

ASSEMBLY, No. 365

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires provision of parking spaces reserved exclusively for persons unable to ambulate without aid of wheelchair in certain parking facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning wheelchair-only parking spaces, amending
 2 P.L.1977, c.202 and P.L.1977, c.309, and supplementing Title 27
 3 of the Revised Statutes and Title 52 of the Revised Statutes.

4
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*

7
 8 1. (New section) Each parking facility constructed in this State
 9 after the effective date of P.L. , c. (C.) (pending before the
 10 Legislature as this bill) that contains eight or more regular parking
 11 spaces shall designate a minimum of one percent of the total
 12 number of parking spaces, but not less than one parking space, as
 13 restricted for use only by individuals unable to ambulate without the
 14 aid of a wheelchair. These spaces shall be in addition to any
 15 parking spaces reserved for persons with a disability pursuant to
 16 section 1 of P.L.1975, c.221 (C.52:32-11) or any other law, rule, or
 17 ordinance. Except for parking facilities adjacent to multiple
 18 dwelling units, these parking spaces shall be reserved between the
 19 hours of 8:00 a.m. and 8:00 p.m. exclusively for individuals unable
 20 to ambulate without the aid of a wheelchair. Outside of these hours,
 21 any person who has been issued a windshield placard or wheelchair
 22 symbol license plates pursuant to P.L.1949, c.280 (C.39:4-204 et
 23 seq.) may use the parking spaces. For parking facilities adjacent to
 24 multiple dwelling units, the parking spaces required pursuant to
 25 P.L. , c. (C.) (pending before the Legislature as this bill)
 26 shall be reserved 24 hours per day exclusively for individuals
 27 unable to ambulate without the aid of a wheelchair. The parking
 28 spaces shall conform to the following guidelines:

29 a. The spaces shall be provided in an area of the parking
 30 facility which is most accessible and approximate to the building or
 31 buildings which the facility serves and shall be provided in closer
 32 proximity to the building or buildings which the facility serves than
 33 the parking spaces reserved for persons with a disability pursuant to
 34 P.L.1975, c.221 (C.52:32-11 et seq.), section 1 of P.L.1985, c.280
 35 (C.55:13A-7.3), or any other law, rule, or ordinance;

36 b. Each space or group of spaces shall be identified, either
 37 individually or as a group, with a clearly visible sign displaying the
 38 International Symbol of Access, along with wording clearly
 39 identifying the spaces for use only by individuals unable to
 40 ambulate without the aid of a wheelchair and indicating the hours of
 41 such restriction, where appropriate;

42 c. Each space shall be 12 feet wide to allow room for persons
 43 in wheelchairs to get in and out of either side of an automobile onto
 44 a level, paved surface suitable for wheeling;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. Where possible, such spaces shall be located so that persons
2 in wheelchairs are not compelled to wheel behind parked cars; and

3 e. Where applicable, curb ramps shall be provided to permit
4 persons with a disability access from the parking area to the
5 sidewalk.

6
7 2. Section 1 of P.L.1977, c.202 (C.39:4-197.5) is amended to
8 read as follows:

9 1. Any municipality may, by ordinance, resolution, or
10 regulation, establish restricted parking spaces in front of residences,
11 schools, hospitals and other public buildings and in shopping and
12 business districts for use by persons who have been issued special
13 vehicle identification cards by the **【Division of Motor Vehicles】**
14 New Jersey Motor Vehicle Commission pursuant to the provisions
15 of section 2 of P.L.1949, c.280 (C.39:4-205), when using a motor
16 vehicle on which is displayed a certificate, for which a special
17 vehicle identification card has been issued, pursuant to section 3 of
18 **【said law】** P.L.1949, c.280 (C.39:4-206). In addition to the
19 reserved parking spaces required pursuant to section 1 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), a
21 municipality may also establish, by ordinance, resolution, or
22 regulation, restricted parking spaces for use only by individuals
23 unable to ambulate without the aid of a wheelchair.
24 (cf: P.L.1980, c.178, s.2)

25
26 3. Section 1 of P.L.1977, c.309 (C.39:4-197.6) is amended to
27 read as follows:

28 1. Any municipality may, by ordinance, establish a restricted
29 parking zone in front of a residence occupied by a person with a
30 disability if a windshield placard or wheelchair symbol license
31 plates have been issued for a vehicle owned by the person with a
32 disability, or by another occupant of the residence who is a member
33 of the immediate family of the person with a disability, by the New
34 Jersey Motor Vehicle Commission pursuant to the provisions of
35 P.L.1949, c.280 (C.39:4-204 et seq.), provided such parking is not
36 otherwise prohibited and the permitting thereof would not interfere
37 with the normal flow of traffic. A municipality may also establish,
38 by ordinance, a restricted parking zone in front of a residence
39 occupied by a person unable to ambulate without the aid of a
40 wheelchair, provided such parking is not otherwise prohibited and
41 would not interfere with the normal flow of traffic.
42 (cf: P.L.2017, c.131, s.158)

43
44 4. (New section) The Commissioner of Transportation shall
45 establish an educational awareness campaign informing the public
46 about the public's rights and responsibilities under P.L. ,
47 c. (C.) (pending before the Legislature as this bill).

1 5. This act shall take effect on the first day of the thirteenth
2 month after enactment, but the Commissioner of Transportation
3 may take such anticipatory administrative action in advance as shall
4 be necessary for the timely implementation of this act.

5
6
7 STATEMENT
8

9 This bill requires that each parking facility constructed in the
10 State after the effective date of the bill that contains eight or more
11 regular parking spaces designate a minimum of one percent of the
12 total number of parking spaces, but not less than one parking space,
13 as restricted for use only by individuals unable to ambulate without
14 the aid of a wheelchair. For parking facilities adjacent to multiple
15 dwellings, the parking spaces are to be reserved 24 hours per day
16 for the exclusive use of individuals unable to ambulate without the
17 aid of a wheelchair. For all other parking facilities, these parking
18 spaces are limited exclusively to users of wheelchairs from 8:00
19 a.m. to 8:00 p.m. Outside of these hours, persons with a disability
20 and in possession of the appropriate parking placard or license
21 plates are permitted to use the parking spaces.

22 The spaces required by the bill are in addition to any parking
23 spaces reserved for persons with a disability under existing law and
24 are to be provided in closer proximity to buildings than the parking
25 spaces reserved for persons with a disability under existing law.
26 Signs displaying the International Symbol of Access, along with
27 wording clearly identifying the spaces for use only by individuals
28 unable to ambulate without the aid of a wheelchair, are to be used to
29 identify the new spaces. In all other ways, the spaces are required
30 to meet the same specifications under current law as other spaces
31 reserved for persons with a disability.

32 The bill permits municipalities to establish parking spaces
33 reserved exclusively for users of wheelchairs in parking areas
34 within their jurisdiction that are in addition to the spaces required
35 under the bill and in front of residences occupied by persons unable
36 to ambulate without the aid of a wheelchair.

37 The bill requires the Commissioner of Transportation to establish
38 an educational awareness campaign informing the public of its
39 rights and responsibilities under the bill.