

**2019 HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

**HB 1135**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

1/31/2019

HB 1135

Job # 31965

Subcommittee

Conference Committee

Committee Clerk: Carmen Hickle

### Explanation or reason for introduction of bill/resolution:

Relating to parking spaces for the mobility impaired; and to provide a penalty

Minutes:

1,2,3

**Chairman J. Dockter:** Opened hearing on HB 1135.

**Rep. Boschee:** (Handout #1,2). Read his testimony and explained the attached handouts.

**Rep. Johnson:** The ADA references the manual on uniform traffic, and this references your picture of the true handicapped sign?

**Rep. Boschee:** Yes, it defaults to director of transportation to designate signs.

**Rep. Johnson:** Did you say without the correct signage that Police are unable to enforce violation of parking?

**Rep. Boschee:** Correct, that is what has been shared with us from local law enforcement.

**Rep. Toman:** I lived next to a building that was something different so when the new tenant came in they painted over the blue paint and took the signage down. Do you see problems with people reporting because the blue paint can still be present when the other paint has worn off? What is your thoughts on situations like that?

**Rep. Boschee:** Enforcement is the business complying with ADA, which we are not trying to do with this bill. Versus the enforcement with someone who is parked improperly or illegally. So trying to give tools to law enforcement when a business owner has designated a clear space is meant for accessible

parking that law enforcement has the tools to cite appropriately. You bring up paint or a new owner that changes the intention of the parking that still could be in violation of the ADA and enforced through a different mechanism, but not a part of what this legislation is trying to do.

**Rep K. Koppelman:** Why are you proposing the amendment?

**Rep. Boschee:** I was trying to make it as clear as possible to the committee what our true intentions were, so that is why I gave you the changed bill and proposed amendment.

**Rep K. Koppelman:** The reason you changed from your original bill you discovered things that weren't there or why the amendment?

**Rep. Boschee:** Correct, once the bill was filed with more feedback is why the proposed amendment.

**Rep K. Koppelman:** What were the shortcomings discovered in the original bill that necessitated amendments?

**Rep. Boschee:** Looking at the bill with the black strikeouts and underlines it was more specificity. People thought there was redundancy, we tried to provide more clarity, there was also some language in conflict with ADA. It should be a permanent sign.

**Rep. Ertelt:** Part of your handout with the signs on it is starred, is that the only one that is accepted?

**Rep. Boschee:** Correct.

**Carol Two Eagle:** Anything that makes handicap parking more accessible to mobility impaired is a plus. Consider this bill carefully and give it a do pass.

**Derek Pfeifer:** Design Division Program Manager of NDDOT. (Handout #3). Read his testimony.

**Rep. Adams:** R7 is what the state requires now, if someone uses one of these signs which looks basically to be the same size and it does basically the same thing, why do we have only one sign to pick from?

**Mr. Pfeifer:** From the departments standpoint we look for consistency when it comes to signage.

**Rep K. Koppelman:** Are you looking at the amendment or the proposed revised bill or did you have access to it prior to the meeting?

**Mr. Pfeifer:** We had the original bill that is what I was testifying by.

**Rep K. Koppelman:** So you don't know if the amendments are something you would approve of or not?

**Mr. Pfeifer:** That's correct.

**Rep K. Koppelman:** Maybe you can let us know if you have a chance to look at that? These signs are typically on private property, right? They aren't highway signs are they?

**Mr. Pfeifer:** Yes, they are on state highways also.

**Rep K. Koppelman:** If the standardized signs that you prefer were available or were required on public property, would you object to them being used in a private parking lot?

**Mr. Pfeifer:** We support consistency whether it is a private parking lot or the state highways.

**Rep. Hatlestad:** You say the signing and marking of a mobile impaired parking, are you opposed to the blue curb and signs? Or just the signage?

**Mr. Pfeifer:** We are not opposed to the blue markings. We are opposed to looking for consistency within the sign, sign height, and reflectivity.

**Matt:** Greater ND Chamber: There are parts of the bill we like and parts we have questions on. From a business community marking the spot for mobility impaired we support. We understand DOT wanting to be uniform. But being uniform and having one sign is going to be unreasonable to them. The beginning of the first bill it mentions providing parking spots we see challenges with implement dealers with a gravel parking lot and other similar businesses.

**Rep. Johnson:** Through local planning don't they designate how many handicap parking spots you need? Through planning aren't they going to demand you have a certain number of parking spaces?

**Matt:** I am not a planner so I'm unsure of that.

**Rep K. Koppelman:** Most businesses have parking spaces, is there any requirement if there is a certain number of spaces they have to provide?

**Matt:** I can't answer that.

**Mr. Pfeifer:** Inaudible

**Rep K. Koppelman:** So federal government has regulations for requirements?

**Mr. Pfeifer:** That is where the regulations would come from.

**Rep. Adams:** Do the signs on this sheet that people order, do they come from just one company or different companies?

**Mr. Pfeifer:** As a department we don't deal directly with the sign company. The signs we place are through a bid company where the contractor work with multiple or just one company.

**Chairman J. Dockter:** Closed the hearing on HB 1135.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1135  
2/14/2019  
Job # 32795

- Subcommittee  
 Conference Committee

Committee Clerk Signature	Carmen Hickle typed by Mary Brucker
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### Explanation or reason for introduction of bill/resolution:

Relating to parking spaces for the mobility impaired; and to provide a penalty.

### Minutes:

Attachment 1
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**Vice Chairman Pyle:** I'm trying to make the handicap parking signage uniform. The amendment on page 1 line 7 overstrikes "designates." There are two sets of amendments; Representative Boschee has .02001 which is in your folder and I just handed out .02002, see attachment #1.

**Representative Simons:** I spoke with Representative Boschee about this. I asked what would happen if it was all printed signs are illegal signs in North Dakota so that way we aren't making it so business owners and establishments have extra expense of switching their signs and any printed sign is a legal sign in the state of North Dakota.

**Vice Chairman Pyle:** Can I make up my own handicap sign then with cardboard?

**Representative Simons:** As long as it's a printed sign. Most of this is on private land and if they have someone parked there they can call the authorities and have them towed at their own expense. Representative Boschee is fine with all these signs being legal signs so we don't need to have one designated sign as long as it's a printed sign in the state.

**Representative Johnson:** Doesn't that violate federal law that the statute refers to in the code of federal regulations? It was my understanding that the one is the approved sign through the CFR but people don't realize that. We really can't override federal law.

**Representative Longmuir:** The testimony from the Department of Transportation sites the manual of Uniform Traffic Control Devices as recognized as the consistent national standard and is the manual adopted by the director of DOT. I think we need to follow the recommendations of specific signs versus all signs.

**Representative Simons:** What happens if we say the signs up now but all new signs need to be one exact sign?

**Representative K. Koppelman:** The DOT was here the committee questioned him about this and the question of whether we should be forcing private businesses to conform to some standard and he said that's their preference. What the DOT director has mandated governs DOT so it governs the signs they put up on public property. We are talking about signs in private businesses. The signs that are the big blue ones are easier to see than the approved signs so I don't know that we should be dictating this to businesses as long as they're providing handicap spaces and not require them to buy more expensive signs.

**Vice Chairman Pyle:** As part of the amendments on page 2 line 3 after the overstruck comma we would insert "bearing the international symbol of accessibility for mobile impaired for at least four hours before the event." I think that covers the wheelchair symbol. In the remaining lines in the amendment I think you'll find what we're discussing.

