Bill as Introduced

SB 56-FN – AS AMENDED BY THE SENATE

02/20/03 0297s

2003 SESSION

03-0765
03/01

SENATE BILL ***56-FN***

AN ACT relative to parking for persons with disabilities.

SPONSORS: Sen. Boyce, Dist 4; Sen. Martel, Dist 18; Rep. Boyce, Belk 31; Rep. Pilliod, Belk 31; Rep. D. Cote, Hills 62

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill prohibits parking in access aisles serving parking spaces for persons with disabilities. This bill also increases the minimum fine for illegally parking in a parking place specially designated for a person with a walking disability, and inserts a provision regarding evidence in disability parking enforcement proceedings.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 56-FN – AS AMENDED BY THE SENATE

02/20/03 0297s

03-0765
03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to parking for persons with disabilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Motor Vehicles; Words and Phrases Defined; Access Aisle. Amend RSA 259 by inserting after section 1-a the following new section:

259:1-b Access Aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be marked so as to discourage parking in them.

2 Stopping, Standing, or Parking Prohibited in Specified Places; Parking Place Designated for Person With a Walking Disability, Penalty; Access Aisle. Amend RSA 265:69, I(i)-(l) to read as follows:

(i) At any place where official signs prohibit stopping[~~.~~];

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has ***a*** special [~~number plates, decals, or a card~~] ***plate or placard*** issued ***or recognized*** pursuant to RSA 261:86[~~, 87 or 88~~] ***or RSA 261:88,*** [~~or a similar license plate, decal, or car issued by another state or country displaying the international accessibility symbol~~] and the person who qualifies for the plate[~~, decal, or card~~] ***or placard*** is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of [~~$50.~~] ***$250;***

(k) On any controlled access highway;

(l) In the area between roadways of a divided highway, including crossovers***;***

(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of $50 for a first offense and a minimum of $100 for each subsequent offense.

3 New Section; Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Amend RSA 265 by inserting after section 69 the following new section:

265:69-a Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Testimony under oath with clear photographic evidence from

a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

4 Effective Date. This act shall take effect January 1, 2004.

LBAO

03-0765
Revised 1/30/03

SB 56 FISCAL NOTE

AN ACT relative to parking for persons with disabilities.

FISCAL IMPACT:

The Department of Safety has determined this bill will increase local revenue by an indeterminable amount FY 2004 and each year thereafter. There will be no fiscal impact on state and county revenue or on state county and local expenditures.

METHODOLOGY:

The Department stated this bill intends to prohibit stopping, standing, and parking in "access aisles" and increases the fine for parking in a handicapped parking space from $50 to $100. Any fines for violations of these parking laws are collected and kept by the local governments where the parking spaces are located. Additionally, the Department has no data on how many violations of this type occur or the amount of fine revenue collected by the local governments. Therefor, the Department cannot estimate the fiscal impact on the local governments. There is no fiscal impact on the state or counties.

Speakers

1:15

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 56 FN Date April 1, 2003

Committee Transportation

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
ANDRÉ A. MARTEL	237 RIVERDALE AVE	# 6567 622-8411	CONSTITUENTS	✓	
Rep Lauree Boyce			Dist 31	✓	
Sen Robert Boyce				✓	
Sen Andre Martel				✓	
Teresa Rosenberger	49 Main St. Lancaster	226-1000	Brain Injury Assn	✓	

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON SB 56-FN

BILL TITLE: relative to parking for persons with disabilities.

DATE: April 1, 2003

LOB ROOM: 203 **Time Public Hearing Called to Order:** 1:16

Time Adjourned: 2:20

(please circle if present)

Committee Members: Reps. Packard, J. Flanders, G. Katsakiores, Bartlett, Kobel, Letourneau, Artz, Bergeron, Dewhirst, Mosher, M. Allen, Hollinger, Scanlon, J. Sullivan, P. Cote, Ferland, Casey, Creteau, Haley and Rollo.

Bill Sponsors: Sens. Boyce, Martel; Reps. Boyce, Pilliod, D. Cote

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*** Rep. Laurie J. Boyce, Dist. 31: Written Testimony** - This bill will help people who have wheelchairs. It would make someone think twice before they take a space.

Rep. James P. Pilliod, Co-sponsor. Is completely in favor of this bill. It is a human bill. There are new areas now and this was needed. Not all spaces are marked and they don't all have signage.

Rep. Katsakiores: Question regarding size of access aisle.
Ans: 60 inches wide minimum.

Question: Is the private walking area generally ok?
Ans: Parking and going to work for 8 hours. There should be another area provided by employers or maybe bused from another area. This is not in this bill. Also under rules find out who is qualified as disabled.

Rep. Packard: Question regarding lines 12 to 17 – you deleted number plates.
Ans: These plates and placards are for disabled persons. He thought these added lanes were really needed.

Rep. Letourneau: Is this bill creating access lanes?
Ans: No, these access lanes are already there, they just need to be posted.

Question: Are those areas mandatory?
Ans: They may be.

Question: Do all the spaces have that area?
Ans: He could not answer that question.

Question: Is this bill about raising penalty?
Ans: Yes.

Rep. Packard: What was the original bill?
Ans: Did not have a copy of the original bill.

William Godfrey, Merrimack, representing self – support. Testified he has MS and he has trouble getting out of his car so he has to wait until that person moves. He talked about another situation he had trouble because someone was parked in access aisle. He confronted the person and the person did not understand the access aisle. He said anything you can do to educate the public would be appreciated.

Rep. David Cote, Hills 62 – Supports but would not be against the committee amending the bill.

Rep. Letourneau: Would you work with us on this bill?
Ans: Yes.

***Cheryl Killam, Gov. Comm. on Disabililty – support. Written Testimony** and a copy of Chapter 5 General Site and Building Elements forms. The Governor's Commission on Disability supports SB 56-FN.

Rep. Leourneau: Are access aisles mandatory?
Ans: They are mandatory nationally.

Question: When you see there are no access aisles, why not?
Ans: Whoever is setting up the parking is just not doing it right.

*** Michelle Dickson, representing National MS Society testified in support** of SB 56-FN and had **written testimony**. Also public education – they are committed to educating the public. Also talked about Notice of Violation. (RSA 261:88)

Rep. Letourneau: Question about ADA.
Ans: Spaces have to be 1 to 8 ratio and is a federal requirement.

*** Judy P. Hallam, Meriden, Support.** Told the committee about experiences with her van and she has trouble. Access areas have to be defined. She has to track people for hours to be able to get in her vehicle. These areas have to be kept clear. She spoke about the picture taking and showing the picture to the violator. You don't have to get into confrontation, just take a picture. Eventually there will be an education program.

Rep. Ferland: Question about a sign stating "Don't think of parking here".
Ans: She agreed it would be nice if there was a sign there.

Rep. Casey: Question – Confused about signage.
Ans: It's not required.

Rep. Letourneau: He noticed pictures of vehicles with handicap plates and cars are parked crooked.
Ans: If you park straight you can leave room for others.

Rep. Mosher: Have you noticed in parking areas people putting shopping carts there?
Ans: Yes, she said the stores have their attendants move them out of these areas.

OPINION – NOT SPEAKING:

Sen. Andre A. Martel – PRO
Sen. Robert Boyce – PRO
Teresa Rosenberger, Brain Injury Assoc. – PRO

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

Testimony

Testimony SB 56FN
Representative Laurie J. Boyce
April 1, 2003

Thank you Mr. Chairman and members of the committee for listening to me today. This bill is not an April fools joke. It concerns many individuals who need the access lanes as well as the handicapped parking space. I'm sure there is someone who can tell you about it themselves. I, for one, do not have the problem that a lot of handicapped individuals have. Unfortunately, for those individuals that having a space large enough for them to get in/out of their vehicle it is a problem when someone else parks in the access lane of a handicapped space, if not in the space itself.

I'll always ask someone that's parked in that space without a plate/placard, if they have a disability parking plate. They usually they say that they are just waiting for someone who is just in there for a minute. I then tell them that I need the space and please wait for them somewhere else.

I believe upping the penalty would make the person think again about parking in that space. I think we need somehow to make it easier to catch them. I believe having a store manager look at them parking in the space, getting their license plate, and then calling the police might help, and if they are still there giving them a ticket. Having the amount of the ticket lower at first, is good. Everyone makes mistakes, but if they are caught again, the ticket should be for a larger amount.

Thank for listening. Do you have any questions.

