

2017 HOUSE POLITICAL SUBDIVISIONS

HB 1211

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee

Prairie Room, State Capitol

HB 1211

1/20/2017

Job # 27188

Subcommittee

Conference Committee

Carmen Hicks

Explanation or reason for introduction of bill/resolution:

Relating to parking spaces for mobility-impaired individuals

Minutes:

1,2

Chairman Klemin: Opened the hearing on HB 1211

Rep. Boschee: Introduced the bill. He said what this bill is trying to do is on page 5 section 10 of the bill. A number of people who utilize wheelchairs for accessibility, who also have motorize ramps or other accommodations or adaptations to enter or leave their vehicle continue to run into problems. Especially as we are seeing a lot of growth in our communities. The specific examples are not enough handicap parking spaces being designated due to large number folks in larger communities and then having to park in a regular parking spot. When doing so if you have someone park next to you then you are not able to open up your ramp unless your ramp in on the back side. Rep. Boschee (Testimony #1) handed out testimony from Keith Bjornson and referred to this testimony. Mr. Bjornson did some research into what other states have done. Simple what other states have done is given individuals who have the identified parking, either the license plates or the blue hanging tag from the Department of Transportation, the ability to use more than one spot to park. Mr. Bjornson has explained to Rep. Boschee that with his vehicle he would typically park in a diagonal in two spots. Then his right access door that he gets into his vehicle he would be able to get into. His testimony indicates that he has had to work with Fargo Police Department to try and tow his vehicle or get someone in his vehicle to back it up so he can get in. It is an accommodation we are asking for. I am waiting for the Department of Transportation to get back to me as far as the numbers of driver's license that have hand controls to get a better idea of how many people in the state has some of these needs.

Rep. Ertelt: Are there any prohibitions with regard to parking in more than one parking space? Does this cover both private and public? And is there a distinction between the two when it comes to any prohibition?

Rep. Boschee: What is required of either commercial locations and public locations in our communities within the ADA act there is often depending on the size of the facility a certain number of designated handicap spots there are available. There is not a prohibition for

someone using more than two, other than the local level. Often times there is an ordinance that says if you over park you can be ticketed. That is what folks have run into then they receive a ticket because they parked for accessibility reasons then needs to pay a fine. Minnesota has a policy like this on their books.

Royce Schultze, Executive Director of Dakota Center for Independent Living, Inc:
Testimony #2.

Rep. Zubke: Is a regular parking spot large enough for your ramp and wheelchair?

Mr. Schultze: No a regular parking spot is only 8 feet wide. For van accessible parking spot according to the ADA with the new guidelines they have two different dimensions, the one they are recommending is to make the accessible spot itself 11 feet wide and the access aisle 5 feet wide. The reason for that is a lot of individuals with the accessible parking permits will park in the 8-foot access aisle, thus blocking you in or not allowing you to park in there. An 8-foot regular parking spot is not enough room.

Rep. Pyle: Can you describe when all of the designated handicap spots are full, do you have to park at the end?

Mr. Schultze: Yes, that is what I do a lot of times I will try and park at the end of the aisle. Which in the summer with nice weather is fine but if you get an individual who uses a manual chair or might be on crutches it will be a lot more difficult. Ideally I would like to see more accessible parking spaces added. There are a lot more individuals out there driving and a majority are using accessible vans, where it is a full size van with a lift or a minivan with a ramp. A lot of businesses are complying with the number of spaces that they have.

Vice Chairman Hatlestad: It says take up two spaces can you pull in at an angle? Would it allow you then to use that ramp? Would it stop people from preventing you, if you come in at an angle?

Mr. Schultze: Yes, it would. You would park at the angle where nobody could beside you. They could park in the spot next to you but it will give you room to get out the side door. A majority of the accessible vans have the side entrance.

Rep. Ertelt: Have you reached out to the business owners with the private lots to see if they would be willing to accommodate with some specified area with larger parking spaces?

Mr. Schultze: No, I haven't talked to any of them.

Denise Harvey, Protection and Advocacy: As a disability rights organization we support this bill.

Rep. Ertelt: I would ask you the same question that I asked Mr. Schultze.