**Representative Johnson:** We do dictate; you have to have so many parking spaces for so many employees and have so much impervious parking spaces, etc. because that is the nature of the beast. In the testimony there were not compliant signs that law enforcement could not fine people for parking in the parking spaces that had a noncompliant sign. Wasn't that the testimony?

**Representative Simons:** That is the conversation I had with Representative Boschee. If we could just change that on private property, then any printed sign is a sign. It has to be a printed sign for it to hold up in law. We're talking about private land so let's just change the law so that police officers could administer a parking ticket.

**Representative Johnson:** Maybe that's the disconnect. I view businesses as private property. We can then say you don't have to follow the planning and building codes, you don't have to serve that person or this person because you're a private entity.

**Representative Simons:** That's not my point at all. You don't need to use one designated sign; all signs would be equal if they are a printed sign.

**Chairman Dockter:** That's what the amendment does.

**Representative Adams:** I'm reading the Disabled Parking Design for North Dakota and it says it has to be a handicap sign. If you look at any sign you know it's a handicap spot. I think the bill is trying to get so the person who puts up the sign can order any of the handicap signs and not just the one.

**Representative K. Koppelman:** Made a motion to move amendment .02001.

**Representative Hatlestad:** Seconded.

**Chairman Dockter:** Is there any discussion?

**Representative Magrum:** Under section 1 line 7 shouldn't we take "public" out of there so it just says "if a private entity provides" then we don't have to worry about the federal.

**Vice Chairman Pyle:** We probably want to keep “public” in there just for city halls, county courthouses, and those public entities.

**Representative Magrum:** This bill wouldn’t apply to the public. We’re trying to make it so private could buy the cheapest sign they could get. The public has to go by federal law.

**Representative K. Koppelman:** I assume public entities are going to follow the DOT’s recommendation which would include public buildings, city streets, curbs, and that kind of thing. Even though the current law talks about that I think that’s why it’s left in here but I think the effect of the bill would be to allow private entities to use one of those other options.

**Representative Ertelt:** I have hesitation with page 2 line 4 and 5, the time frame that the sign has to be posted before the event. I think that would be a little problematic in the enforcement of it. I don’t really see the need for it. I would offer that we further amend and strike out “at least four hours before the event” so there is a designated parking spot for that event.

**Chairman Dockter:** Any further discussion on the first amendment?

**Voice vote: Motion carried.**

**Vice Chairman Pyle:** On the amendment I handed out on page 1 line 7 we’re removing the overstrike for “designates” and strike out “provides” then on line 8 we’ll strike all the new language. See attachment #1, amendment 19.0037.02002.

**Representative K. Koppelman:** Could Representative Pyle explain the effect of the amendment and what it does?

**Vice Chairman Pyle:** I think it cleans up the language. This is one of the requests from the groups.

**Representative Ertelt:** I believe this amendment offered addresses the case brought up during testimony where a business may have parking but it is not actually designated; it’s just a blank lot. There was concern about if this was a gravel lot and now you have an additional expense to go in and create these spaces for handicap accessible. If it designates parking, then you have to do it. I think it gives that private owner the flexibility of leaving a bare lot.

**Representative K. Koppelman:** As I’m reading it with the amendment the first section of the bill would then read “If a public or private entity designates parking spaces or accessible parking then the spaces must comply.”

**Vice Chairman Pyle: Made a motion to adopt 19.0037.02002.**

**Representative K. Koppelman: Seconded.**

**Chairman Dockter:** Any discussion?

**Voice Vote: Motion carried.**

**Representative Ertelt:** Made a motion to further amend on page 2 line 4 of the amended version to strike “at least four hours before the event.”

**Representative K. Koppelman:** Seconded.

**Chairman Dockter:** Does everyone understand the amendment?

**Representative Guggisberg:** I just asked the bill sponsor why the four hours was in there and he said is so someone doesn't put up a handicapped sign right before the event when someone is already parked there and now they're in violation.

**Vice Chairman Pyle:** I would add that this is for events. It isn't just a regular parking spot.

**Representative Guggisberg:** It also says “may” so they don't have to do this. This is mostly for bigger cities. I've been involved in planning these big events and there's a lot of work, planning, and input that goes into those. I think this is good as it is.

**Representative K. Koppelman:** As I read it on page 1 it says “in that case each temporary reserved space must be indicated by a sign...” not may. I think the four hours is probably arbitrary so I think it would make more sense if that's the concern a provision of the bill could be made saying no charge could be brought for a sign that's placed after a car is already parked there.

**Chairman J. Dockter:** I think we're splitting hairs here. Representative Ertelt, would you want to withdraw your amendment?

**Representative Ertelt:** I had the same concern. It's nearly an unenforceable provision.

**Representative K. Koppelman:** If we passed the amendment we'd be taking the hour limit out of the bill. If someone parks there and there's a handicap sign there they will be liable for parking there no matter what time they parked there. If someone put it up after they parked there I think that's a very clear defense as well.

**Representative Ertelt:** If that is the intent of the bill sponsor I think the language should say exactly that, “If a sign is placed after a vehicle is already parked they are not liable for that infraction.”

**Chairman Dockter:** Is there any other discussion?

**Representative Adams:** When they set up for these events and mark the spots they are set up way ahead of the event. Leaving the four hours in there is a good point.

**Chairman Headland:** Let's vote on the amendment.

**Voice vote:** Motion failed.

**Chairman Dockter:** We have before us HB 1135 as amended and further amended.

**Vice Chairman Pyle: Made a motion for a do pass as amended.**

**Representative K. Koppelman: Seconded**

**Chairman Dockter: Is there further discussion?**

**Roll call vote: 10 Yes 4 No 0 Absent**  
**Motion carried**

**Representative Adams will carry this bill.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1135

Page 1, line 23, overstrike "or other suitable means."

Page 2, line 3, after the overstruck comma insert "bearing the international symbol of accessibility for the mobility impaired at least four hours before the event."

Page 2, line 4, remove "by a"

Page 2, line 5, remove "permanently posted sign that does not meet all design standards."

Page 2, line 7, overstrike the period and insert immediately thereafter "if the parking space has two of the following requirements:

- (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;
- (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
- (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.

Page 2, line 8, remove "A sign posted for the purpose of this section must be at least five feet"

Page 2, remove line 9

Page 2, line 10, remove "obstructions which block its visibility."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1135

Page 1, line 7, remove the overstrike over "~~designates~~"

Page 1, line 7, remove "provides"

Page 1, line 8, remove "motor vehicles."

Page 1, line 9, remove "spaces designated for mobility-impaired individuals also must"

Page 1, line 10, replace "be provided. The accessible parking" with ", the"

Renumber accordingly

February 14, 2019

CM  
1 of 1  
2/14/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1135

Page 1, line 7, remove the overstrike over "designates"

Page 1, line 7, remove "provides"

Page 1, line 8, remove "motor vehicles."

Page 1, remove line 9

Page 1, line 10, remove "be provided. The"

Page 1, line 10, after "parking" insert ", the"

Page 1, line 23, overstrike "or other suitable means."

Page 2, line 3, after the overstruck comma insert "bearing the international symbol of accessibility for the mobility impaired at least four hours before the event."

