

SENATE BILL NO. 269—SENATORS BEERS AND SCHNEIDER

MARCH 22, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions relating to parking spaces for handicapped persons. (BDR 43-1272)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 parking by person with disabilities; providing for the issuance of letters to certain persons to whom a special license plate, placard or sticker that authorizes parking in spaces designated for the handicapped have been issued; making it unlawful under certain circumstances for persons named in such a letter to allow another person to park a vehicle displaying the plate, placard or sticker; increasing the minimum amount of the fines for unlawfully parking in a space designated for handicapped parking; requiring certain money collected from violations of local ordinances governing parking for the handicapped to be credited to the account of the local law enforcement agency that issued the citation; 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 482.384 is hereby amended to read as follows:
- 2 482.384 1. Upon the application of a person with a
- 3 permanent disability, the Department may issue special license
- 4 plates for a vehicle, including a motorcycle, registered by the
- 5 applicant pursuant to this chapter. The application must include a



1 statement from a licensed physician certifying that the applicant is a
2 person with a permanent disability. The issuance of a special license
3 plate to a person with a permanent disability pursuant to this
4 subsection does not preclude the issuance to such a person of a
5 special parking placard for a vehicle other than a motorcycle or a
6 special parking sticker for a motorcycle pursuant to subsection 6.

7 2. Every year after the initial issuance of special license plates
8 to a person with a permanent disability, the Department shall require
9 the person to renew his special license plates in accordance with the
10 procedures for renewal of registration pursuant to this chapter. The
11 Department shall not require a person with a permanent disability to
12 include with his application for renewal a statement from a licensed
13 physician certifying that the person is a person with a permanent
14 disability.

15 3. Upon the application of an organization which provides
16 transportation for a person with a permanent disability, disability of
17 moderate duration or temporary disability, the Department may
18 issue special license plates for a vehicle registered by the
19 organization pursuant to this chapter, or the Department may issue
20 special parking placards to the organization pursuant to this section
21 to be used on vehicles providing transportation to such persons. The
22 application must include a statement from the organization
23 certifying that:

24 (a) The vehicle for which the special license plates are issued is
25 used primarily to transport persons with permanent disabilities,
26 disabilities of moderate duration or temporary disabilities; or

27 (b) The organization which is issued the special parking
28 placards will only use such placards on vehicles that actually
29 transport persons with permanent disabilities, disabilities of
30 moderate duration or temporary disabilities.

31 4. The Department may charge a fee for special license plates
32 issued pursuant to this section not to exceed the fee charged for the
33 issuance of license plates for the same class of vehicle.

34 5. Special license plates issued pursuant to this section must
35 display the international symbol of access in a color which contrasts
36 with the background and is the same size as the numerals and letters
37 on the plate.

38 6. Upon the application of a person with a permanent disability
39 or disability of moderate duration, the Department may issue:

40 (a) A special parking placard for a vehicle other than a
41 motorcycle. Upon request, the Department may issue one additional
42 placard to an applicant to whom special license plates have not been
43 issued pursuant to this section.

44 (b) A special parking sticker for a motorcycle.



1 ➤ The application must include a statement from a licensed
2 physician certifying that the applicant is a person with a permanent
3 disability or disability of moderate duration.

4 7. A special parking placard issued pursuant to subsection 6
5 must:

6 (a) Have inscribed on it the international symbol of access
7 which is at least 3 inches in height, is centered on the placard and is
8 white on a blue background;

9 (b) Have an identification number and date of expiration of:

10 (1) If the special parking placard is issued to a person with a
11 permanent disability, 10 years after the initial date of issuance; or

12 (2) If the special parking placard is issued to a person with a
13 disability of moderate duration, 2 years after the initial date of
14 issuance;

15 (c) Have placed or inscribed on it the seal or other identification
16 of the Department; and

17 (d) Have a form of attachment which enables a person using the
18 placard to display the placard from the rearview mirror of the
19 vehicle.

20 8. A special parking sticker issued pursuant to subsection 6
21 must:

22 (a) Have inscribed on it the international symbol of access
23 which complies with any applicable federal standards, is centered on
24 the sticker and is white on a blue background;

25 (b) Have an identification number and a date of expiration of:

26 (1) If the special parking sticker is issued to a person with a
27 permanent disability, 10 years after the initial date of issuance; or

28 (2) If the special parking sticker is issued to a person with a
29 disability of moderate duration, 2 years after the initial date of
30 issuance; and

31 (c) Have placed or inscribed on it the seal or other identification
32 of the Department.

