

LEGISLATIVE BILL 598

Approved by the Governor May 29, 1987

Introduced by Lynch, 13; Hartnett, 45

AN ACT relating to parking; to amend sections 18-1737 to 18-1738.01, 18-1740, 60-311.14, and 72-1105, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1986; to change provisions for handicapped or disabled parking; to change provisions for certain permits and license plates; to provide for a registry of holders of certain permits and license plates; to change provisions for spaces in parking lots; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-1736, Revised Statutes Supplement, 1986, be amended to read as follows:

18-1736. A city or village may designate parking spaces for the exclusive use of (1) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-311.14, (2) handicapped or disabled persons whose vehicles display a distinguishing license plate issued to a handicapped or disabled person or paraplegic by another state, (3) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose vehicles display the identification as determined by the Department of Motor Vehicles specified in section 18-1739, and (4) such other motor vehicles, as certified by the city or village, which display the identification as determined by the Department of Motor Vehicles specified in section 18-1739. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent so as to be clearly visible through the front windshield. Whenever a city or village so designates a parking space, it shall be indicated by a sign as described in section 18-1737. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the

paved portion of the street adjacent to the space.

Sec. 2. That section 18-1737, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1737. (1) Any city or village and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility owned or operated by the city or village or person for the exclusive use of handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose vehicles display the identification as determined by the Department of Motor Vehicles specified in section 18-1739, and such other motor vehicles, as certified by the city or village, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the nineteenth edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

(2) The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, as the case may be, and any city or village providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for (a) handicapped or disabled persons or temporarily handicapped or disabled persons, (b) other handicapped persons, or (c) motor vehicles for the transportation of physically handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying proper identification or one of the distinguishing license plates specified in this section if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone. Anyone parking in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any off-street parking facility, owned or operated by a city or village, without properly displaying the proper

identification; shall be guilty of a traffic infraction as defined in section 39-602; and shall be subject to the penalties and procedures set forth in section 39-6,112. In the case of a privately owned off-street parking facility, a city or village may require the owner or person in lawful possession of such facility to inform the city or village of a violation of this section prior to taking any action pursuant to this section.

Sec. 3. That section 18-1738, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1738. The clerk of any city or village may take an application from physically handicapped or disabled or temporarily handicapped or disabled persons or their parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by sections 18-1736 to 18-1741. For the purpose of sections 18-1736 to 18-1741, physically handicapped persons or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device and any individual whose personal mobility is limited as a result of respiratory problems. Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. visually handicapped persons and those permanently physically handicapped persons who have definite walking problems to such an extent that walking is impractical; impossible; extremely painful; or generally detrimental to one's health; including those persons who have respiratory problems which incapacitate their walking; and disabled persons as defined in section 60-311-14. Visually handicapped persons shall mean those persons using the white cane or guide dog. Persons applying for a permit shall complete such forms as are provided to the city or village clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the clerk that he or she is handicapped or disabled. The city or village clerk may require medical certificates and proof of a handicapped condition handicap or disability. Such application shall be forwarded to the Department of Motor Vehicles The city

or village clerk shall issue a permit, as provided to the city or village clerk by the department, to approved applicants. Before issuing such permit, the city or village clerk shall enter all information required pursuant to section 18-1739. The city or village clerk shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 4. That section 18-1738.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1738.01. The clerk of any city or village may take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting physieally handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by sections 18-1736 to 18-1741, if the motor vehicle is used primarily for the transportation of physieally handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of physieally handicapped or disabled persons or temporarily handicapped or disabled persons. Persons applying for permits, pursuant to this section, shall apply for a permit for each motor vehicle used for the transportation of physieally handicapped or disabled persons or temporarily handicapped or disabled persons, and shall complete such forms as are provided to the city or village clerk by the Department of Motor Vehicles, and shall demonstrate to the clerk that each such motor vehicle is used primarily for the transportation of physieally handicapped or disabled persons or temporarily handicapped or disabled persons. Such applications shall be forwarded to the Department of Motor Vehieies The city or village clerk shall issue a permit, as provided to the city or village clerk by the department, to approved applicants. Before issuing such permit, the city or village clerk shall enter all information required pursuant to section 18-1739. The city or village clerk shall submit to the department the name, address, and license number of all persons receiving a permit pursuant to this section.