Page 2, line 4, remove "by a"

Page 2, line 5, remove "permanently posted sign that does not meet all design standards."

Page 2, line 7, overstrike the period and insert immediately thereafter "if the parking space has two of the following requirements:

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Page 2, line 8, remove "A sign posted for the purpose of this section must be at least five feet"

Page 2, remove line 9

Page 2, line 10, remove "obstructions which block its visibility."

Renumber accordingly

Date: 2-14-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1135

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: Rep. Boschee dated Jan. 29, 2019

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. Hatlestad

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:					
Vice Chairman Pyle:					
Rep. Ertelt:					
Rep. Fegley:					
Rep. Hatlestad:					
Rep. Johnson:					
Rep K. Koppelman:					
Rep. Longmuir:					
Rep. Magrum:					
Rep. Simons:					
Rep. Toman:					
Rep. Strinden:					
Rep. Adams:					
Rep. Guggisberg:					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voice Vote Carried*  
Voted on Rep. Boschee's amendment 19.0037.0200  
dated Jan. 29, 2019.

Date: 2-14-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1135

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: 19.0037.02002

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 Pyle    Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:					
Vice Chairman Pyle:					
Rep. Ertelt:					
Rep. Fegley:					
Rep. Hatlestad:					
Rep. Johnson					
Rep K. Koppelman:					
Rep. Longmuir					
Rep. Magrum:					
Rep. Simons:					
Rep. Toman:					
Rep. Strinden:					
Rep. Adams:					
Rep. Guggisberg					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Pg. 1 line 7, take out "designates" and remove "provides"

Pg. 1 line 8 remove motor vehicles

**VOICE VOTE = Motion carried**

Pg. 1 line 9 remove "spaces designated for mobility-impaired individuals also must

Pg 1 line 10 add "the"

Date: 2-14-19  
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1135

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. Ertelt Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:					
Vice Chairman Pyle:					
Rep. Ertelt:					
Rep. Fegley:					
Rep. Hatlestad:					
Rep. Johnson					
Rep K. Koppelman:					
Rep. Longmuir					
Rep. Magrum:					
Rep. Simons:					
Rep. Toman:					
Rep. Strinden:					
Rep. Adams:					
Rep. Guggisberg					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Pg. 2 line 4 strike "at least 4 hours before the event."

VOICE VOTE = FAILED

Date: 2-14-19  
 Roll Call Vote #: 4

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1135**

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: 19.0037.02003

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. Pyle    Seconded By Rep Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:	/				
Rep. Ertelt:		/			
Rep. Fegley:	/				
Rep. Hatlestad:	/				
Rep. Johnson:		/			
Rep K. Koppelman:	/				
Rep. Longmuir:	/				
Rep. Magrum:	/				
Rep. Simons:		/			
Rep. Toman:		/			
Rep. Strinden:	/				
Rep. Adams:	/				
Rep. Guggisberg:	/				

Total (Yes) 10    No 4

Absent 0

Floor Assignment Rep. Adams

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

**REPORT OF STANDING COMMITTEE**

**HB 1135: Political Subdivisions Committee (Rep. Dockter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1135 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~designates~~"

Page 1, line 7, remove "~~provides~~"

Page 1, line 8, remove "~~motor vehicles.~~"

Page 1, remove line 9

Page 1, line 10, remove "~~be provided. The~~"

Page 1, line 10, after "~~parking~~" insert ", the"

Page 1, line 23, overstrike "~~or other suitable means.~~"

Page 2, line 3, after the overstruck comma insert "bearing the international symbol of accessibility for the mobility impaired at least four hours before the event."

Page 2, line 4, remove "~~by a~~"

Page 2, line 5, remove "~~permanently posted sign that does not meet all design standards.~~"

Page 2, line 7, overstrike the period and insert immediately thereafter "if the parking space has two of the following requirements:

- (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;
- (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
- (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.

Page 2, line 8, remove "~~A sign posted for the purpose of this section must be at least five feet~~"

Page 2, remove line 9

Page 2, line 10, remove "~~obstructions which block its visibility.~~"

Re-number accordingly

**2019 SENATE POLITICAL SUBDIVISIONS**

**HB 1135**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

HB1135  
3/8/2019  
Job # 33436

- Subcommittee  
 Conference Committee

Committee Clerk: Mary Jo Wocken

### Explanation or reason for introduction of bill/resolution:

Relating to parking spaces for the mobility impaired; and to provide a penalty.

### Minutes:

Written attachment #1: Rep. Josh Boschee  
Written attachment #2: Jerry Christiansen

**Chairman Burckhard** opened the hearing on HB1135. Senators Burckhard, Anderson, D. Larson, Dotzenrod, and Kannianen are present. Senator J. Lee was absent.

**Representative Boschee:** District 44, introduced HB 1135 and spoke in support of HB 1135. Written attachment #1. (:46-5:48) For your reference if you look at the bill, the changes to pg. 1 line 14-15 allows flexibility in the accessible parking sign to be displayed. In order to meet some of the concerns of the Department of Transportation we would be fine with restoring the language on line 14. So if the committee would like to do that would help the Department of Transportation for the purposes of the work that they do. We ask that line 15 changes because that is more current language to be used. He continued explaining his testimony.

**Chairman Burckhard:** I just want to make sure I heard this right. On page line 14, that can be left in there even though it is crossed off?

**Representative Boschee:** Correct. You can restore that language to the original statute. So remove the strikes on line 14.

**Senator Anderson:** Is it necessary to amend this thing or is it fine the way it is now?

**Representative Boschee:** The Department of Transportation is in the room to monitor the bill. I would like them to speak into neutral capacity to the fact but I think it would help with their purposes to fix that.

**Senator Anderson:** Most of us who have one of those little handicap things assume that law enforcement can site everybody that has any of these signs up. But apparently that was incorrect? The only other complaint I have is sometimes like on the north side of the capitol we have reserve parking spots but they are to dang far away. We had a hearing about that earlier. It is one thing when you're in a wheel chair, you can ride quite aways, but when you have to walk with your walker or whatever else, why sometimes they get to be a long ways

especially if the sidewalk isn't shoveled. That is just a complaint I have. Sometimes when you have a handicap parking spot but then you can't get the door open. There is a lot of different things to go along with it. I think this is a good improvement.

**Jerry Christensen**, Accessibility Specialist at Freedom Resource Center for Independent Living. (8:28-12:19) **Written attachment #2.**

**Chairman Burckhard:** So let me clarify two of the three things are there, repeat that for me please? What does that mean?

**Mr. Jerry Christensen:** If you take a look at Section 9 C please, pg. 2 line 4. We've added the wording "a parking space clearly identified as reserve from ability impaired is considered designated and reserved for the mobility impaired and is sufficient basis for law enforcement of this section if the parking space has two of the following requirements". Then we've listed the blue paint, the sign bearing ISA, actually says "a sign" although it doesn't make any difference, and then the \$100 fee sign.

**Senator Dotzenrod:** You mentioned the case where Keith had pulled into a designated reserve spot and then he was able to get out of his van. Then when he came back there was a vehicle parked so close that he was not able to get into his vehicle. I think this is what you were describing right?