SB56-FN: AN ACT relative to parking for persons with disabilities.
HOUSE COMMITTEE ON TRANSPORTATION
HEARING DATE: April 1 2003
HEARING TIME: 1:15 PM
HEARING LOCATION: LOB 203

Good afternoon Chairman Packard, Vice-Chairman Flanders, and Representatives.

My name is Cheryl Killam. I am the Accessibility Specialist for the Governor's Commission on Disability. I provide technical assistance to the general public on various access issues, including how to comply with accessibility guidelines.

On behalf of the Governor's Commission on Disability, we fully **support SB 56-FN.**

By way of explanation, and before I get into the more technical aspects of this bill, let me tell you about an incident that happened to me personally that will help illustrate why the Commission strongly supports passage of this bill:

This past October I had parked my van in a wheelchair accessible space in a lot in Portsmouth. When I returned to my vehicle there was a car parked in the access aisle. The ramp from my van extends 4 feet out and then I still need room to get onto the ramp. This 8 foot space is the "access aisle." Because the car was parked in this space, it made it impossible for me to get back into my van. It was a very cold day and my cell phone was in the car. I was lucky enough to be able to use the phone of a local business, and the police did respond to my call. However, they would not ticket the vehicle. The vehicle owner was located in the restaurant nearby and did move their car. I missed my next appointment because of this delay. I am now forced to park my van across two spaces at the back of the parking lot to prevent this from happening again.

<u>The Definition of an Access Aisle:</u>

The suggested new section for RSA 259:1-b defines the access aisle as:

259:1-b Access Aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be marked so as to discourage parking in them.

A van has either a lift or a ramp that requires four feet to deploy, with another four feet beyond the ramp or lift required to maneuver a wheelchair off or on to the ramp or lift. A person using a wheelchair exiting from a car needs five feet to maneuver their wheelchair next to the car door.

When a vehicle is parked in an access aisle it either prevents the individual with a disability from using the parking space designated for a person with a disability, or it prevents an individual from getting back into their vehicle.

Currently **RSA 265:69, stopping, standing or parking prohibited in specified places** does not identify the access aisle in specified places where parking is prohibited as listed in section I (A) – (L). Because of this, enforcement officials are reluctant to ticket or tow vehicles parked in access aisles.

By adding
(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of $50 for a first offense and a minimum of $100 for each subsequent offense... to RSA 265:69 I

parking in access aisles will officially become illegal and enforceable.

REGARDING: 3 New Section; Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Amend RSA 265 by inserting after section 69 the following new section:

265:69-a Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability. Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

The Governor's Commission on Disability supports the intent of this amendment in that it is offering a choice for collection of evidence by a person with a walking disability.

Technical information:

As you can see in the diagrams I have provided, the access aisles are adjacent to the parking spaces designated for persons with walking disabilities.

These diagrams are from the American National Standards Institute, otherwise known as ANSI, code A117.1-1998, section 502, which is the accessibility code referenced in the New Hampshire State Building Code, Title XII of Public Safety and Welfare, Chapter 155-a, specifically the New Hampshire Building Code, Section 155-a:2.

The Architectural Barrier-Free Design Code for the State of New Hampshire, Chapter Abfd 300 (Statutory Authority: RSA 275-c:10-18), references the American with Disabilities Act Accessibility Guidelines (ADAAG).

The ADAAG specifications for parking spaces and access aisles (ADAAG 4.6) are identical to the ANSIi A117.1-1998 section 502 specifications for parking and access aisles.

I will be happy to take answer any questions you may have. If you require more information, please let me know.

Kyle L. Kilby

* from Cheryl Killam

Chapter 5. General Site and Building Elements

501 General

501.1 Scope. General site and building elements required to be accessible by the scoping provisions adopted by the administrative authority shall comply with the applicable provisions of this chapter.

502 Parking Spaces

502.1 General. Accessible parking spaces shall comply with Section 502.

502.2 Vehicle Spaces. Car and van parking spaces shall be 96 inches (2440 mm) wide minimum and shall have an adjacent access aisle complying with Section 502.3.

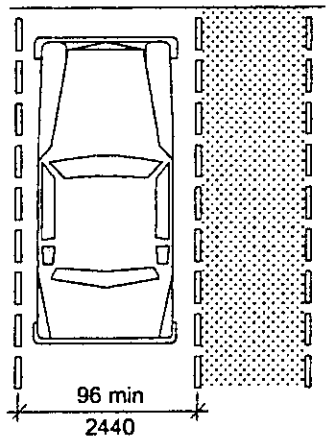


Fig. 502.2
Vehicle Parking Space

502.3 Access Aisle. Access aisles serving parking spaces shall comply with Sections 502.3.1 through 502.3.3. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with Section 402. Two parking spaces shall be permitted to share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

502.3.1 Width. Access aisles serving car parking spaces shall be 60 inches (1525 mm) wide minimum. Access aisles serving van parking spaces shall be 96 inches (2440 mm) wide minimum.

502.3.2 Length. Access aisles shall extend the full length of the parking spaces they serve.

502.3.3 Marking. Access aisles shall be marked so as to discourage parking in them.

502.4 Floor or Ground Surfaces. Parking spaces and access aisles shall have surface slopes not steeper than 1:48. Access aisles shall be at the same level as the parking spaces they serve.

502.5 Vertical Clearance. Parking spaces for vans shall have a vertical clearance of 98 inches (2490 mm) minimum at the space and along the vehicular route thereto.

502.6 Identification. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.7. Such signs shall be 60 inches (1525 mm) minimum above the floor or ground surface of the parking space, measured to the bottom of the sign.

503 Passenger Loading Zones

503.1 General. Accessible passenger loading zones shall comply with Section 503.

503.2 Vehicle Pull-up Space. Passenger loading zones shall provide an access aisle complying with Section 503.3, adjacent and parallel to a vehicle pull-up space.

503.3 Access Aisle. Access aisles serving passenger loading zones shall comply with Section 302 and Sections 503.3.1 through 503.3.3. Access aisles shall be part of the accessible route to the building or facility entrance and shall comply with Section 402.

503.3.1 Width. Access aisles serving vehicle pull-up spaces shall be 60 inches (1525 mm) wide minimum.

503.3.2 Length. Access aisles shall be 20 feet (6100 mm) long minimum.

503.3.3 Marking. Access aisles shall be marked so as to discourage parking in them.

503.4 Floor or Ground Surfaces. Vehicle pull-up spaces in passenger loading zones and access aisles shall have surface slopes not steeper than

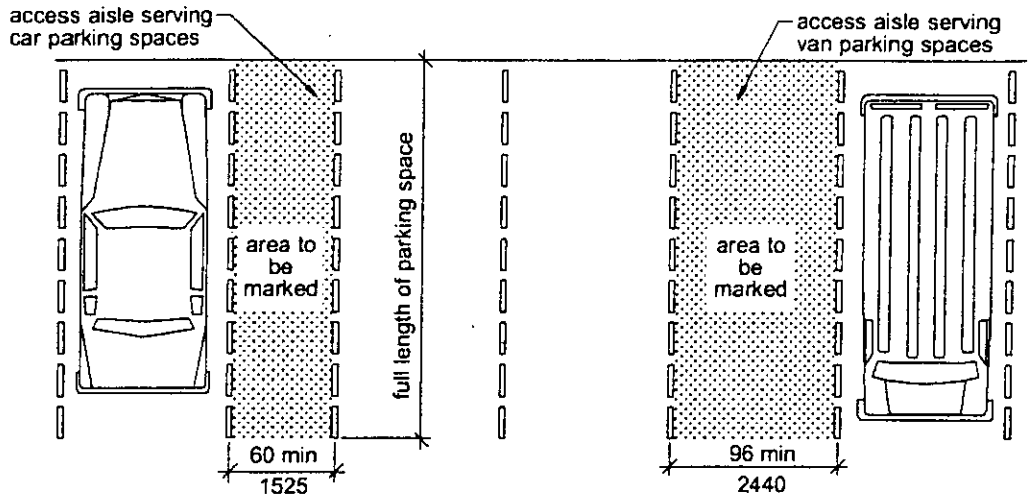


Fig. 502.3
Parking Space Access Aisle

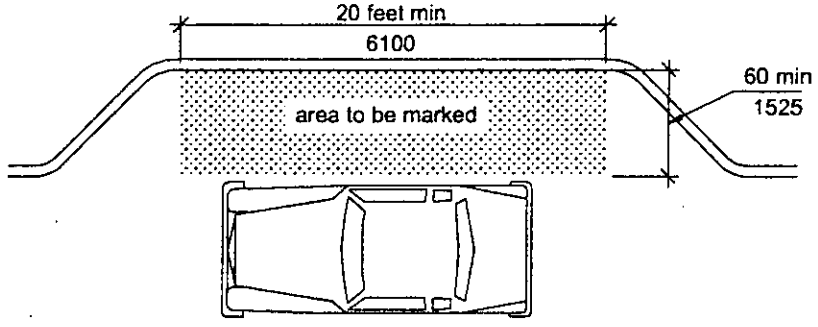


Fig. 503.3
Passenger Loading Zone Access Aisle

1:48. Access aisles shall be at the same level as the vehicle pull-up space they serve.

