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SENATE BILL NO. 187—COMMITTEE ON TRANSPORTATION  
(ON BEHALF OF THE COUNCIL OF VETERANS' ORGANIZATIONS)

FEBRUARY 20, 2003

Referred to Committee on Transportation

SUMMARY—Revises provisions governing erection and maintenance of signs to designate parking spaces for use by handicapped persons. (BDR 20-761)

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

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

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AN ACT relating to local governments; requiring the enactment of an ordinance by the governing body of a city or county to enforce the duty of owners of certain private property within the city or county to erect and maintain signs to designate parking spaces for use by handicapped persons; authorizing the recovery by the governing body of any costs incurred to erect or maintain such signs on such private property; providing that any such unrecovered costs are a special assessment against such property; providing the manner in which a portion of certain fines imposed for certain violations related to parking spaces designated for the use of handicapped persons must be used on such parking spaces on public property; and providing other matters properly relating thereto.

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

1     **Section 1.** Chapter 244 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:

3     1. *The board of county commissioners of a county shall adopt*  
4     *by ordinance procedures pursuant to which the board or its*  
5     *designee may order compliance with subsection 4 of NRS 484.408*



\* S B 1 8 7 \*

1 *by an owner of private property within the county upon which is*  
2 *located a parking space described in subsection 1, 2 or 3 of*  
3 *NRS 484.408.*

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

5 *(a) Require the owner of such property to comply with*  
6 *subsection 4 of NRS 484.408 by a specified date, which must be*  
7 *not less than 30 days nor more than 60 days after the date on*  
8 *which a notice is received by the owner pursuant to paragraph (b),*  
9 *unless that time for compliance is tolled pursuant to*  
10 *paragraph (d).*

11 *(b) Include procedures pursuant to which the owner of such*  
12 *property is notified of his failure to comply with subsection 4 of*  
13 *NRS 484.408 by certified mail, return receipt requested, and the*  
14 *date by which he must comply with that provision.*

15 *(c) Provide the owner of such property with an opportunity for*  
16 *a hearing before the designee of the board and for an appeal of*  
17 *that decision to the board.*

18 *(d) Provide that if the owner of such property requests a*  
19 *hearing before the designee of the board or appeals the decision of*  
20 *the designee to the board, the date specified in the notice sent*  
21 *pursuant to paragraph (b) by which the owner must comply with*  
22 *subsection 4 of NRS 484.408 is tolled:*

23 *(1) Beginning on the date on which the owner requests the*  
24 *hearing before the designee of the board and ending on the date*  
25 *on which the designee renders its decision on the matter.*

26 *(2) Beginning on the date on which the owner appeals the*  
27 *decision of the designee to the board and ending on the date on*  
28 *which the board renders its decision on the matter.*

29 *(e) Specify the manner in which the county will recover any*  
30 *money expended by the county for labor and materials used to*  
31 *bring such property into compliance with subsection 4 of NRS*  
32 *484.408 if the owner failed to comply with that provision by the*  
33 *date specified in the notice sent pursuant to paragraph (b) or by*  
34 *any other date specified in a decision on the matter by the designee*  
35 *of the board or by the board, as applicable.*

36 *(f) Provide for civil penalties for each day that the owner of*  
37 *such property failed to comply with subsection 4 of NRS 484.408*  
38 *after the date specified in the notice sent pursuant to paragraph*  
39 *(b) by which the owner was required to comply with that provision*  
40 *or after the date specified in a decision on the matter by the*  
41 *designee of the board or by the board, as applicable.*

42 *3. The board or its designee may direct the county to bring*  
43 *private property within the county upon which is located a parking*  
44 *space described in subsection 1, 2 or 3 of NRS 484.408 into*  
45 *compliance with subsection 4 of NRS 484.408 and may recover the*



1 *amount of money expended by the county for labor and materials*  
2 *used to bring such property into compliance with that provision if:*