**Mr. Jerry Christensen:** That is correct.

**Senator Dotzenrod:** So you said it was an obvious violation. Now if the person that came along and pulled into that spot had observed all the lines that were painted there, and got into the place, would he had been possibly pulled in there and not known that he was centered in the spot that was reserved for him to park in, but he was too close for Keith to get in there. You said it was an obvious violation and should have been ticketed. But isn't it possible that he complied with the law and parked where he was supposed to park and just didn't realize he was too close or are these spots. Was he parked in a spot that he shouldn't have been parked in?

**Mr. Jerry Christensen:** May I write something on the white board. He drew a diagram explaining accessible parking space. I will duplicate on this testimony. In order for a parking space to be an accessible parking space, it has to have two things. While more than 2, but two that we are interested in right now. It has to have the space to park your vehicle and adjacent to that it has to have an access aisle. The "P" is representing the parking space that there are designations dimensions printed out that there has to be this big by this big, and then the access aisle is also this big by this big, and it's marked for no parking. So Keith was parked in the parking space and this other vehicle parked in that access aisle. It is a very common thing to happen. There is some states that have passed legislation that require a sign at the head of the access aisle that say 'No parking access aisle'.

**Senator Anderson:** One is sometimes when I don't have a wheelchair so I don't need the access aisle. But sometimes when that's the only parking space available I park there, so that means the guys with a van, couldn't park there because I am already there. I have my parking ticket, so, we're not preventing and it doesn't seem to a big problem?

**Mr. Jerry Christensen:** The designation van accessible does not mean " Vans only" it just means that it's either the parking lot is a little bit bigger to provide extra room for the van or the access aisle is bigger. But it does not say vans only.

**Senator Anderson:** I realize that but I wondered if we should say one for the van but, sometime I will try to do that if there are others available. Now my question is why do we need two of the designated things? For example, now its winter time and the blue paint on the curb is probably going to be covered up by snow, so the law enforcement guy will see the sign is very visible. He takes a picture whatever, he can only see the sign. So I guess my question is why don't we say, "or ", instead of needing both of those things in order to write a ticket?

**Mr. Jerry Christensen:** Saying in 9A of the Century Code states that there are these three things we must have. If you look in the ADA requirements, there's a lot more required for accessible parking space than just those three. What we understood from law enforcement was if they pull up and they see something that is illegally parked in an accessible parking space, but if the \$100 fee sign isn't there, they are not comfortable writing a ticket. Because he's gets beat in court. They go to court and the person would say he was not a compliant parking space therefore it's not enforceable. Now there are many other things that could make that parking space non-compliant but we wanted to focus on these three that were in the Century Code that law enforcement can see quite easily. If I can see two of those three, its enforceable.

**Chairman Burckhard:** Would there be a fiscal note on this. I mean are they going to have to change a lot of the signage? Do you know that?

**Mr. Jerry Christensen:** We're not changing anything about signage. The requirement is already there. The ADA requires a sign with an International symbol of accessibility. The current North Dakota Code, calls for that particular sign that Representative Boschee put out. The requirement for the \$100 fee is already here, the requirement for the blue paint is already here; we're not changing any of that we're simply trying to make it as Representative Boschee said, more black and white for law enforcement. If they come up as long as it says, " a sign that has the international symbol of accessibility". So if law enforcement sees any of those signs they all have the symbol of international symbol for accessibility on them, so if they see any of those signs, then they look around. If they see either the blue stripes or the \$100 fee I can write a ticket. Our impression has been that up to this point they were not sure when they could write a ticket. Would it have to be the official sign or would any sign work? Minnesota has got its own unique sign and I bet we could drive around Bismarck and I could point out a whole bunch of those to see.

**Chairman Burckhard:** I am going to be more observant of those from now on.

**Senator Kannianen:** As a follow up on Senator Anderson was getting at I believe, is so then if you have, and we would put that if the parking space has two of the following requirements

with one other of the requirements being the blue paint which is covered up 1/3 of the year, then a law enforcement officer still wouldn't have what he feels is sufficient to write a ticket when the blue paint is not visible?

**Mr. Jerry Christensen:** I suppose if there was only the symbol with the ISA and the blue paint and not the \$100 that could be a problem for law enforcement in the winter time. Yes, if I misunderstood your question I apologize. Yes, it could be a problem in our part of the world in the winter time.

**Senator Kannianen:** Do you see a way around that? Is there a different way of doing that with language?

**Mr. Jerry Christenson:** I suppose we could drop it to one of the three.

**Senator Kannianen:** It would still be ADA compliant?

**Mr. Jerry Christensen:** Well, no. We're not saying this would be ADA compliant. To be ADA compliant if you folks have got another 90 minutes we can go through that. But all were trying to do here is to give law enforcement a little more, clear direction so they can write a ticket.

**Chairman Burckhard** asked for more testimony from those in favor of the bill; then in opposition of the bill, then any neutral testimony to come before the committee. He then closed the hearing on 1135.

**Senator Anderson:** I'll move that we, do we have a neutral guy who said exactly what we should amend the thing, from the Department of Transportation or whatever? I will move that amendment if we know what it is.

**Chairman Burckhard:** That is reinstating the words on line 14, pg.1, is that what you're saying?

**Senator Anderson:** Replied yes.

**Chairman Burckhard:** So it must be indicated by an official sign approved by the director bearing,

**Senator Anderson:** Why do we have to have approved by the director?

**Chairman Burckhard:** Because I think it was suggested. **Senator Anderson:** That means he's got to look at all 20 of those signs that are on that sheet.

**Derrick Pfeifer:** North Dakota Department of Transportation (22:33) **Senator Anderson:** I am wondering why we need to restore the language to include the director because that means he's got to look at all those signs and have a sample of them so that somebody can say their approved. I mean why aren't they adequate without being approved by the director?

**Mr. Derrick Pfeifer:** The reason the DOT, is asking that language be put back in whereas visited with the Rep. Boschee, is that right now the MUTCD is the official document that is

used by the DOT for all signage throughout the state on all state highways and city streets. The way the MUTCD is developed is that it.

**Chairman Burckhard:** So we discourage acronyms in this committee. Could you explain what that acronym stands for?

**Mr. Derrick Pfeifer:** Manual Uniform Traffic Control Devices. It is there to provide consistency and the sign that is placed within the Manual of Uniform Traffic Control Devices it contains that symbol of the universal symbol which is also listed in all those other signs. What they are proposing with the just having the symbol there that would still meet the MUTCD intent.

**Senator Anderson:** The language if we restored it as it was says, " a sign approved by the director", so that means that unless you have one of these samples in your office someplace law enforcement is going to go to the judge and the judge is going to say no, that is not one that the department has in their file, so it's not okay.

**Mr. Derrick Pfeifer:** The signs that you see there on that list do not fall within the Manual of Uniform Traffic Control Devices, but the way the amendment has been drafted is that it just needs to host the symbol which in my eyes for ease of ability I guess it is the wheelchair symbol.

**Senator Anderson:** Do you understand what I am saying? When I get a \$100 fine and I go to court and they're going to ask you to come in and say is this an approved sign? Then what evidence do you have that you've reviewed that particular sign and said this is okay. Because they can buy these any place. They don't necessarily have to have approved on them when they buy them.

**Mr. Derrick Pfeifer:** I guess maybe if I could answer in this directive. All city streets and public roads according to federal code need to follow the Manual of Uniform Traffic Control Devices. That is why we ask for that to stay in there so that the state highways and all the public roads that are travelled on by everybody here are in compliance.