503.5 Vertical Clearance. Vertical clearance of 114 inches (2895 mm) minimum shall be provided at passenger loading zones and along vehicle access routes to such areas from site entrances.

504 Stairways

504.1 General. Accessible stairs shall comply with Section 504.

504.2 Treads and Risers. All steps on a flight of stairs shall have uniform riser heights and uniform tread depth. Risers shall be 4 inches (100 mm) high minimum and 7 inches (180 mm) maximum. Treads shall be 11 inches (280 mm) deep minimum, measured from riser to riser.

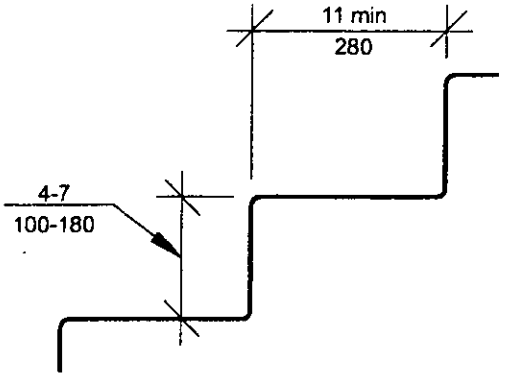


Fig. 504.2
Treads and Risers for Accessible Stairways

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SB 56-FN - AS AMENDED BY THE SENATE 02/20/03 0297s 2003 SESSION 03-0765 03/01 SENATE BILL 56-FN AN ACT relative to parking for persons with disabilities. SPONSORS: Sen. Boyce, Dist 4; Sen. Martel, Dist 18; Rep. Boyce, Belk 31; Rep. Pilliod, Belk 31; Rep. D. Cote, Hills 62 COMMITTEE: Transportation AMENDED ANALYSIS This bill prohibits parking in << access aisles>> serving parking spaces for persons with disabilities. This bill also increases the minimum fine for illegally parking in a parking place specially designated for a person with a walking disability, and inserts a provision regarding evidence in disability parking enforcement proceedings. -

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disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special [number plates, decals, or a card] plate or placard issued or recognized pursuant to RSA 261:86[, 87 or 88] or RSA 261:88, [or a similar license plate, decal, or car issued by another state or country displaying the international accessibility symbol] and the person who qualifies for the plate[, decal, or card] or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of [$50.] $250; (k) On any controlled << access>> highway; (l) In the area between roadways of a divided highway, including crossovers; (m) In or overlapping into any << access aisle>> . Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of $50 for a first offense and a minimum of $100 for each subsequent offense. 3 New Section; Enforcement of Parking Prohibition in Parking Spaces and << Access Aisles>> Designated for Persons with a Walking Disability. Amend RSA 265 by inserting after section 69 the following new section: 265:69-a Enforcement of Parking Prohibition in Parking Spaces and << Access Aisles>> Designated for Persons with a Walking Disability. Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an << access aisle>> shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted. 4 Effective Date. This act shall take effect January 1, 2004. LBAO 03-0765 Amended 2/21/03 SB 56 FISCAL NOTE AN ACT relative to parking for persons with disabilities. FISCAL IMPACT: The Department of Safety has determined this bill, as amended by the Seante (Senate Amendment #2003-0297s), will increase local revenue by an indeterminable amount FY 2004 and each year thereafter. There will be no fiscal impact on state and county

and local expenditures. METHODOLOGY: The Department stated this bill intends to prohibit stopping, standing, and parking in "<< access aisles>> " and increases the fine for parking in a handicapped parking space from $50 to $250. In addition, new penalties are established for overlapping into any << access aisle>> . A person who violates this provision will be fined a minimum of $50 for a first offense and a minimum of $100 for each subsequent offense. Any fines for violations of these parking laws are collected and kept by the local governments where the parking spaces are located. Additionally, the Department has no data on how many violations of this type occur or the amount of fine revenue collected by the local governments. Therefor, the Department cannot estimate the fiscal impact on the local governments. There is no fiscal impact on the state or counties.

* from Michelle Dickson

Notice of Violation (RSA 261:88)



Not a ticket – No Fine

On (date) _____ at _____ AM/PM, this vehicle was parked:

- ☐ in a space reserved for persons with walking disabilities
- ☐ across a ramp designed for persons who use wheelchairs

License # _____ State _____
Location: _____

This vehicle does not have proper identification issued or recognized by the NH Division of Motor Vehicles (license plate or placard with wheelchair symbol).

A copy of this notice has been sent to the Governor's Commission on Disability (57 Regional Drive, Concord, NH 03301) and forwarded to the NH Division of Motor Vehicles.

If you have a walking disability, call the Governor's Commission on Disability (tel.#: 1-800-852-3405) to find out how you can get a proper permit.

If you do not have a walking disability, refrain from parking in these reserved spaces. NH Law (RSA 265:69) calls for a substantial fine for each violation.

FIRST
CLASS
STAMP
REQUIRED

GOVERNOR'S COMMISSION ON DISABILITY
57 REGIONAL DRIVE
CONCORD NH 03301

Nicholle Dickson

NATIONAL MULTIPLE SCLEROSIS SOCIETY

Central New England Chapter

National Multiple Sclerosis Society
Central New England Chapter
101A First Avenue, Suite 6
Waltham, MA 02451-1115
Tel 781 890 4990
1 800 FIGHT MS
Fax 781 890 2089

This testimony is submitted to the New Hampshire Legislature House Transportation Committee by the Central New England Chapter of the National Multiple Sclerosis Society in support of **SB56-FN *An Act Relative to Parking for Persons with Disabilities.*** The Central New England Chapter secured sponsorship for this bill in response to feedback on the difficulties in utilizing disabled parking spaces and access aisles by persons with MS. The Governor's Commission on Disability has provided our organization with support and technical assistance relating to this bill matter.

Introduction

The Central New England Chapter is committed to advancing the cure, prevention and treatment of MS while improving the quality of life for the estimated 2,500 individuals coping with this disease in New Hampshire. For people with multiple sclerosis and other disabilities, there are many obstacles to full participation in transportation, employment, recreation and cultural events. The National Multiple Sclerosis Society is dedicated to the removal of barriers so that people with MS can live with as much independence as possible. Since the passage of the *Americans with Disabilities Act*, the National Multiple Sclerosis Society continues to support legislative, regulatory and judicial efforts to increase accessibility and independence, prevent discrimination and protect the general well-being of individuals with disabilities.

Multiple Sclerosis and Equal Access

Multiple sclerosis is a chronic, often disabling disease that randomly attacks the Central Nervous System. The progress, severity and specific symptoms of MS vary in any one person and can not be predicted. Symptoms may be mild, such as numbness in the limbs, or severe such as paralysis or loss of vision. Other symptoms can include muscle weakness or spasticity, fatigue, blurred vision, slurred speech, bladder and bowel dysfunction, and cognitive changes. Most people with MS are diagnosed between the ages of 20 and 40. MS is not a fatal disease and people have normal or near normal life expectancies. The progress, severity, and specific symptoms of MS in any one person cannot yet be predicted.

As the disease progresses, people with MS often experience difficulty with ambulation and physical fatigue. It is not uncommon for individuals to maintain mobility by use of canes, walkers, electric scooters, manual and electric wheelchairs. For those who qualify for a plate or placard for persons with walking disabilities, designated parking spaces facilitate participation in all aspects of community life. In recent years, specially adapted vans have increased in use for persons with walking disabilities. These adaptations enable individuals to continue to drive and permit those in electric scooters or wheelchairs to exit their vehicle via electric ramps that lower from either side of the vehicle. ADA provisions require that for every eight designated handicapped spaces, there is at least one

space that must be van accessible. Thus a smaller number of van accessible spaces available are impacted by the problem of access aisle violations.

The Disabled Parking Access Aisle.