Ms. Harvey: We haven't in that area it is such a massive undertaking and there are always new businesses coming and going.

Chairman Klemin: Closed the hearing on HB 1211.

Rep K. Koppelman: Made a do pass motion on HB 1211.

Rep. Johnson: Second the motion.

Rep. Ertelt: I do sympathize or empathize with the situation that these individuals are in that need more space available for parking. But I do have concerns when it comes to private enterprise and demanding they take action to accommodate. I feel like this is an example, and one of the reasons that I ran for office and am here, that we often times look to government to solve problems that we could be solving by ourselves. When you do consider your vote on this bill I ask you to keep that in mind. When it comes to the public space I think we should also keep in mind the testimony from the former bill we heard today and the questions that were raised in regard to cities passing ordinances because they are regulating these parking spaces today and they could just as well regulate them themselves by stating what is being asked in this bill. As Mr. Schultze shared he doesn't believe the change in the Century Code is the best way to go about it.

Rep. Beadle: The question about the accommodation being made and having the private individual being made, I am wondering if our interpretation is different. The way I read it, it doesn't say that any private business owner needs to make special accommodation for the individual. Rather if that individual happens to park in a way the encumbers two spaces they are not automatically penalized. We're not making it so that an individual forcing someone else to accommodate but rather if they have to make do with the situation that they don't get a ticket for it. Would that still be your same concern if it wasn't the accommodation area, it was just they are not getting ticketed for doing what they have to do to exist?

Rep. Ertelt: I guess that would definitely moderate my opposition. I did not look up the sections that are referenced.

Rep. Beadle: The references for 39-4-10.2 and 39-4-18, are in reference to if you are a service member who is a disabled veteran. You are allowed to register with a special decorative plate or special license plate that indicates that you were disabled in the line of action and have the disabled plate opposed to hanging it on the rear view mirror.

Chairman Klemin: I don't think this bill requires any additional designation of spaces. It only requires that if there are designed spaces that are not available or occupied then a person can use two standard parking spaces without getting a ticket.

Rep. Ertelt: In that regard to private enterprise, I don't know that there is necessarily any penalty for parking in two spaces. I would find this bill unnecessary with regard to private parking lots. For public spaces I think any political subdivision can deal with that themselves. I think it is better handled at the local level than in state law.

Rep. Simons: I had talked with Mr. Schultze in fact he is parked like that right now in the parking lot out here. So basically he is not going to get fined for parking. It is always a question in his head and all of these people's heads who are driving these vans. I asked him if there is a difference between someone on crutches and someone in a van. There is not.

Rep K. Koppelman: I think how Rep. Beadle and Rep. Simons have interpreted the bill is what I see as well. I think as a practical matter those of us who may not park in handicap spots or have the designation to do that, sometimes we see these handicap spots empty. The alternative to this is if there is a problem in this area exactly what Rep. Ertelt is concerned about it designating more handicap spots or wider which would further inconvenience people who are trying to find a parking spot and can't find one. All this says is that if those spots are full and someone comes in and needs to park in two spaces in order to accommodate a wheelchair or something like that they are not going to get a ticket from the local police. Local ordinance in some areas does say if you take two parking spots you can get a ticket. As Rep. Simons indicated maybe they wouldn't press that if they learned the circumstance. But why force these folks to go through that?

Rep. Ertelt: My question would be if this law is passed would the political subdivisions who have ordinances that are in direct contrast to this, would they need to go through the process of changing those ordinances?

Chairman Klemin: This would supersede their ordinances.

Roll call vote passed 15 yes, 0 no, 0 absent.

Carrier Rep. Pyle.

Date: 1-20-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1211

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Koppelman Seconded By Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	/		Rep. Guggisberg	/	
Vice Chairman Hatlestad	/		Rep. Hanson	/	
Rep. Beadle	/				
Rep. Becker	/				
Rep. Ertelt	/				
Rep. Johnson	/				
Rep. Koppelman	/				
Rep. Longmuir	/				
Rep. Maragos	/				
Rep. Pyle	/				
Rep. Simons	/				
Rep. Toman	/				
Rep. Zubke	/				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Pyle

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1211: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

2017 SENATE TRANSPORTATION

HB 1211

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1211
3/9/2017
Job Number 28981

- Subcommittee
 Conference Committee

Committee Clerk Signature *Mary Munde*

Explanation or reason for introduction of bill/resolution:

Relating to parking spaces for mobility-impaired individuals.