**Senator Anderson:** A little while ago I parked at a hotel on private property. They had a sign but it might not have been one that you approved and my understanding is they don't have to ask you about it because it's not a public street or road. But yet they're going to ask the police officer to write a ticket if somebody without my handicap sticker parks there.

**Mr. Derrick Pfeifer:** The Manual of Traffic Control Devices doesn't apply to every portion of a private parking lot. It applies to if there is a public road in a private parking lot, which probably where those signs will be placed anyway.

**Senator Anderson:** Most of the handicap parking is on private property. ADA requires somebody to have that. Now in the NDSU parking lot, by the Fargodome might be under your jurisdiction and it might not, but that's what I am getting at here. All of these hotels have handicap parking in Bismarck and they don't have to ask you what sign they put up. They probably don't even think about it you see when they buy a sign and put it up. So my question

is if we leave that language in there and then I get a ticket, I go to the judge and say, this isn't on the list for the department so, you can't fine me \$100.

**Mr. Derrick Pfeifer:** The way I read the language and I think the way that it was proposed, is that the three areas of concern that two of the three that need to be there, in order to be enforceable, doesn't relate back to the what the director approves sign is. It is just pointing back to the international symbol which is required by the American Disabilities Act (ADA).

**Chairman Burckhard:** Senator Anderson, Mr. Christenson seems anxious to come up and address your question.

**Mr. Jerry Christensen:** Freedom Resource Center. Would you look at 9C please on pg. 2? No, it's number 2 on 9C, it says, 'A sign bearing the international symbol of accessibility' and now we're going back to high school grammar it's not 'the' sign it is 'a' sign. So our intent there I believe would address your excellent question that if the law enforcement sees a sign that's got the international symbol of accessibility even if it's not 'the' sign that fits for one of the three.

**Senator Anderson:** You know that I understand that your new language is pretty clear. But what I am seeing is if you look at 9 A and we say 'by an official sign approved by the director bearing the internationally accepted symbol that has two standards'. It has to have the International symbol and it has to be approved by the director, if it is used by either a public or private entity, it says in the first sentence up there in the top in lines 7. So I am trying to make sure that when write the ticket and the guy who doesn't want to pay the \$100 goes to the judge and the judge says it looks like that sign wasn't approved by the director.

**Mr. Jerry Christensen:** I appreciate that concern very much. Our intent was that word "a" rather than "the" would address that, perhaps it doesn't.

**Senator Dotzenrod:** My thought on this is that if a person, a private party is getting ready to create a spot their advisor or their contractor that they are working with or just on their own would want to look and see what the law says. They would get to this section before they started painting and putting up signs and they would see that it has to be approved by the director. So they would say, one to the other, you know before we put this sign and order that one that's on-line, why don't we make a call here to the director and make sure that we're buying a sign because the law says it has to be approved by the director. So before we get to far with this, let's check with the director and make sure that we're not putting up some sign that is not going to be correct. So, if they did that they would get some guidance from the director and the director would say, you don't buy those on-line signs that do not have everything correct. I will give you a handout like this, handed out in committee, and then if you get the proper sign you'll be fine. So I think referring to the director makes it clearer to the citizens who are looking at and reading the law that they can't just on-line and buy any sign that looks good. They have to make that phone call or write a letter, whatever and so I think it does serve a purpose to have that approved by the director in there.

**Mr. Derrick Pfeifer:** ND DOT. We understand what the reason behind this bill is and that is to help law enforcement be able to enforce the parking in these accessible parking spaces that are people who shouldn't be parking there. The language that we talk about in 9A where

it is approved by the director, if that is left out, the DOT would still be satisfied. For the reason being is that through the federal code, the state transportation departments and all city streets and public rights of way need to follow the Manual of Uniform Traffic Control Devices. So we will as an agency and any local street will still follow that manual.

**Senator Kannianen:** I just wanted to say in Derrick's defense that at least he did use an acronym that had already been defined by Representative Boschee.

**Senator D. Larson:** The last thing that you had said just kind of made me think about this. You said that without this line then you would just go back to what your federal code says, so that then could mean that you could only use that one approved sign. This one allows you to use additional ones, is that correct, did I hear what you were saying right?

**Mr. Derrick Pfeifer:** When we follow the federal code which is the Manual of Uniform Traffic Control Devices, there is one side the R7 dash I believe is what it was, and that's the sign that would be placed within any city street, state highway right of way or public road.

**Senator D. Larson:** It is simple.

**Chairman Burckhard:** Asked for neutral testimony or opposition testimony.

**Senator Dotzenrod:** If I understood Derrick correctly, we don't to amend that back in there then, do we?

**Chairman Burckhard:** I think that is what he said. He then closed the hearing.

**Senator Howard Anderson:** moved a do pass on HB1135

**Senator Diane Larson:** 2<sup>nd</sup> the motion

**Chairman Burckhard:** that is basically the engrossed HB 1135 as we have before us with the #19.0037.03000, is that correct?

**Roll call vote: 5 Yea, 0 No, 1 Absent**

**Carrier: Senator Anderson**

Date: 3.8.2019  
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. H.B.1135**

Senate 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 Sen. Anderson \_\_\_\_\_ Seconded By Sen. Diane Larson \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee					
Sen. Jordan Kannianen	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Anderson

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

**REPORT OF STANDING COMMITTEE**

**HB 1135, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)**  
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1135 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1135**

#1

January 31, 2019



# North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

## Representative

Josh Boschee  
District 44  
517 First Street North  
Fargo, ND 58102-4540  
C: 701-367-3513  
jboschee@nd.gov

## Minority Leader

### HB 1135 Testimony House Political Subdivisions Committee

Good Morning Chairman Dockter and members of the House Political Subdivisions Committee. For the record, I am Josh Boschee and I represent District 44 here in the House of Representatives.

House Bill 11345 was introduced on behalf of a colleague who used a wheelchair to for a good portion of his life. He and I worked together on a variety of community issues during our time together. Unfortunately, he passed away a couple months ago, so he's unable to be here to testify on behalf of this legislation that we worked on together.

As someone who used a wheelchair, Keith utilized accessible parking so that his van that was outfitted with a ramp could properly open for him to get out of to dine out with family, go shopping or attend Bison athletics. Often times, the accessible parking spaces were taken by vehicles that did not have the appropriate permit. When he and others would contact law enforcement, there were many times where law enforcement were not able to cite the person parked illegally, due to the sign not being the designated sign for enforcement.

Current statute designates that the official accessible parking sign be determined by the director of transportation, who has signed off on the Manual on Uniform Traffic Control Devices (MUTCD) which designates the official accessible parking sign to be a rectangular sign with the international symbol of accessibility in blue and white, with green lettering and border. I've attached a picture of the sign from the MUTCD to my testimony on the page marked with a "1" in the upper right hand corner. It's identified as R7-8 on the second row of signs.

On the page marked with a "2" attached to my testimony is a sample of all the different accessible parking signs available for purchase by business owners. As you can see only one of these matches the designated sign in the MUTCD.

Business owners procure their signage from a variety of places and while many do buy the appropriate sign, others that are well-intentioned in providing accessible parking to be in compliance with the Americans with Disabilities Act (ADA), haven't purchased the designated sign. So, rather than mandate that business owners display the designated sign, Keith and I wanted to give law enforcement the tools they needed to cite illegal parking. This is what HB 1135 accomplishes.