33 9. Before the date of expiration of a special parking placard or
34 special parking sticker issued to a person with a permanent
35 disability or disability of moderate duration, the person shall renew
36 his special parking placard or special parking sticker. If the
37 applicant for renewal is a person with a disability of moderate
38 duration, the applicant must include with his application for renewal
39 a statement from a licensed physician certifying that the applicant is
40 a person with a disability which limits or impairs the ability to walk,
41 and that such disability, although not irreversible, is estimated to last
42 longer than 6 months. A person with a permanent disability is not
43 required to submit evidence of a continuing disability with his
44 application for renewal.



10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle or a temporary parking sticker for a motorcycle upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

- (a) That the applicant has a temporary disability; and
- (b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background; ~~and~~

(b) *Have an identification number and a date of expiration; and*

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must ~~have~~ :

(a) *Have* inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background ~~[-]; and~~

(b) *Have an identification number and a date of expiration.*

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with his application for renewal a statement from a licensed physician certifying that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. *Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard or a special or temporary parking sticker, the Department, or the city or*



1 *county, if applicable, shall issue a letter to the applicant that sets*
2 *forth the name and address of the person with a permanent*
3 *disability, disability of moderate duration or temporary disability*
4 *to whom the special license plate, special or temporary parking*
5 *placard or special or temporary parking sticker has been issued;*
6 *and*

7 *(a) If the person receives special license plates, the license*
8 *plate number designated for the plates; and*

9 *(b) If the person receives a special or temporary parking*
10 *placard or a special or temporary parking sticker, the*
11 *identification number and date of expiration indicated on the*
12 *placard or sticker.*

13 *↪ The letter, or a legible copy thereof, must be kept with the*
14 *vehicle for which the special license plate has been issued or in*
15 *which the person to whom the special or temporary parking*
16 *placard or special or temporary parking sticker has been issued is*
17 *driving or is a passenger.*

18 **16.** A special or temporary parking sticker must be affixed to
19 the windscreen of the motorcycle. If the motorcycle has no
20 windscreen, the sticker must be affixed to any other part of the
21 motorcycle which may be easily seen when the motorcycle is
22 parked.

23 ~~[16.]~~ **17.** Special or temporary parking placards, special or
24 temporary parking stickers, or special license plates issued pursuant
25 to this section do not authorize parking in any area on a highway
26 where parking is prohibited by law.

27 ~~[17.]~~ **18.** No person, other than the person certified as being a
28 person with a permanent disability, disability of moderate duration
29 or temporary disability, or a person actually transporting such a
30 person, may use the special license plates or a special or temporary
31 parking placard, or a special or temporary parking sticker issued
32 pursuant to this section to obtain any special parking privileges
33 available pursuant to this section.

34 ~~[18.]~~ **19.** Any person who violates the provisions of subsection
35 ~~[17.]~~ **18** is guilty of a misdemeanor.

36 ~~[19.]~~ **20.** The Department may review the eligibility of each
37 holder of a special parking placard, a special parking sticker or
38 special license plates, or any combination thereof. Upon a
39 determination of ineligibility by the Department, the holder shall
40 surrender the special parking placard, special parking sticker or
41 special license plates, or any combination thereof, to the
42 Department.

43 ~~[20.]~~ **21.** The Department may adopt such regulations as are
44 necessary to carry out the provisions of this section.



Sec. 2. NRS 484.408 is hereby amended to read as follows:

484.408 1. Any parking space designated for the handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for the handicapped;

(b) Stating "Minimum fine of ~~[\$100]~~ \$250 for use by others" or equivalent words; and

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

2. In addition to the requirements of subsection 1, a parking space designated for the handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

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

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

(b) Stating "Minimum fine of ~~[\$100]~~ \$250 for violation" or similar words indicating that the minimum fine for parking in such a space is ~~[\$100;]~~ \$250; and

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

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

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

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



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

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

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

(e) Special license plates for a disabled veteran issued pursuant to NRS 482.377.

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

(a) He is eligible to do so;

(b) The vehicle displays the special license plates or placard set forth in subsection 5; and

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

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

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➤ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for the handicapped unless he is a person with a permanent disability, disability of moderate duration or temporary disability, a disabled veteran, or the driver of a vehicle in which such person is a passenger.

9. *A person with a permanent disability, disability of moderate duration or temporary disability to whom a:*

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for the handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or



1 *motorcycle, at the time that the vehicle or motorcycle is parked in*
2 *the space designated for the handicapped.*

3 *(b) Special or temporary parking placard has been issued*
4 *pursuant to NRS 482.384 shall not allow any other person to park*
5 *the vehicle which displays the special or temporary parking*
6 *placard in a space designated for the handicapped unless the*
7 *person with the permanent disability, disability of moderate*
8 *duration or temporary disability is a passenger in the vehicle, or is*
9 *being picked up or dropped off by the driver of the vehicle, at the*
10 *time that it is parked in the space designated for the handicapped.*

11 **10.** A person who violates any of the provisions of subsections
12 5 to ~~[8,]~~ 9, inclusive, is guilty of a misdemeanor and shall be
13 punished:

14 (a) Upon the first offense, by a fine of ~~[\$100.]~~ \$250.

