

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 143  
Committee Substitute Favorable 4/22/99

Short Title: Handicapped Parking Fines.

(Public)

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Sponsors:

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Referred to:

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February 25, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE FINE RELATED TO UNLAWFUL PARKING IN  
3 HANDICAPPED PARKING SPACES, AND TO REQUIRE THAT SIGNS BE  
4 PLACED ON HANDICAPPED PARKING SPACES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-37.6(f) reads as rewritten:

7 "(f) Penalties for Violation. –

8 (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which  
9 carries a penalty of ~~at least fifty dollars (\$50.00) but not more than one~~  
10 ~~hundred dollars (\$100.00)~~ five hundred dollars (\$500.00) and whenever  
11 evidence shall be presented in any court of the fact that any automobile,  
12 truck, or other vehicle was found to be parked in a properly designated  
13 handicapped parking space in violation of the provisions of this section,  
14 it shall be prima facie evidence in any court in the State of North  
15 Carolina that the vehicle was parked and left in the space by the person,  
16 firm, or corporation in whose name the vehicle is registered and  
17 licensed according to the records of the Division. No evidence tendered  
18 or presented under this authorization shall be admissible or competent in

1 any respect in any court or tribunal except in cases concerned solely  
2 with a violation of this section.

3 (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty  
4 of at least ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) but not  
5 more than ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars  
6 (\$250.00) and whenever evidence shall be presented in any court of the  
7 fact that a nonconforming sign is being used it shall be prima facie  
8 evidence in any court in the State of North Carolina that the person,  
9 firm, or corporation with ownership of the property where the  
10 nonconforming sign is located is responsible for violation of this  
11 section. Building inspectors and others responsible for North Carolina  
12 State Building Code violations specified in G.S. 143-138(h) where such  
13 signs are required by the Handicapped Section of the North Carolina  
14 State Building Code, may cause a citation to be issued for this violation  
15 and may also initiate any appropriate action or proceeding to correct  
16 such violation.

17 (3) A law-enforcement officer, including a company police officer  
18 commissioned by the Attorney General under Chapter 74E, may cause a  
19 vehicle parked in violation of this section to be towed. The officer is a  
20 legal possessor as provided in G.S. 20-161(d)(2). The officer shall not  
21 be held to answer in any civil or criminal action to any owner,  
22 lienholder or other person legally entitled to the possession of any motor  
23 vehicle removed from a space pursuant to this section, except where the  
24 motor vehicle is willfully, maliciously, or negligently damaged in the  
25 removal from the space to a place of storage.

26 (4) Notwithstanding any other provision of the General Statutes, the  
27 provisions of this section relative to handicapped parking shall be  
28 enforced by State, county, city and other municipal authorities in their  
29 respective jurisdictions whether on public or private property in the  
30 same manner as is used to enforce other parking laws and ordinances by  
31 said agencies."

32 Section 2. G.S. 20-37.6(d) reads as rewritten:

33 "(d) Designation of Parking Spaces. —~~Designation of parking spaces for handicapped~~  
34 ~~persons on streets and public vehicular areas shall comply with G.S. 136-30.~~ Parking spaces for  
35 handicapped persons on streets and public vehicular areas shall be designated by free-  
36 standing signs, no less than 72 inches from the ground or, signs, placed at the same  
37 height, attached to a building. A sign designating a parking space for handicapped  
38 persons shall state the maximum penalty for parking in the space in violation of the law.  
39 law and shall comply with G.S. 136-30."

40 Section 3. This act becomes effective December 1, 1999.