Attached to my testimony, you will find a revised version of the legislation with suggested amendments to further clarify the statute. Bill version 19.0037.02001

#1  
HB 1135  
1-31-19

- 1) Lines 15-17 allows flexibility in the accessible parking sign to be displayed.
- 2) Page 2, lines 3-5 deals with additional accessible parking provided for special events. The four hour window of time was included to reduce the likelihood that a temporary sign would be put up while a vehicle was already parked in the space.
- 3) Page 2, lines 6-16 was written to provide law enforcement black and white specifics to allow them to enforce illegal parking in accessible spaces. Lines 11 through 16 are the same three requirements found on page 1, lines 13-19.
- 4) Lines 17-20 on the same page are to ensure that the signs are secured.
- 5) Sections 2 and 3 of the bill are clean up language to meet legislative council formatting.

Mr. Chairman, members of the committee, the intention of this legislation is not to place additional burdens on business owners, but rather provide law enforcement the tools they need to enforce illegal parking in accessible spaces. While business owners have intended to have accessible parking, they may have a non-designated sign.

I appreciate the committee's consideration of this legislation and I will try my best to answer any questions committee members may have.

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1135**

Introduced by

Representatives Boschee, Adams, Fegley, Hanson, Hatlestad, M. Johnson, Magrum, Pyle,  
Strinden

Senators Bakke, Clemens, Dwyer

1 A BILL for an Act to amend and reenact subsections 9 and 10 of section 39-01-15 and section  
2 39-04-10.2 of the North Dakota Century Code, relating to parking spaces for the mobility  
3 impaired; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 9 of section 39-01-15 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 9. a. If a public or private entity ~~designates~~provides parking spaces for use by a motor  
8 ~~vehicle operated by a mobility-impaired individual, those reserved~~motor vehicles,  
9 accessible parking spaces designated for mobility-impaired individuals also must  
10 be provided. The accessible parking spaces must comply with the requirements  
11 of the Americans with Disabilities Accessibility Guidelines for Buildings and  
12 Facilities as contained in the appendix to title 28, Code of Federal Regulations,  
13 part 36 [28 CFR 36] and must be indicated by blue paint on the curb or edge of  
14 the paved portion of the street or parking lot adjacent to the space. In addition to  
15 blue paint, each reserved space must be indicated by ~~an official~~a sign ~~approved~~  
16 ~~by the director bearing the internationally accepted symbol of access~~international  
17 symbol of accessibility for the mobility impaired. The sign must indicate that  
18 unauthorized use of the space is a nonmoving violation for which a fee of one  
19 hundred dollars must be imposed.

20 b. For ~~particular events~~any event, a public or a private entity temporarily may  
21 reserve additional accessible parking spaces for use by motor vehicles operated  
22 by a mobility-impaired individual. In that case, each temporarily reserved space  
23 must be indicated by a sign ~~or other suitable means.~~ A sign indicating that a

#2  
HB1135  
1-31-19

1 space is reserved for the mobility impaired and blue paint on the curb or edge of  
2 the paved portion of the street or parking lot adjacent to the space, unless the  
3 space is a temporary mobility impaired parking space, bearing the international  
4 symbol of accessibility for the mobility impaired at least four hours before the  
5 event.

6 c. A parking space clearly identified as reserved for the mobility impaired by a  
7 permanently posted sign that does not meet all design standards, is considered  
8 designated and reserved for the mobility impaired and is sufficient basis for the  
9 enforcement of this section: if the parking space has two of the following  
10 requirements:

11 (1) Blue paint on the curb or edge of the paved portion of the street or parking  
12 lot adjacent to the space;

13 (2) A sign bearing the international symbol of accessibility for the mobility  
14 impaired; or

15 (3) Notice that unauthorized use of the space is a nonmoving violation for which  
16 a fee of one hundred dollars must be imposed.

17 d. A sign posted for the purpose of this section must be at least five feet  
18 [1.5 meters] above the ground or finished surface and kept clear of snow or other  
19 obstructions which block its visibility. Except for a temporarily reserved parking  
20 space for the mobility impaired, a sign posted must be immovable.

21 e. A law enforcement officer shall enforce this section in any parking lot or parking  
22 facility, whether publicly or privately owned.

23 **SECTION 2. AMENDMENT.** Subsection 10 of section 39-01-15 of the North Dakota

24 Century Code is amended and reenacted as follows:

- 25 10. If the designated ~~mobility impaired~~ parking spaces for mobility-impaired individuals are  
26 occupied or unavailable/inaccessible, a motor vehicle displaying the distinguishing  
27 certificate specified in subsection 4, license plates issued under section 39-04-10.2, or  
28 a disabled veteran plate issued under subdivision j of subsection 2 of section 39-04-18  
29 may park at an angle and occupy two standard parking spaces.

30 **SECTION 3. AMENDMENT.** Section 39-04-10.2 of the North Dakota Century Code is

31 amended and reenacted as follows:

#2  
HB 1135  
1-31-19

1       **39-04-10.2. Special plates for mobility-impaired ~~persons~~ individuals.**

2       The director may issue, without charge, upon application and payment of the regular license  
3 fee, plates marked with the ~~internationally-accepted symbol of access~~ international symbol of  
4 accessibility for the mobility impaired, to ~~any~~ a motor vehicle owner ~~who possesses~~ possessing a  
5 parking certificate issued under subsection 4 of section 39-01-15. This section is not applicable  
6 to ~~applicants who possess~~ an applicant possessing more than one parking certificate issued  
7 under subsection 4 of section 39-01-15.

# 2  
HB 1135  
1 - 31-19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1135

Page 1, line 23, overstrike "or other suitable means."

Page 2, line 3, after the overstruck comma insert "bearing the international symbol of accessibility for the mobility impaired at least four hours before the event."

Page 2, line 4, remove "by a"

Page 2, line 5, remove "permanently posted sign that does not meet all design standards."

Page 2, line 7, overstrike the period and insert immediately thereafter "if the parking space has two of the following requirements:

- (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;
- (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
- (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed.

Page 2, line 8, remove "A sign posted for the purpose of this section must be at least five feet"

Page 2, remove line 9

Page 2, line 10, remove "obstructions which block its visibility."

