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Senator Raymond C. Schaffer
Chairman, Senate Committee
on Transportation

Re: Senate Bill No. 187

Dear Senator Schaffer:

Attached is an amended version of SB 187. These amendments are the product of the efforts of Nevada Disability Advocacy & Law Center (NDALC), the Governor's Committee on the Employment of Persons with Disabilities, and the Public Works Board and are directed exclusively towards revising NRS 484.408.

NRS 484.408 currently allows handicapped accessible parking spaces, in parking lots with over 60 spaces, to be exclusively reserved for the use of vehicles with side-loading wheelchair lifts. Individuals who are otherwise entitled to use handicapped parking spaces may not, under state law, park in a space so reserved if they do not drive the requisite vehicle.

The Americans with Disabilities Act Accessibility Guidelines (ADAAG) have stringent regulations mandating the number of accessible parking spaces a parking lot must have and is arguable violated by a law which serves to reduce the number of spaces that are accessible to those with the appropriate parking placards in favor of those with the appropriate parking placards and a particular vehicle. While ADAAG mandates that certain accessible parking spaces be "van accessible," nowhere does it prohibit those with the appropriate parking placards to park in van accessible spaces if they do not drive a van.

It is important that Nevada be willing to go beyond the minimum requirements of federal law in order to afford its citizens greater protections. However, it is likewise important that such measures do not inadvertently harm the very population they were meant to benefit. The law as it is currently written results in the unwise, and possibly unlawful, apportionment of accessible parking spaces based upon a person's vehicle and has had an adverse impact upon a number of Nevadans with disabilities.

The attached amendments, in addition to increasing the fine payable for use of handicapped accessible spaces by those without the required placard, offer a requirement that "all parking lots shall have not less than two (2) parking spaces indicated as van accessible," but delete any prohibition as to they types of vehicles that may park in such spaces. This has the effect of increasing the number of van accessible spaces in some parking lots but would not serve to decrease the number of accessible parking options available to those who do not drive a van.

Thank you for your consideration. Should you have any questions, do not hesitate to contact me at (702) 257-8150.

Sincerely,

James J. Vilt, Esq.

5-22 Sec. 3. NRS 484.408 is hereby amended to read as follows:
5-23 484.408 Parking spaces designated for *as* handicapped *parking*: Signs;
5-24 required plates, stickers or placards for parking; prohibited acts; penalty.
5-25 1. Any parking space designated for the *as* handicapped *parking* must be
5-26 indicated by a sign:
5-25 (a) Bearing the international symbol of access with or without
5-26 the words "Parking," "Handicapped Parking," "Handicapped
5-27 Parking Only," or "Reserved for the Handicapped," or any other
5-28 word or combination of words indicating that the space is
5-29 designated *as* for the handicapped *accessible parking* ;
5-30 (b) Stating "Minimum fine of \$100 \$200 for use by others" or
5-31 equivalent words; and
5-32 (c) The bottom of which must be not less than 4 feet above the
5-33 ground.
5-34 ~~2. In addition to the requirements of subsection 1, a parking~~
5-35 ~~space designated for the handicapped which:~~
5-36 ~~(a) Is designed for the exclusive use of a vehicle with a side-~~
5-37 ~~loading wheelchair lift; and~~
5-38 ~~(b) Is located in a parking lot with 60 or more parking~~
5-39 ~~spaces;~~
5-40 ~~must be indicated by a sign using a combination of words to state~~
5-41 ~~that the space is for the exclusive use of a vehicle with a side-~~
5-42 ~~loading wheelchair lift.~~
5-43 2. *The required minimum number of accessible parking spaces shall be*
5-44 *provided in accordance with ADAAG Guidelines, with the modification that all*
5-45 *parking lots shall have not less than two (2) parking spaces, indicated as "van*
6-1 *accessible."*
6-2 (a) *Van accessible parking spaces may share a common 8-foot wide access*
6-3 *aisle.*
6-4 (b) *Any vehicle displaying a valid handicapped placard or license plate may*
6-5 *park in a space marked "van accessible."*
6-6 3. ~~If a parking space is designed for the use of a vehicle with a~~
6-7 ~~side loading wheelchair lift, the space which is immediately~~
6-8 ~~adjacent and intended for use in the loading and unloading of a~~
6-9 ~~wheelchair into or out of such a vehicle must~~ *Every 8-foot wide access aisle*
6-10 *shall be indicated by a sign:*
6-11 (a) Stating "No Parking" or similar words which indicate that
6-12 parking in such a space is prohibited;
6-13 (b) Stating "*Per NRS 484.408* Minimum fine of \$100 \$200 for violation" or
6-14 similar words indicating that the minimum fine for parking in such a space
6-15 is \$100 \$200; and
6-16 (c) The bottom of which must not be less than 4 feet above the ground.
6-17 4. An owner of private property upon which is located a
6-18 parking space described in subsection 1, 2 or 3 shall erect and
6-19 maintain or cause to be erected and maintained any sign required