*By ADA definition, the access aisle is the space between vehicles necessary to maneuver a wheelchair or other mobility device when entering or exiting a vehicle. Access aisles serving car parking spaces shall be 60 inches (1525 mm) wide minimum. Access aisles serving van parking spaces shall be 96 inches (2440 mm) wide minimum. Access aisles shall extend the full length of the parking spaces they serve and shall be marked so as to discourage parking in them. (*Taken from ADA-ABA Technical Assistance Guidelines, Ch. 5, 502.2, 502.3, 502.3.1, 502.3.2, 502.3.3)

Handicapped spaces often share an access aisle. The access aisle is easily recognizable by the painted stripes similarly used to prohibit parking in other areas of the street or parking lots. The access aisle is not intended for any vehicle to park in or overlap in, regardless of whether a driver has a special plate or placard. When this occurs, another driver will not be able to park in the adjacent handicapped space or will be unable to enter their vehicle.

Disabled Parking Access Aisles and the Law

Current New Hampshire parking laws for persons with walking disabilities do not include any references to the access aisle. New Hampshire does, however, adhere to the ADA standards in the markings and dimensions for handicapped parking spaces and access aisles. The access aisle is truly a function of the handicapped space, but it was not included when previous laws were enacted. The ADA serves as a reference for states when enacting their own disabled parking laws. Access aisle violations are not unique to New Hampshire. In recent years, other states such as Massachusetts, Florida, Michigan, New York, New Jersey, Pennsylvania, Oregon and Hawaii have enacted laws that recognize the access aisle and impose severe penalties on violations of this space.

Purpose of the Bill

The Central New England Chapter secured sponsorship of a LSR in order to clarify the existing parking laws, by adding language in all relevant chapters and sections to make it illegal for any driver, including walking disabled drivers to park within or block the access aisle adjacent to a designated handicapped space.

We chose not to recommend any regulations that would require communities to assume the cost of designating the access aisle with additional signage, or other markings beyond the current guidelines states must adhere to in the ADA. Communities would have the option of designating this space more clearly as they see appropriate if this becomes law.

Drivers who are authorized to park in disabled parking spaces and encounter vehicles who have violated the access aisle have no recourse under the law. Law enforcement

personnel are usually sympathetic to the plight of a driver blocked or unable to park in an available space but have no authority to issue a parking violation or have the vehicle towed. The Governor's Commission on Disability coordinates a consumer violation notice program. This program allows drivers with a special plate or placard to place a copy of a violation notice on the windshield of a vehicle that has violated current disabled parking laws. A copy of the notice is sent back to the Governor's Commission for purposes of tracking and following up with offenders so as to promote awareness and reduce the likelihood of subsequent offenses. Drivers who violate the access aisle are not subject to this program but would be if this law was put into effect.

Drivers who park in or overlap the access aisle are more often than not authorized special plate or placard holders who are unaware of the purpose of the access aisle. Others simply park in a careless manner or choose to utilize this space due to a lack of disabled parking spaces. The end result is the same and the bill is intended to issue violations and hopefully serve as a deterrent. The bill would also relieve drivers from attempting to confront the driver in violation of the access aisle, as they often encounter resistance or hostility.

The Law and Public Awareness

Passage of this bill is an important first step to ensuring equal access and protection for citizens with walking disabilities. Education of all drivers about disabled parking regulations is still needed, however. If this bill is enacted into law, The Governor's Commission on Disability has agreed to partner with the Central New England Chapter in launching a public awareness campaign of the access aisle and other disabled parking regulations.

Comments on Senate Bill with Amendments

The Central New England Chapter supports the revised Senate language of SB56-FN. The proposed increase in parking fine violation from $50 to 250 for violations of disabled parking spaces is warranted to serve as a deterrent for violators and to achieve parity with the current stature for fraudulent use of a plate or placard currently $250. The change to a $50 fine for a first violation of an access aisle and a subsequent fine of $100 is reasonable and still offers the violater the right to dispute the violation.

The new section regarding Enforcement of Parking Prohibition in Parking Spaces and Access aisles Designated for Persons with a Walking Disability is a creative solution devised by the Senate in response to public testimony detailing the burden on the person with a walking disability to secure police to issue a ticket for an offending vehicle. To submit photographic evidence with testimony under oath should be the right of a citizen with a walking disability but there should not be an expectation this will be a feasible option for all. The current *Notice of Violation* program instituted by the Governors Commission on Disability allows for a person with a walking disability to place on the windshield of a vehicle in violation a notice of the specific violation of which a copy is sent back to the Governor's Commission on Disability should be maintained.

If this new section in any way hinders the passage of SB56-FN, it is our position that either a compromise is agreed to regarding this provision or it is dropped for consideration.

Conclusion

The Central New England Chapter thanks Chairman Packard and the members of the House Transportation Committee for their attention to this matter and review of this written testimony.

Linda R. Guiod, RN
Vice President, Chapter Programs

Michelle Dickson
Advocacy Coordinator

P.O.Box 310
Meriden , N.H. 03770
August 12, 2002

To Whom It May Concern:

Three years ago I sat down in a wheelchair for the first time due to a debilitating disease: MS. I thought my world had shut down, collapsed, ended. However, after some investigation, I was able to purchase a power wheelchair as well as a car called a "ramp van". I can now just push a button on the outside of the car, a ramp lowers on that side , I drive my chair right into a lockdown mechanism, start the car, and off I go!

My world was back to being a little more normal and I could be somewhat independent--or so I thought... The first time out, I parked my car so that my ramp faced the yellow slash lines in the handicapped parking area (a safe space, I thought, for just such a maneuver). I lowered my ramp, came down, closed it back up and off I went to do my errands.

When I returned I was in for a shock as someone had parked in the yellow zone inches away from my car. I was not able to lower my ramp to get back into my vehicle! I spent forty five minutes in the heat of summer trying to track down the owner of the other car and paging them in the nearest stores. They were incensed upon returning that I interrupted their shopping. I nicely explained the use of the slash lines for boarding and unloading handicapped persons, etc. - not for parking. They insisted, however, that they had a placard and had a perfect right to park there.

Three years later and many such repeated episodes, I have come no closer to resolving this dilemma. I purchased a portable sign that stated I needed the space for disembarking- it was frequently moved and in its place I often find a parked car! I was given a highway cone by a very nice woman in a wheelchair who was also having the same problems. I placed a sticker with a "handicapped" logo on the cone to designate I needed access for my van - the cone was moved numerous times and three of my cones have been stolen! I have also had to call the police to help me find the owners of cars who use these zones or park so crookedly as to block me.

People also think the yellow slash lines designate an area for shopping carts. Time and time again I can not find a space to lower my ramp and access a store because the yellow area is filled with these carts, or I return from shopping to spend my time and energy removing the carts so I can get back into my car. All in all, what was to give me independence and freedom, has become a nerve racking experience.

I keep meeting others like myself who are just as frustrated and, like me, don't know what to do or where to begin to find a remedy. I even asked the Valley News for assistance last year. I thought they might help by doing an article "educating" the public about these access areas. I was told they basically were not interested. They had done their quota about the handicapped and to come back some other time.

This situation is happening with such frequency that I have decided to fight back and document. I started taking photos of the offending parked cars. I now have quite a list which I am forwarding to you. Again, if I speak to the offenders, even with a smile, I usually get a terse reply that they have a handicapped placard and have a right to park in the yellow zone. One such woman was a driver for a local retarded citizens group and as such "should" have known better - she was very hostile. Therefore, I am writing you to please help me find a way to educate folks at some level.