15 (b) Upon the second offense, by a fine of \$250 and not less than
16 8 hours, but not more than 50 hours, of community service.

17 (c) Upon the third or subsequent offense, by a fine of not less
18 than \$500, but not more than \$1,000 and not less than 25 hours, but
19 not more than 100 hours, of community service.

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

22 *1. Upon the collection of a fine imposed pursuant to a*
23 *citation issued by an officer of a law enforcement agency for a*
24 *violation of an ordinance enacted by the board of county*
25 *commissioners governing parking for the handicapped, the county*
26 *treasurer shall credit to the appropriate account within the*
27 *county treasury an amount that is equal to 40 percent of the*
28 *amount of the fine or \$100, whichever is less, for the use of*
29 *the law enforcement agency that issued the citation. Money*
30 *credited to the account of a law enforcement agency pursuant to*
31 *this section must not be used to replace or supplant any money*
32 *that is available for that law enforcement agency from any other*
33 *source.*

34 *2. As used in this section, "officer of a law enforcement*
35 *agency" means an officer of the county law enforcement agency*
36 *or, if the county is within the jurisdiction of a metropolitan police*
37 *department, an officer of the metropolitan police department.*
38 *The term includes volunteers appointed by the county law*
39 *enforcement agency or metropolitan police department pursuant*
40 *to NRS 484.4085.*

41 **Sec. 4.** Chapter 266 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *1. Upon the collection of a fine imposed pursuant to a*
44 *citation issued by an officer of a law enforcement agency for a*
45 *violation of an ordinance enacted by the governing body of a city*



1 *governing parking for the handicapped, the city treasurer shall*
2 *credit to the appropriate account within the city treasury an*
3 *amount that is equal to 40 percent of the amount of the fine or*
4 *\$100, whichever is less, for the use of the law enforcement agency*
5 *that issued the citation. Money credited to the account of a law*
6 *enforcement agency pursuant to this section must not be used to*
7 *replace or supplant any money that is available for that law*
8 *enforcement agency from any other source.*

9 2. As used in this section, "officer of a law enforcement
10 agency" means an officer of a police department of an
11 incorporated city or, if the city is within the jurisdiction of a
12 metropolitan police department, an officer of the metropolitan
13 police department. The term includes volunteers appointed by the
14 local law enforcement agency pursuant to NRS 484.4085.

15 **Sec. 5.** Chapter 269 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 1. Upon the collection of a fine imposed pursuant to a
18 citation issued by an officer of a law enforcement agency for a
19 violation of an ordinance enacted by the town board or the board
20 of county commissioners, as appropriate, governing parking for
21 the handicapped, the town treasurer shall credit to the appropriate
22 account within the town treasury an amount that is equal to 40
23 percent of the amount of the fine or \$100, whichever is less, for
24 the use of the law enforcement agency that issued the citation.
25 Money credited to the account of a law enforcement agency
26 pursuant to this section must not be used to replace or supplant
27 any money available for that law enforcement agency from any
28 other source.

29 2. As used in this section, "officer of a law enforcement
30 agency" means an officer of a local law enforcement agency for a
31 town. The term includes volunteers appointed by the local law
32 enforcement agency pursuant to NRS 484.4085.

33 **Sec. 6.** Not later than October 1, 2005:

34 1. The Department of Motor Vehicles shall issue, in
35 accordance with the amendatory provisions of section 1 of this act, a
36 letter to each person to whom the Department has, on or before
37 October 1, 2005, issued pursuant to NRS 484.384:

38 (a) A special license plate; or

39 (b) A special or temporary parking placard or a special or
40 temporary parking sticker that has an expiration date of October 1,
41 2005, or later.

42 2. The governing body of a city shall issue, in accordance with
43 the amendatory provisions of section 1 of this act, a letter to each
44 person to whom the city has, on or before October 1, 2005, issued



1 pursuant to NRS 484.384 a temporary parking placard or sticker that
2 has an expiration date of October 1, 2005, or later.

3 3. A board of county commissioners shall issue, in accordance
4 with the amendatory provisions of section 1 of this act, a letter to
5 each person to whom the county has, on or before October 1, 2005,
6 issued pursuant to NRS 484.384 a temporary parking placard or
7 sticker that has an expiration date of October 1, 2005, or later.

8 **Sec. 7.** 1. This section and sections 1 and 6 of this act
9 become effective upon passage and approval.

10 2. Sections 2 to 5, inclusive, of this act become effective on
11 October 1, 2005.