Renumber accordingly

#2  
 HB/135  
 1-31-19

Site Map

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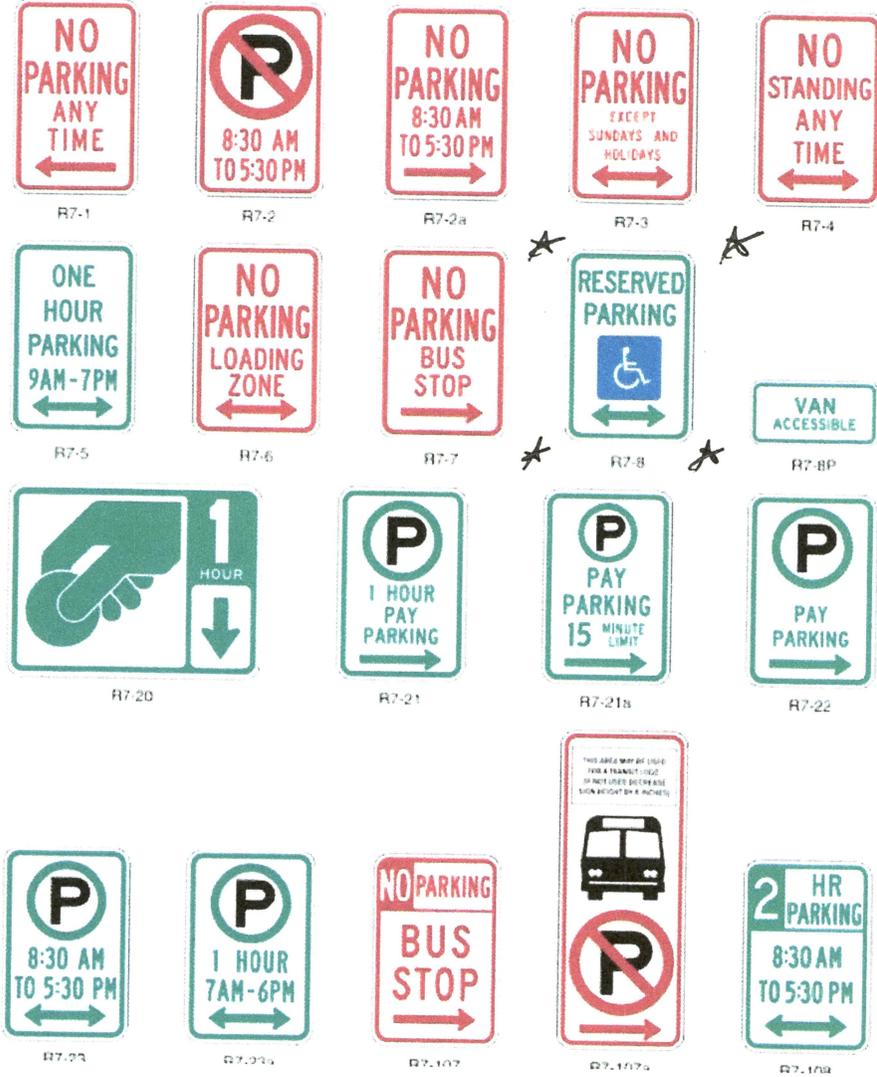
Publications

Training

Knowledge

## 2009 Edition Part 2 Figure 2B-24. Parking and Standing Signs

Figure 2B-24. Parking and Standing Signs and Plaques (R7 Series) (Sheet 1 of 2)



#2  
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1-31-19

https://www.google.com/search?q=handicap+parking+signs&safe=strict&riz=1C1CH8D\_enUS696US696&source=Inms&tbrn=isch&sa=X&ved=0ahUKEwjRi7Xa8NHFAhVi54MKHU\_7A7QQ\_AUIECgD...



6

#3

**POLITICAL SUBDIVISIONS COMMITTEE**

**Date: January 31, 2019 at 8:30 a.m.**

**North Dakota Department of Transportation  
Derek Pfeifer, Design Division Program Manager**

**House Bill 1135**

Good morning, Mr. Chairman and members of the committee. I'm Derek Pfeifer, Design Division Program Manager at the North Dakota Department of Transportation. House Bill 1135 proposes to amend the North Dakota Century Code relating to parking spaces for the mobility impaired, and to provide a penalty. The Department opposes the portion of the bill that address the signing and marking of a mobility impaired parking spot.

Section 39-13-06 of the Century Code states "The director shall adopt a manual and specifications to a uniform system of traffic control devices, consistent with the provisions of law, for use upon all highways and streets in the state. Such uniform system must correlate with and so far as possible conform to the system set forth in the most recent edition of the manual promulgated as a national standard by the federal highway administrator." The Manual of Uniform Traffic Control Devices is recognized as this consistent national standard and is the manual adopted by the director.

All requirements of mobility impaired parking signs including the height, message, color, reflectivity, and size are defined in the Manual of Uniform Traffic Control Devices. Having standardized mobility impaired parking and signing makes the designation of mobility impaired parking more recognizable, consistent, and enforceable.

Thank you Mr. Chairman, I would be happy to answer any questions.

2-14-19  
#1

19.0037.02002  
Title.

Prepared by the Legislative Council staff for  
Representative Boschee  
January 29, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1135

Page 1, line 7, remove the overstrike over "~~designates~~"

Page 1, line 7, remove "provides"

Page 1, line 8, remove "motor vehicles."

Page 1, line 9, remove "spaces designated for mobility-impaired individuals also must"

Page 1, line 10, replace "be provided. The accessible parking" with ", the"

Renumber accordingly



# North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Representative  
Josh Boschee  
District 44  
517 First Street North  
Fargo, ND 58102-4540  
C: 701-367-3513  
jboschee@nd.gov

Minority Leader

*H.B. 1135  
3.8.2019  
att #1 p.1*

March 8, 2019

## HB 1135 Testimony Senate Political Subdivisions Committee

Good Morning Chairman Burckard and members of the Senate Political Subdivisions Committee. For the record, I am Josh Boschee and I represent District 44 here in the House of Representatives.

House Bill 1135 was introduced on behalf of a colleague who used a wheelchair to for a good portion of his life. He and I worked together on a variety of community issues during our time together. Unfortunately, he passed away a few months ago, so he's unable to be here to testify on behalf of this legislation that we worked on together.

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On the page marked with a "2" attached to my testimony is a sample of all the different accessible parking signs available for purchase by business owners. As you can see only one of these matches the designated sign in the MUTCD.

Business owners procure their signage from a variety of places and while many do buy the appropriate sign, others that are well-intentioned in providing accessible parking to be in compliance with the Americans with Disabilities Act (ADA), haven't purchased the designated sign. So, rather than mandate that business owners display the designated sign, Keith and I wanted to give law enforcement the tools they needed to cite illegal parking. This is what HB 1135 accomplishes.

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L.B. 1135  
3.8.2019  
att # 1  
p.2

- 1) The changes to page 1, lines 14-15 allows flexibility in the accessible parking sign to be displayed.
- 2) Page 2, lines 1-3 deals with additional accessible parking provided for special events. The four-hour window of time was included to reduce the likelihood that a temporary sign would be put up while a vehicle was already parked in the space.
- 3) Page 2, lines 4-13 was written to provide law enforcement black and white specifics to allow them to enforce illegal parking in accessible spaces. Lines 11 through 16 are the same three requirements found on page 1, lines 12-17.
- 4) Lines 14-15 on the same page are to ensure that the signs are secured.
- 5) Sections 2 and 3 of the bill are clean up language to meet legislative council formatting.

Mr. Chairman, members of the committee, the intention of this legislation is not to place additional burdens on business owners, but rather provide law enforcement the tools they need to enforce illegal parking in accessible spaces. While business owners have intended to have accessible parking, they may have a non-designated sign.

I appreciate the committee's consideration of this legislation and I will try my best to answer any questions committee members may have.

