 provisions of subsection 4 of NRS 484.408, the council may provide that
24 the expense is a lien upon the property with respect to which the owner
25 failed to comply with those provisions. The lien must be perfected by:

26 (a) Mailing by certified mail a notice of the lien, separately prepared
27 for each lot affected, addressed to the last known owner of the property at
28 his last known address, as determined by the real property assessment
29 roll in the county in which the property is located; and

30 (b) Filing with the county recorder of the county in which the property
31 is located a statement of the amount due and unpaid and describing the
32 property subject to the lien.

33 Sec. 5. The amendatory provisions of this act do not apply to offenses
34 committed before the effective date of this act.

35 Sec. 6. This act becomes effective upon passage and approval.