3 *(a) The owner of the property has not requested a hearing*  
4 *within the time prescribed in the ordinance adopted pursuant to*  
5 *subsection 1 and has failed to comply with subsection 4 of NRS*  
6 *484.408 within the period specified in the notice sent pursuant to*  
7 *paragraph (b) of subsection 2;*

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

14 *(c) The board has denied the appeal of the owner and the*  
15 *owner has failed to comply with subsection 4 of NRS 484.408*  
16 *within the period specified in the decision of the board.*

17 **4.** *In addition to any other reasonable means of recovering*  
18 *money expended by the county to bring private property within the*  
19 *county upon which is located a parking space described in*  
20 *subsection 1, 2 or 3 of NRS 484.408 into compliance with*  
21 *subsection 4 of NRS 484.408, the board may make the expense a*  
22 *special assessment against such property. The special assessment*  
23 *may be collected at the same time and in the same manner as*  
24 *ordinary county taxes are collected, and is subject to the same*  
25 *penalties and the same procedure and sale in case of delinquency*  
26 *as provided for ordinary county taxes. All laws applicable to the*  
27 *levy, collection and enforcement of county taxes are applicable to*  
28 *such an assessment.*

29 **Sec. 2.** Chapter 268 of NRS is hereby amended by adding  
30 thereto a new section to read as follows:

31 **1.** *The governing body of a city shall adopt by ordinance*  
32 *procedures pursuant to which the governing body or its designee*  
33 *may order compliance with subsection 4 of NRS 484.408 by an*  
34 *owner of private property within the city upon which is located a*  
35 *parking space described in subsection 1, 2 or 3 of NRS 484.408.*

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

37 *(a) Require the owner of such property to comply with*  
38 *subsection 4 of NRS 484.408 by a specified date, which must be*  
39 *not less than 30 days nor more than 60 days after the date on*  
40 *which a notice is received by the owner pursuant to paragraph (b),*  
41 *unless that time for compliance is tolled pursuant to*  
42 *paragraph (d).*

43 *(b) Include procedures pursuant to which the owner of such*  
44 *property is notified of his failure to comply with subsection 4 of*



1 *NRS 484.408 by certified mail, return receipt requested, and the*  
2 *date by which he must comply with that provision.*

3 *(c) Provide the owner of such property with an opportunity for*  
4 *a hearing before the designee of the governing body and for an*  
5 *appeal of that decision to the governing body.*

6 *(d) Provide that if the owner of such property requests a*  
7 *hearing before the designee of the governing body or appeals the*  
8 *decision of the designee to the governing body, the date specified*  
9 *in the notice sent pursuant to paragraph (b) by which the owner*  
10 *must comply with subsection 4 of NRS 484.408 is tolled:*

11 *(1) Beginning on the date on which the owner requests the*  
12 *hearing before the designee of the governing body and ending on*  
13 *the date on which the designee renders its decision on the matter.*

14 *(2) Beginning on the date on which the owner appeals the*  
15 *decision of the designee to the governing body and ending on*  
16 *the date on which the governing body renders its decision on the*  
17 *matter.*

18 *(e) Specify the manner in which the city will recover any*  
19 *money expended by the city for labor and materials used to bring*  
20 *such property into compliance with subsection 4 of NRS 484.408 if*  
21 *the owner failed to comply with that provision by the date specified*  
22 *in the notice sent pursuant to paragraph (b) or by any other date*  
23 *specified in a decision on the matter by the designee of the*  
24 *governing body or by the governing body, as applicable.*

25 *(f) Provide for civil penalties for each day that the owner of*  
26 *such property failed to comply with subsection 4 of NRS 484.408*  
27 *after the date specified in the notice sent pursuant to paragraph*  
28 *(b) by which the owner was required to comply with that provision*  
29 *or after the date specified in a decision on the matter by the*  
30 *designee of the governing body or by the governing body, as*  
31 *applicable.*

32 *3. The governing body or its designee may direct the city to*  
33 *bring private property within the city upon which is located a*  
34 *parking space described in subsection 1, 2 or 3 of NRS 484.408*  
35 *into compliance with subsection 4 of NRS 484.408 and may*  
36 *recover the amount of money expended by the city for labor and*  
37 *materials used to bring such property into compliance with that*  
38 *provision if:*