Sec. 5. That section 18-1739, Revised Statutes Supplement, 1986, be amended to read as follows:

18-1739. The permit to be issued by the Department of Motor Vehieies city or village clerk shall

be a card not less than five six inches by eight twelve inches in size on which is prominently displayed the letter H date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and an identifying number on the front of the card. The color of the permit issued to handicapped or disabled persons or for the transportation of handicapped or disabled persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of temporarily handicapped or disabled persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the physieally handicapped or disabled or temporarily handicapped or disabled person to whom issued shall appear on the reverse side. The name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of physieally handicapped or disabled or temporarily handicapped or disabled persons. No permit shall be issued to any person or for any motor vehicle if any valid handicapped parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to section 18-1741.

A duplicate permit may be provided by the department city or village clerk without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued. After November 1, 1987, all valid permits shall meet the specifications outlined in this section.

Sec. 6. That section 18-1740, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1740. All permits authorized under sections 18-1736 to 18-1741 for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. All temporarily handicapped or disabled parking permits authorized under sections 18-1736 to 18-1741 shall be issued for a period ending ninety days from the date of issuance but may be renewed for up to three additional ninety-day periods. For each additional ninety-day renewal period, there shall be submitted an additional

application with proof of a handicap or disability and the required permit fee. A permit fee of three dollars shall be charged for each permit, one dollar two dollars and fifty cents of which shall be retained by the city or village clerk and two dollars fifty cents shall be forwarded to the Department of Motor Vehicles.

Sec. 7. The Department of Motor Vehicles shall compile and maintain a registry of the names, addresses, and license numbers of all handicapped or disabled persons who obtain special license plates pursuant to section 60-311.14 and all persons who obtain a handicapped or disabled parking permit as described in section 18-1739.

Sec. 8. That section 60-311.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.14. (1) The Department of Motor Vehicles shall, without the payment of any fee except the fees required by section 60-311, issue license plates for one motor vehicle not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the Director of Motor Vehicles may prescribe, to any person who applies for such plates and proves that he or she is a handicapped or disabled person as defined in section 18-1738. Such plates shall be used by such person in lieu of the usual license plates. For purposes of this section, disabled person shall mean a person who has permanently lost the use of two or more extremities-

(2) Any person who is not disabled but is physically handicapped as defined in section 18-1738 may receive license plates, as described in subsection (1) of this section, if he or she applies for such plates, furnishes proof that he or she is physically handicapped as defined in section 18-1738, and pays the fees required in Chapter 60, article 3-

Sec. 9. That section 72-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1105. (1) The ground shall be graded, even contrary to existing topography, so that it attains a level with a normal entrance and will make a facility accessible to individuals with physical disabilities.

(2) Public walks shall be at least forty-eight inches wide and shall have a gradient not greater than five per cent. These walks shall be of a continuing

common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least five feet by five feet, if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least three feet deep and five feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway.

(3)(a) Spaces in parking lots that are accessible to the building or facility shall be set aside and identified for use by handicapped or disabled individuals with physical disabilities. An adequate parking space is one that is open on one side and which allows room for individuals in wheelchairs or individuals on braces and crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking. Parking spaces for individuals with physical disabilities when placed between two conventional diagonal or head-on parking spaces shall be twelve feet wide. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars. Consideration shall be given to the distribution of spaces for use by the handicapped or disabled in accordance with the frequency and regularity of their parking needs. Walks shall be in conformity with subsection (2) of this section.

(b) Designated handicapped or disabled parking spaces designed prior to the effective date of this act shall be twelve feet wide when placed between two conventional diagonal or head-on parking spaces.

(c) Designated handicapped or disabled parking spaces designed after the effective date of this act shall be placed as near as practicable to building entrances or walkways which have curb cuts and appropriately designed ramps. Such spaces shall be clearly marked by posting a sign as specified in section 18-1737. Parallel curbside designated handicapped or disabled parking spaces shall be separated from adjacent spaces, either in the front or the rear, by a minimum of five feet of striped no parking area. Perpendicular designated handicapped or disabled parking spaces shall be at least eight feet wide with an additional five feet of striped no parking area between each adjacent handicapped or disabled parking space.

Sec. 10. That original sections 18-1737 to 18-1738.01, 18-1740, 60-311.14, and 72-1105, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1986, are repealed.