Minutes:

Attachments #1-2

Chairman Laffen: Opened the hearing on HB 1211. Welcome Representative Joshua Boschee.

Rep. Josh Boschee: You have before you, testimony from Keith Bjornson and I will be happy to answer any questions

Keith Bjornson, board member of Freedom Resource Center for Independent Living:
See attachment #1

Senator Casper: I am thinking of downtown Fargo and broad way parking where parking is on a slant. They would be taking 2 spots then.

Rep. Boschee: Yes, that is correct.

Chairman Laffen: In that case if you drove straight in you would be straddling 2 spots. The bill would state that you need a handicapped sticker to do that.

Rep. Boschee: Yes, you need a disabled plate or the disabled pass.

Chairman Laffen: I think this is a good idea but is it illegal to do this?

Rep. Boschee: We asked law enforcement and this is what they said they would need to clarify it.

Senator Campbell: So these are handicapped vehicles that need a parking spot?

Rep. Boschee: Yes, this would be if the handicapped spots are all taken we could do it this way for secondary parking.

Senator Campbell: So you can take up 2 spots in the handicapped parking also?

Rep. Boschee: There are spaces that are striped to designate handicapped with a ramp parking.

Chairman Laffen: I may be able to clarify this. There are 3 kinds of parking stalls, there is the handicapped van accessible stall, which is a regular stall with a painted striped one off to the side to get the ramp down, there is a regular handicapped stall the normal size of a parking stall, and then there is just a regular parking stall. I think what this is saying is that in those regular stalls you could take 2 and park at an angle to make sure another car can't box in your area to get your chair in and out.

Rep. Boschee: That's correct.

Senator Nelson: Could we get this expanded to the driver that parks so close you can't get in your vehicle? Cars don't have bench seats anymore so it is hard to climb in.

Chairman Laffen: That would be hard to do.

Senator Clemens: If new pickups can take up 2 spaces then we should be able to allow handicapped to have 2 spots.

Chairman Laffen: Questions of Rep. Boschee? None. Thank you. Further testimony in favor of HB 1211.

Royce Schultze, Executive Director of Dakota Center for Independent Living Inc. here in Bismarck: See Attachment #2

Chairman Laffen: Questions for Mr. Schultze?

Senator Nelson: What do you suggest we do to make it better for you?

Royce: More parking spots. That's about the only thing that would make it better.

Senator Nelson: Is there a designated number of handicapped parking spots we can have in a block?

Chairman Laffen: I believe that is defined by both local city ordinance and the ADA.

Royce: Yes, the ADA has only so many spaces we can have.

Chairman Laffen: Questions? None. Thank you. Further testimony in favor of HB 1211. Opposition? Neutral? We will close the hearing on HB 1211

Senator Nelson: Motion for a Do Pass

Senator Casper: Seconded

Chairman Laffen: Any other discussion?

Roll Call Taken: Yeas-5, Nays-0, Absent-1.

Senator Casper will carry the bill.

Date: 3-9-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB 1211

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Place on Consent Calendar
 Reconsider _____

Motion Made By Nelson Seconded By Casper

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust					
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Casper

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1211: Transportation Committee (Sen. Laffen, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

HB 1211

1-20-17

#1 HB1211

Regarding House Bill Number 1211

Members of the House Political Subdivision Committee,

Let me introduce myself, I have been using a wheelchair since 1970 and driving from my wheelchair since 1974. Utilizing lift and ramp equipped vans; I have traveled Northwestern Minnesota and all of North Dakota during my 35-year work career. I am a board member of Freedom Resource Center for Independent Living, based in Fargo, an advocacy group for persons with disability and a member of the Fargo Human Relations Commission.

As a result of this specialized vehicle equipment, I and many others require additional room on the right side of our vehicles' to access the lift or ramp. Most all persons with wheelchairs, walkers, crutches or other mobility devices require additional room to get into vehicles. This additional space is required by the Americans with Disabilities Act and other laws.