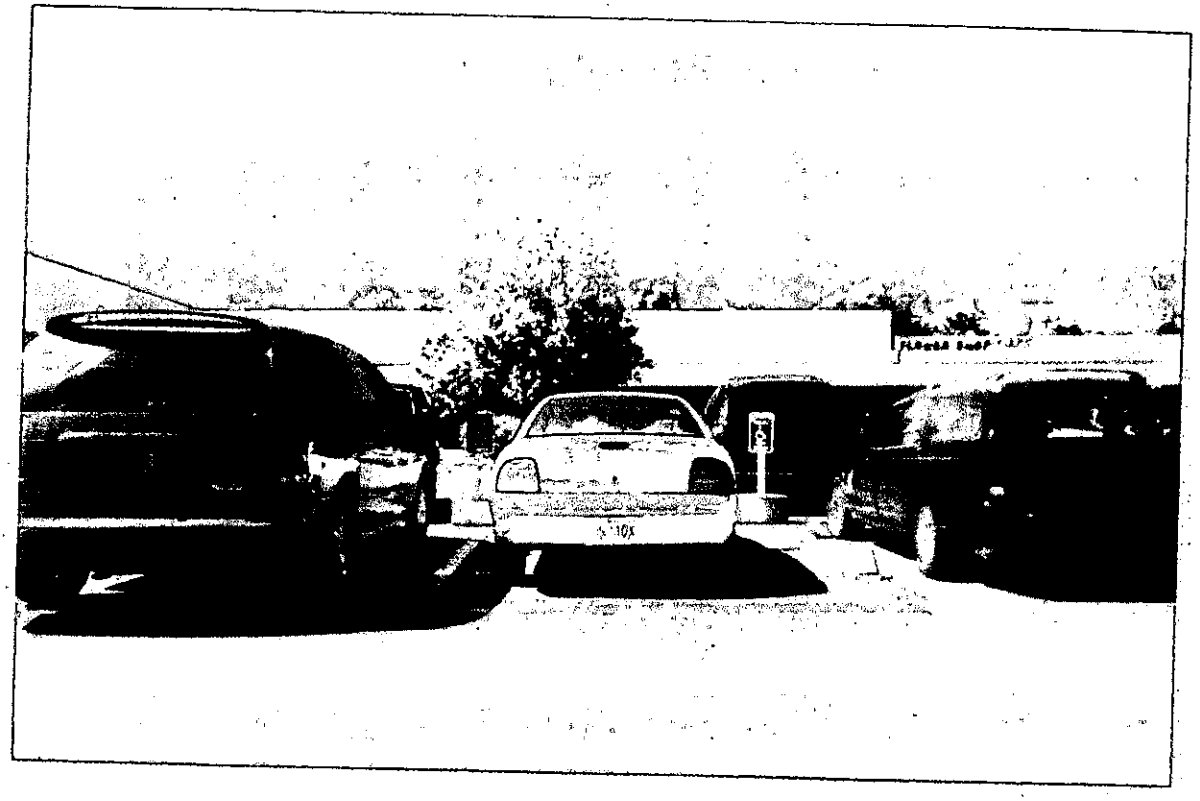
Is it possible when the motor vehicle department hands out these placards that a note could be added as to handicaped parking protocol? Or is it possible to have something written in a driver's manual? I have asked the police, the local motor vehicle department, and many others if I am correct about these slash lined areas. They all agree that these areas designate "no parking" zones.

The state of Massachusetts has a $200 fine for such offences but our police, while somewhat sympathetic, will not issue a ticket or even a warning. The offenders, therefore, continue to remain ignorant, and I and others continue to pay the consequences of their ignorance and police inaction. I do not feel legislation is neccessary. In my opinion, handing out information when people receive the placards would be the least expensive and basic way to begin. An article in local papers could be another way of informing folks. However, "No Parking" signs or "Fine of $200" certainly might help in getting people's attention. These would be costly and might meet with resistance from towns and store owners.

Please help me with what has become a very, very stressful situation for myself and others who need these areas for access. What can be done?