39 *(a) The owner of the property has not requested a hearing*  
40 *within the time prescribed in the ordinance adopted pursuant to*  
41 *subsection 1 and has failed to comply with subsection 4 of NRS*  
42 *484.408 within the period specified in the notice sent pursuant to*  
43 *paragraph (b) of subsection 2;*

44 *(b) After a hearing before the designee of the governing body*  
45 *in which the owner did not prevail, the owner has not filed an*



1 *appeal of the decision with the governing body within the time*  
2 *prescribed in the ordinance adopted pursuant to subsection 1 and*  
3 *has failed to comply with subsection 4 of NRS 484.408 within the*  
4 *period specified in the decision of the designee of the governing*  
5 *body; or*

6 *(c) The governing body has denied the appeal of the owner*  
7 *and the owner has failed to comply with subsection 4 of NRS*  
8 *484.408 within the period specified in the decision of the*  
9 *governing body.*

10 *4. In addition to any other reasonable means of recovering*  
11 *money expended by the city to bring private property within the*  
12 *city upon which is located a parking space described in subsection*  
13 *1, 2 or 3 of NRS 484.408 into compliance with subsection 4 of*  
14 *NRS 484.408, the governing body may make the expense a special*  
15 *assessment against such property. The special assessment may be*  
16 *collected at the same time and in the same manner as ordinary*  
17 *county taxes are collected, and is subject to the same penalties and*  
18 *the same procedure and sale in case of delinquency as provided*  
19 *for ordinary county taxes. All laws applicable to the levy,*  
20 *collection and enforcement of county taxes are applicable to such*  
21 *an assessment.*

22 **Sec. 3.** NRS 484.408 is hereby amended to read as follows:

23 484.408 1. Any parking space designated for the  
24 handicapped must be indicated by a sign:

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

30 (b) Stating "Minimum fine of \$100 for use by others" or  
31 equivalent words; and

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

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

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

38 (b) Is located in a parking lot with 60 or more parking  
39 spaces,

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

43 3. If a parking space is designed for the use of a vehicle with a  
44 side-loading wheelchair lift, the space which is immediately



1 adjacent and intended for use in the loading and unloading of a  
2 wheelchair into or out of such a vehicle must be indicated by a sign:

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

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

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

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

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

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

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

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

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

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

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

39 (a) He is eligible to do so;

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

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

44 A person who meets the requirements of paragraphs (a) and (b) may  
45 park a vehicle that is not equipped with a side-loading wheelchair



1 lift in such a parking space if the space is in a parking lot with fewer  
2 than 60 parking spaces.

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

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

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

8 whether on public or privately owned property.

9 8. A person shall not use a plate, sticker or placard set forth in  
10 subsection 5 to park in a space designated for the handicapped  
11 unless he is a person with a disability which limits or impairs the  
12 ability to walk, a disabled veteran or the driver of a vehicle in which  
13 such a person is a passenger.

14 9. A person who violates any of the provisions of subsections 5  
15 to 8, inclusive, is guilty of a misdemeanor and shall be punished:

16 (a) Upon the first offense, by a fine of \$100.

17 (b) Upon the second offense, by a fine of \$250 and not less than  
18 8 hours, but not more than 50 hours, of community service.

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

22 *10. If a local authority adopts an ordinance providing for the*  
23 *designation and use of parking spaces by handicapped persons,*  
24 *the local authority shall account separately for 20 percent of any*  
25 *fin es collected pursuant to such an ordinance. The local authority*  
26 *shall use the money in such a separate account for the erection or*  
27 *maintenance, or both, of a sign required by subsection 1, 2 or 3 on*  
28 *a parking space designated for the use of handicapped persons on*  
29 *any public property within the jurisdiction of the local authority.*

30 **Sec. 4.** This act becomes effective on July 1, 2003.