Frequently there are no handicapped parking spaces at all or what is there is being utilized. I choose then to park diagonally across two or more spaces to assure me access to the right-hand side of my vehicle. Minnesota law already allows such parking accommodations. Frequently I have been blocked out of my vehicle when I do not do this. I have had nasty grams left on the windshield of my vehicle and been chastised by restaurant staff when doing so. At a recent Fargo HRC meeting the police liaison had to help move my vehicle so that I could get into it and drive away.

Our request is that you amend North Dakota Century code to allow utilizing multiple spaces for parking accommodations of wheelchair lift equipped vehicles.

The Fargo Human Relations Commission has a liaison with the Fargo Police Department. They are reluctant to enforce handicapped parking laws because of confusion in North Dakota Century code regarding the designation of such handicapped parking spots. Current law as interpreted has confusion regarding temporary spaces being entirely marked and signed correctly before they can enforce these laws. We are currently working with the Fargo Police Department, prosecutors and the police chief on language that would be more workable for them.

Our request then is to amend North Dakota Century code to clearly indicate handicapped parking violations can be enforced when there is intent to designate such space for the specialized vehicles.

The above requested changes to North Dakota Century code would cost no state funding. It likely will in fact reduce calls for service to Police Department's in the case of us being blocked out or violations of handicapped parking laws.

Thank you for your consideration of this, Keith Bjornson.

Keith Bjornson
2724 39th Ave S
Fargo, ND 58104

1-20-17

#2

HB 1211

HB 1211

House Political Subdivision Committee

Representative Lawrence Kleman, Chairman

January 20, 2017

Chairman Kleman and members of the House Political Subdivision Committee. My name is Royce Schultze, Executive Director of Dakota Center for Independent Living, Inc. (DCIL) in Bismarck. DCIL serves 18 counties in South Central and South Western North Dakota. I am here today in support of HB 1211 that would amend the North Dakota Century Code to allow individuals with the proper accessible parking permits or license plates to park at an angle and occupy two standard parking spaces when the designated accessible spaces are used. As an individual that has been driving wheelchair accessible vans for 27 years I know the frustration firsthand when I go to a shopping mall or any other businesses and there is no place to park. With my van I cannot park in a regular parking spot because I need the additional room for my ramp to come out and also be able to get on or off my ramp. This issue is a problem to anyone who has a wheelchair accessible van. I don't believe this change in the century code is the best option but it is better than what we have now. Thank you for your time and I am available for any questions.

Attachments #1 pg1
HB 1211 3/9/17

Regarding House Bill Number 1211

Members of the Senate Transportation Committee,

Let me introduce myself, I have been using a wheelchair since 1970 and driving from my wheelchair since 1974. Utilizing lift and ramp equipped vans; I have traveled Northwestern Minnesota and all of North Dakota during my 35 year work career. I am a board member of Freedom Resource Center for Independent Living, based in Fargo, an advocacy group for persons with disability and a member of the Fargo Human Relations Commission.

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Attachment #1 pg 2

3/9/17 HB 1211

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Thank you for your consideration of this, Keith Bjornson

Attachment #2 pg. 1
3/9/17 HB 1211

Testimony

HB 1211

Senate Transportation Committee

Chairman Laffen and members of the Senate Transportation Committee, my name is Royce Schultze, Executive Director of Dakota Center for Independent Living, Inc... We are a private nonprofit agency that advocates for people with disabilities in 18 counties in south central and southwestern North Dakota. I am here today to support HB 1211 that would amend the North Dakota Century Code to allow individuals with the proper accessible parking permits or license plates to park at an angle and occupy two standard parking spaces when the designated accessible spaces are full. As an individual that has been driving wheelchair accessible vans for 27 years and I know the frustration firsthand when I go to a shopping mall or any other businesses and there is no place to park. With my van I cannot park in a regular parking spot because I need the additional room for my ramp to come out and also be able to get on or off my ramp. I don't believe this change in the century code is the best option but it is better than what we have now. Thank you for your time and I am available for any questions.