Sincerely,
Judy Pollock Hallam



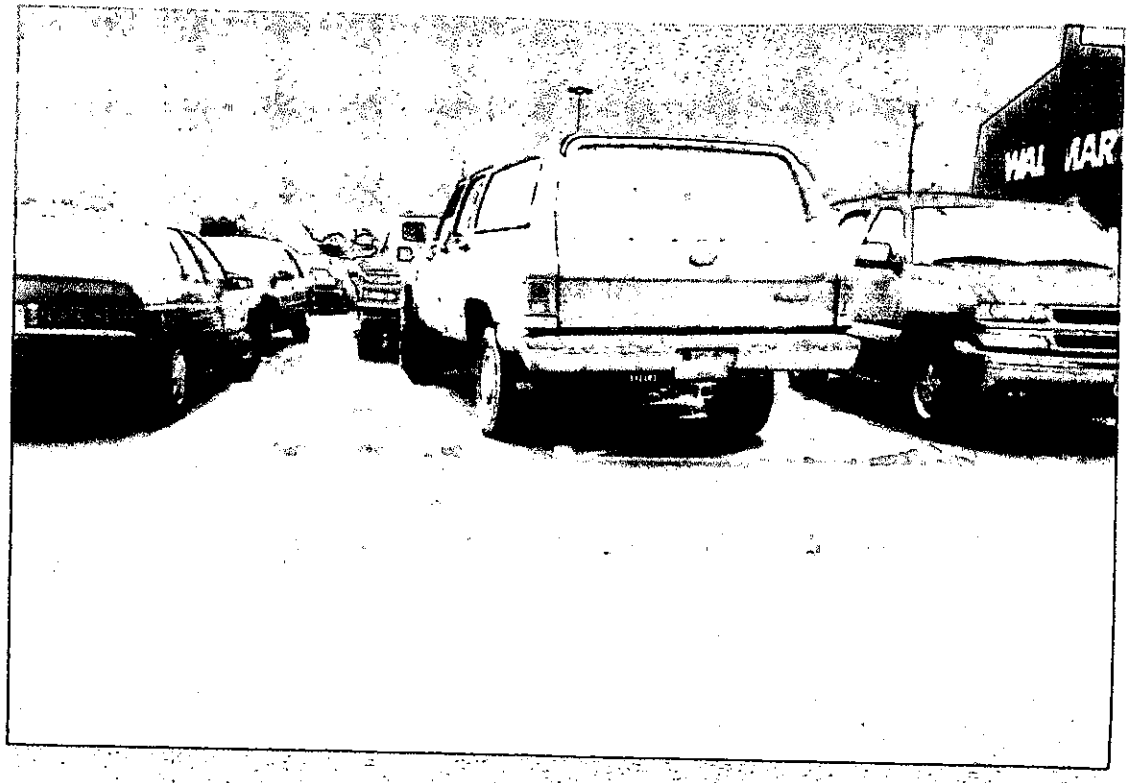








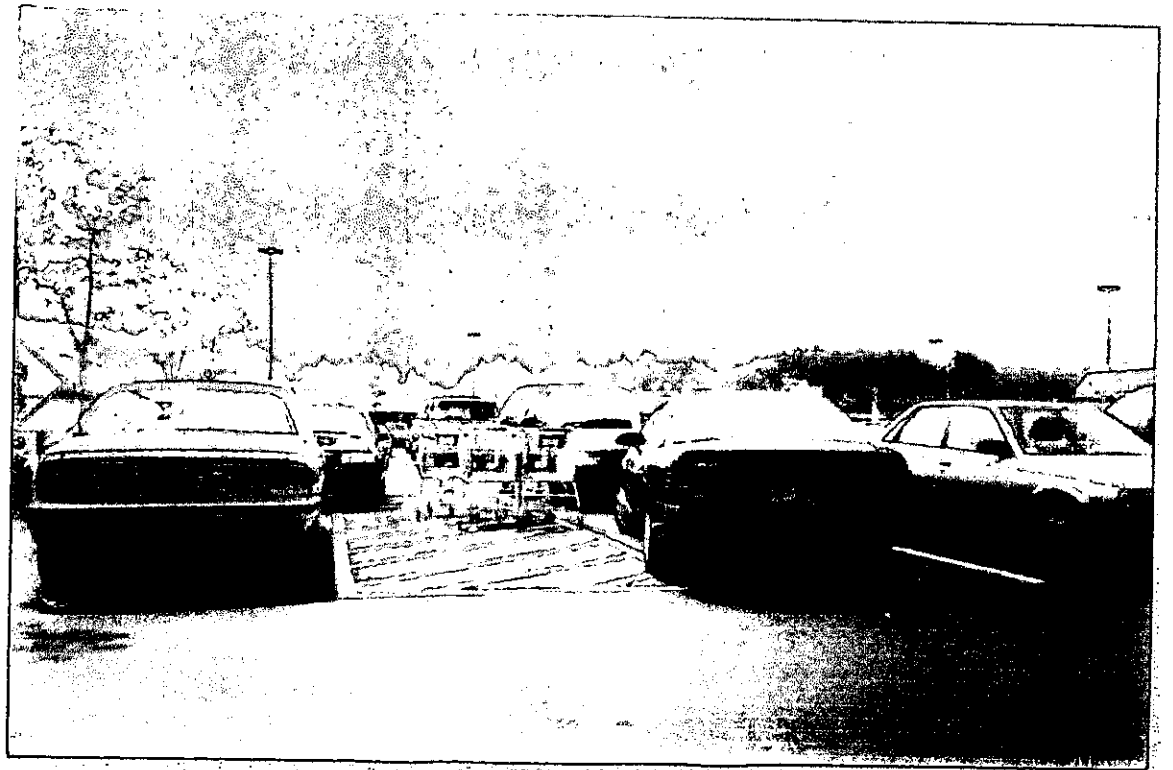


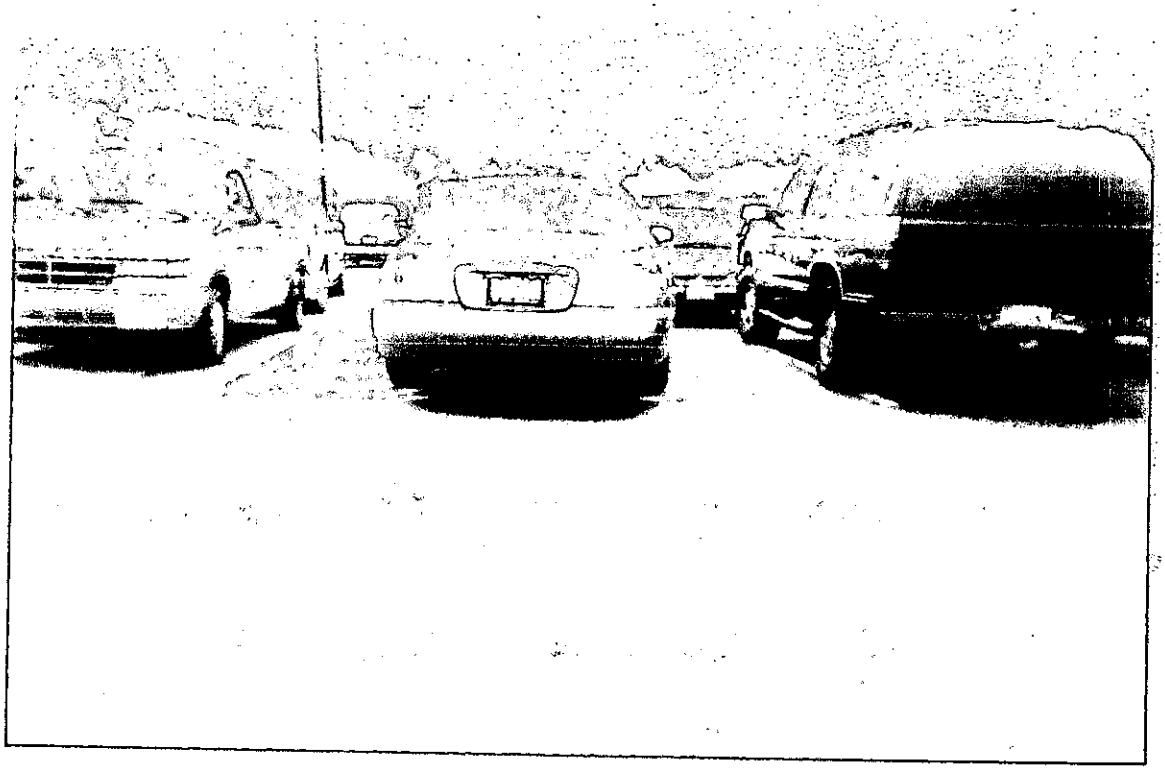

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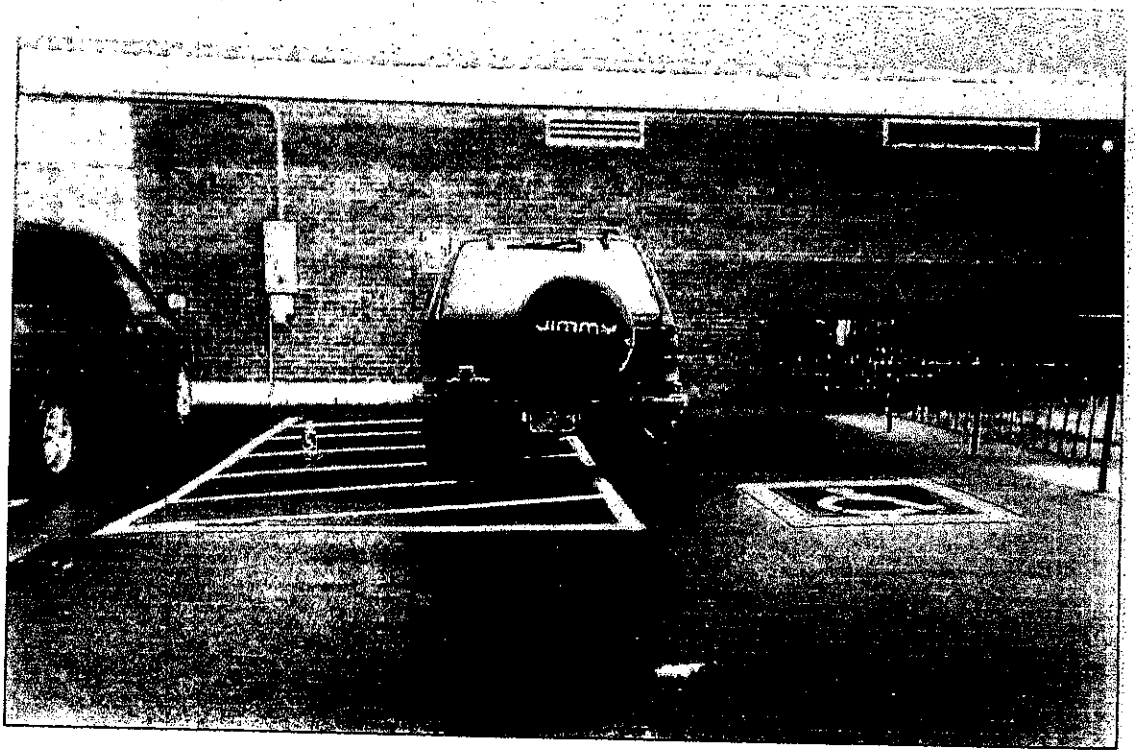


