

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 143
Committee Substitute Favorable 4/22/99
Third Edition Engrossed 4/28/99

Short Title: Handicapped Parking Fines.

(Public)

Sponsors:

Referred to:

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)~~ at least one hundred dollars (\$100.00) but not
11 more than two hundred fifty dollars (\$250.00) and whenever evidence
12 shall be presented in any court of the fact that any automobile, truck, or
13 other vehicle was found to be parked in a properly designated
14 handicapped parking space in violation of the provisions of this section,
15 it shall be prima facie evidence in any court in the State of North
16 Carolina that the vehicle was parked and left in the space by the person,
17 firm, or corporation in whose name the vehicle is registered and
18 licensed according to the records of the Division. No evidence tendered

1 or presented under this authorization shall be admissible or competent in
2 any respect in any court or tribunal except in cases concerned solely
3 with a violation of this section.

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

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

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

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

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

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