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①

**Site Map**

**Knowledge**

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- Standard Highway Signs and Markings (SHSM) Book—Design Details
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**Technical Assistance**

**Peer-to-Peer Program**

**Discussion Area**

**MUTCD Team**

**Resources**

- 23 CFR 655
- Official Rulings
- Interim Approvals
- Interpretations Issued by FHWA
- State MUTCDs & TCD Info
- FHWA Contacts
- Related Links
- Federal Register
- Policy Statements
- Previous Editions of the MUTCD

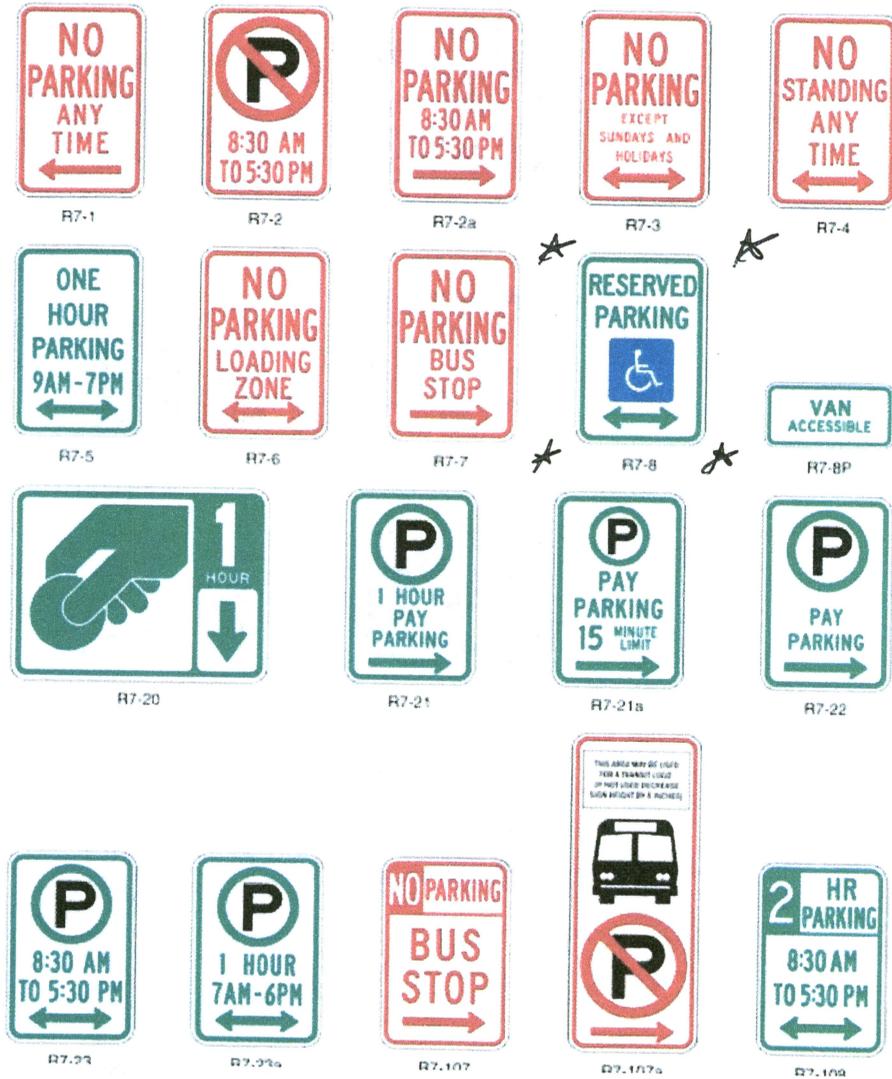
**Services**

- Publications
- Training

Knowledge

## 2009 Edition Part 2 Figure 2B-24. Parking and Standing Signs

Figure 2B-24. Parking and Standing Signs and Plaques (R7 Series) (Sheet 1 of 2)



21-B-1135  
3.8.2019  
att # 1 p.4

https://www.google.com/search?q=handicap+parking+signs&safe=strict&rlz=1C1CHBD\_enUS696US696&source=Inms&tbm=isch&sa=X&ved=0ahUKewjRi7Xa8NHfahVi54MKHU\_7A7QQ\_AUIECgD...

Sponsored

 \$9.95 MyParkingSign.com	 \$9.95 MyParkingSign.com	 \$9.95 MyParkingSign.com	 \$9.95 MyParkingSign.com	 \$11.17 RoadTrafficSigns.com	 \$21.00 ComplianceSigns.com	 \$38.00 Sign Optima	 \$17.75 Sign Outfitters	 \$20.15 Labelmaster	 \$14.95 Traffic
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 Handicap Parking Signs - ADA... www.signs.com	 Handicap Parking Signs - Reser... www.signs.com	 Handicap Sign - Fast Same Day... www.signs.com	 Handicap Parking Sign - Feder... www.signs.com	 Ohio Handicapped Parking Sig... www.signs.com	 Handicap Parking Sign - U.S.S... www.signs.com	 ADA Handicapped Sign - Parkin... www.signs.com
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 Handicap Parking Sign   Handi... www.signs.com	 Handicap Parking Signs www.signs.com	 x 12 in. Aluminum Handicapped... www.signs.com	 Free Printable Handicap Parki... www.signs.com	 Handicap Parking Sign - The S... www.signs.com	 Handicapped Parking Only - Ha... www.signs.com	 Georgia Handicap Parking Alumin... www.signs.com
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N.B. 1135  
3.8.2019  
Att #2



8 March 2019

HB 1135 Testimony  
Senate Political Subdivisions Committee

Good morning Chairman Burckhard and other members of the Senate Political Subdivisions Committee. I am Jerry Christiansen, the Accessibility Specialist at Freedom Resource Center for Independent Living (FRC) in Fargo.

The Civil and Human Rights Task Force (CHRTF), coordinated by FRC, consists of community members with and without disabilities, FRC staff, civic leaders and law enforcement. This diverse group works to improve opportunities for people with disabilities. Keith Bjornson, a wheelchair user, was a member of the CHRTF with me.

At some of the CHRTF meetings, enforcement of the accessible parking violations was discussed. Through these conversations law enforcement expressed frustration with lack of clarity in the ND Century Code that influenced their willingness to write tickets for violations. As an example, Keith attended a different meeting with the officer. When they left the meeting, someone had parked in the access aisle right next to Keith's van and thus prevented him from getting into his vehicle. The officer managed to back the van out so that Keith could get into his vehicle and leave. No ticket was written!

Experiences like that influenced Keith and me to work with Rep. Boschee and recommend the changes to the ND Century Code as found in HB 1135. Our intent is:

- 1) Clean up some language. Make the wording 'person first' i.e. "a person with a disability" vs "a disabled person". Get rid of the H word, handicapped is viewed in the same way as the N word
- 2) Remove confusing language such as marking of temporary accessible parking spaces in Subsection 9b
- 3) Add wording that makes law enforcement personnel more comfortable writing tickets when an accessible parking space is not 100% compliant

The 2010 ADA Standards for Accessible Design, the International Building Code (including ANSI A117.1) and the Public Rights Of Way Accessibility Guidelines all contain language describing the number, location, design and dimensions of accessible parking spaces. For that reason, HB 1135 does not include that information except that the space be marked with a sign bearing the International Symbol Accessibility (Subsection 9a lines 13 – 16). Subsection 9a also contains two elements not required by the ADA: 1) blue stripes marking the space and 2) a \$100 Fee sign. Subsection 9c refers to these three elements as sufficient grounds for law enforcement to issue a ticket.

If you have questions, please contact me. Thank you for time and consideration,

A handwritten signature in blue ink that reads "Jerry Christiansen".

Jerry Christiansen  
[jerryc@freedomrc.org](mailto:jerryc@freedomrc.org)