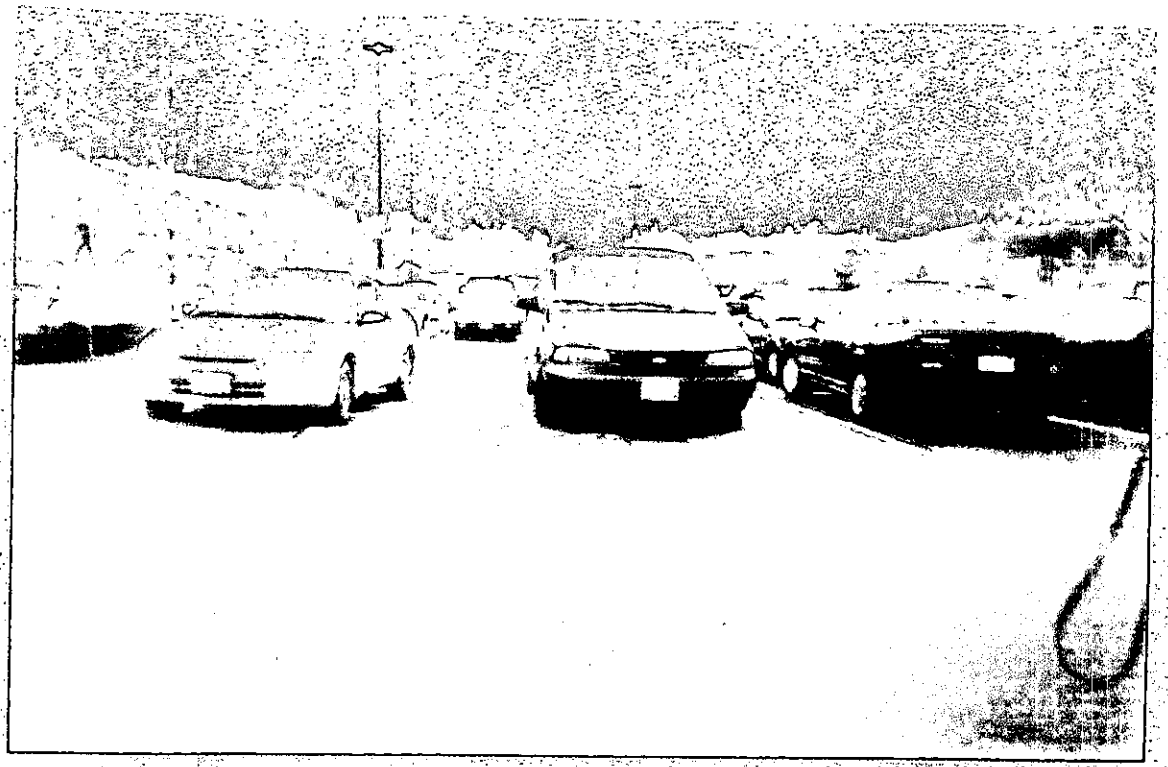


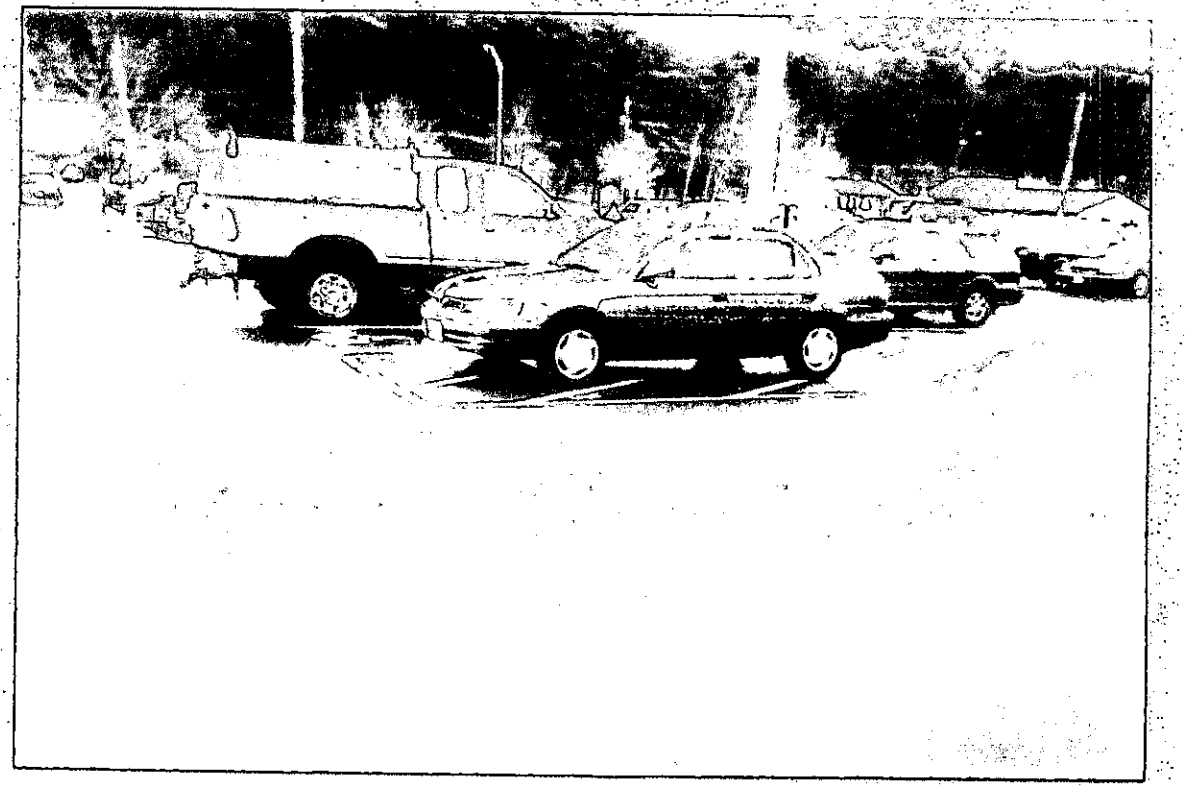

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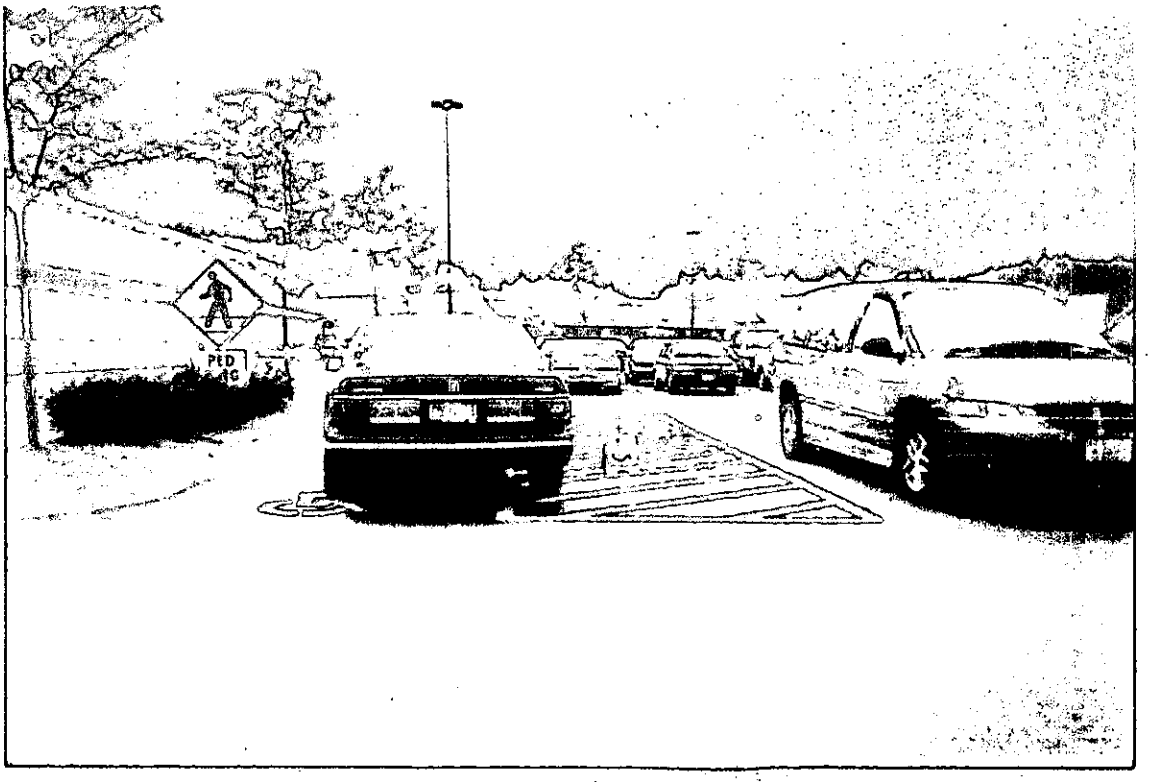

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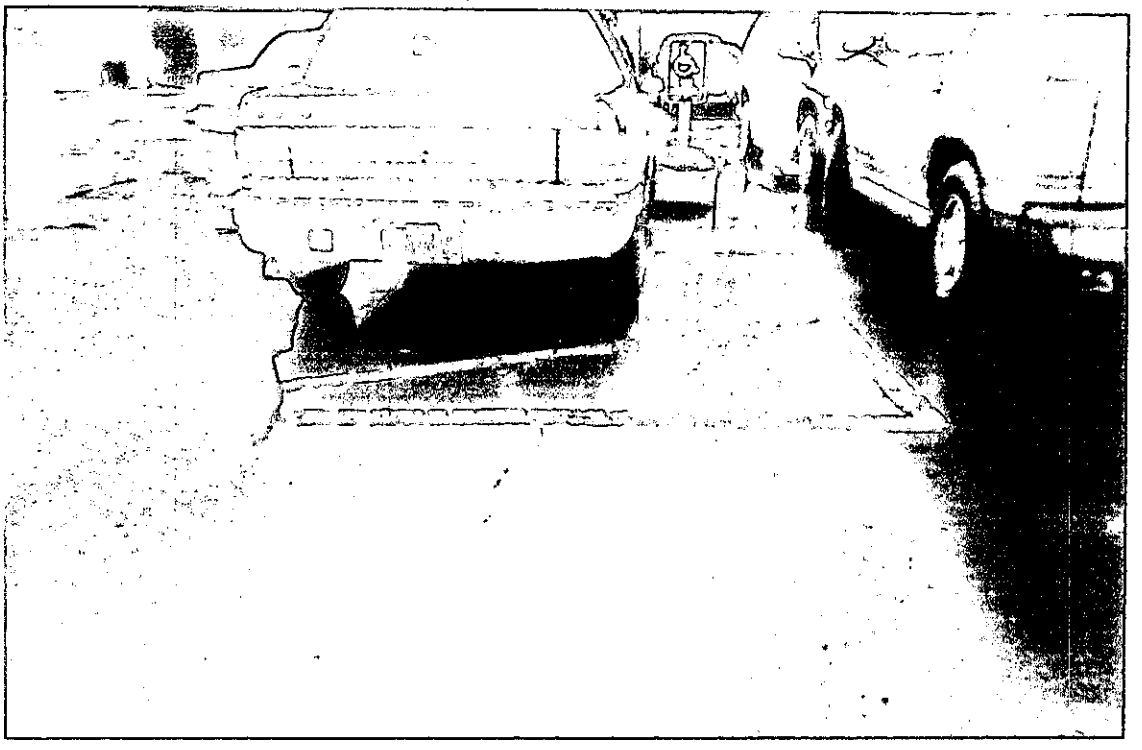