6-20 pursuant to subsection 1, 2 or 3, whichever is applicable. If a
6-21 parking space described in subsection 1, 2 or 3 is located on public
6-22 property, the governmental entity having control over that public
6-23 property shall erect and maintain or cause to be erected and
6-24 maintained any sign required pursuant to subsection 1, 2 or 3,
6-25 whichever is applicable.
6-26 5. A person shall not park a vehicle in a space designated for the
6-27 *as* handicapped *parking* by a sign that meets the requirements of subsection
6-28 1, whether on public or privately owned property, unless he is
6-29 eligible to do so and the vehicle displays:
6-30 (a) Special license plates issued pursuant to NRS 482.384;
6-31 (b) A special or temporary parking placard issued pursuant to
6-32 NRS 482.384;
6-33 (c) A special or temporary parking sticker issued pursuant to
6-34 NRS 482.384;
6-35 (d) Special license plates, a special or temporary parking sticker,
6-36 or a special or temporary parking placard displaying the
6-37 international symbol of access issued by another state or a foreign
6-38 country; or
6-39 (e) Special license plates for a disabled veteran issued pursuant
6-40 to NRS 482.377.

6-41 ~~6. Except as otherwise provided in this subsection, a person~~
6-42 ~~shall not park a vehicle in a space that is reserved for the exclusive~~
6-43 ~~use of a vehicle with a side loading wheelchair lift and is designated~~
6-44 ~~for the handicapped by a sign that meets the requirements of~~
6-45 ~~subsection 2, whether on public or privately owned property, unless:~~

7-1 (a) ~~He is eligible to do so;~~
7-2 ~~(b) The vehicle displays the special license plates or placard set~~
7-3 ~~forth in subsection 5; and~~
7-4 ~~(c) The vehicle is equipped with a side loading wheelchair~~
7-5 ~~lift. A person who meets the requirements of paragraphs (a) and (b) may~~
7-6 ~~park a vehicle that is not equipped with a side loading wheelchair~~
7-7 ~~lift in such a parking space if the space is in a parking lot with fewer~~
7-8 ~~than 60 parking spaces.~~
7-9 *6. Parking is not permitted at any time in any access aisle regardless of the*
7-10 *size or width of the access aisle.*

7-11 ~~7. A person shall not park in a space which:~~
7-12 ~~(a) Is immediately adjacent to a space designed for use by a~~
7-13 ~~vehicle with a side loading wheelchair lift; and~~
7-14 ~~(b) Is designated as a space in which parking is prohibited by a~~
7-15 ~~sign that meets the requirements of subsection 3,~~
7-16 ~~whether on public or privately owned property.~~

7-17 8. 7. A person shall not use a plate, sticker or placard set forth in
7-18 subsection 5 to park in a space designated for the *as* handicapped *parking*
7-19 unless he is a person with a disability which limits or impairs the

7-20 ~~ability to walk, a disabled veteran~~ or the driver of a vehicle in which
7-21 such a person is a passenger.
7-22 9. 8. A person who violates any of the provisions of subsections ~~5-3~~
7-23 to 8 7, inclusive, is guilty of a misdemeanor and shall be punished:
7-24 (a) Upon the first offense, by a fine of ~~\$100~~ \$200.
7-25 (b) Upon the second offense, by a fine of ~~\$250~~ \$500 and not less than
7-26 8 hours, but not more than 50 hours, of community service.
7-27 (c) Upon the third or subsequent offense, by a fine of not less
7-28 than ~~\$500~~ \$1000, but not more than ~~\$1,000~~ \$2000, and not less than 25 hours,
7-29 but not more than 100 hours, of community service.
7-30 Sec. 4. This act becomes effective on July 1, 2003.