Jimmy

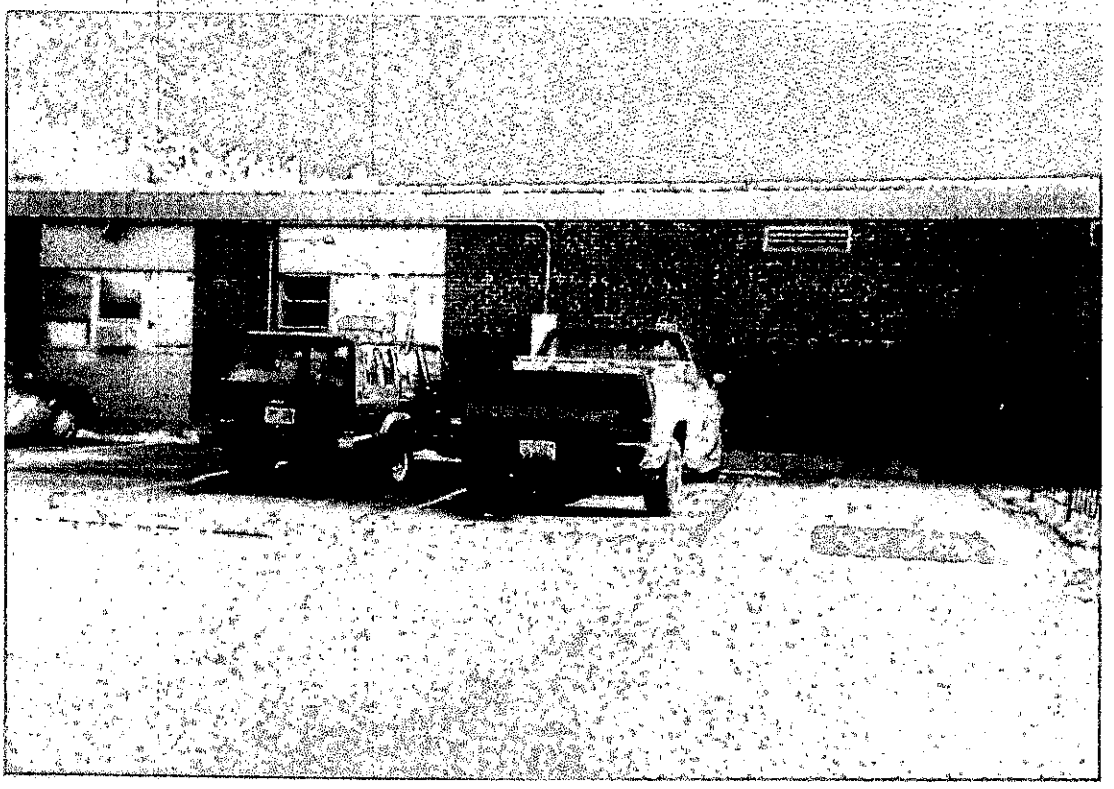





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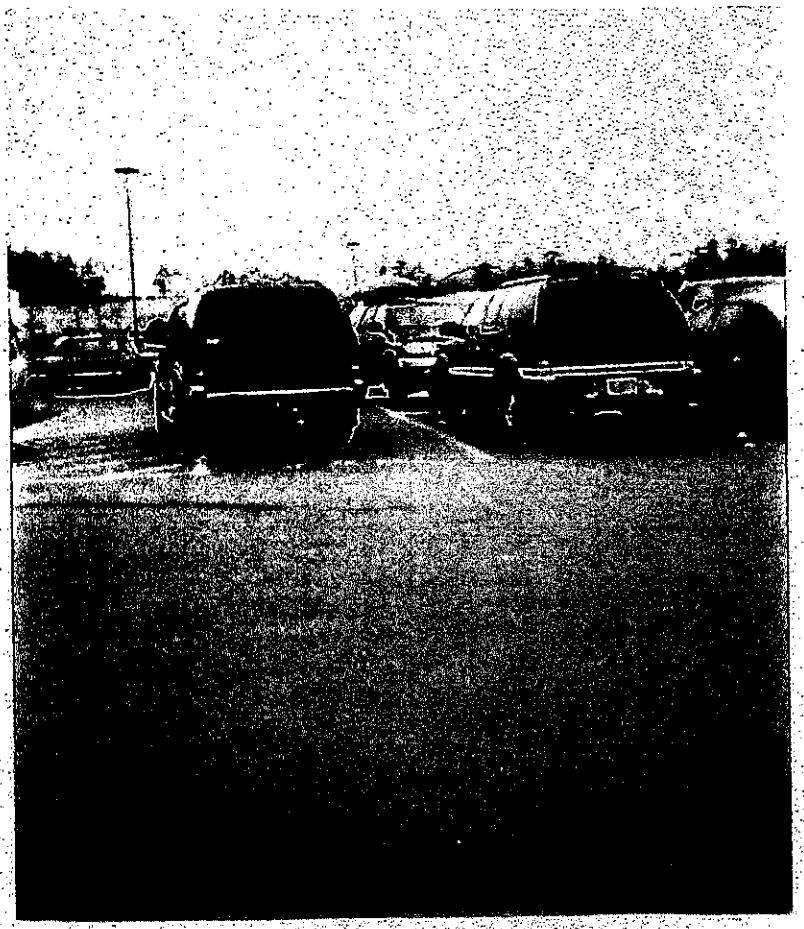





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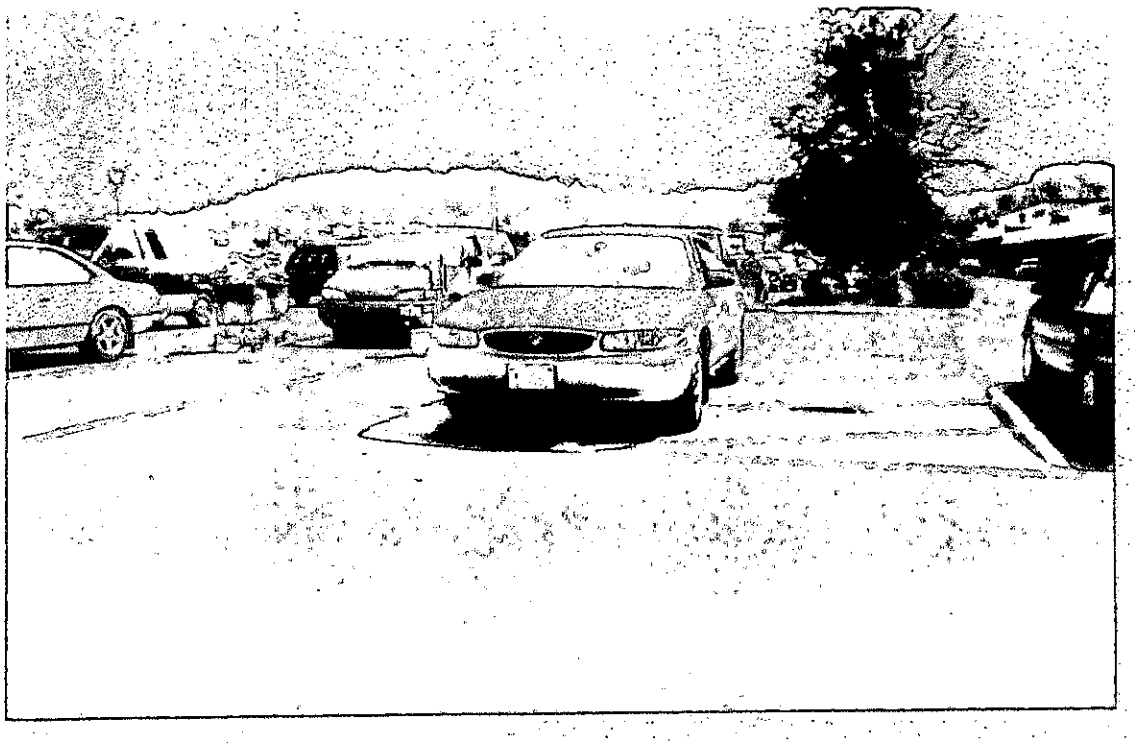


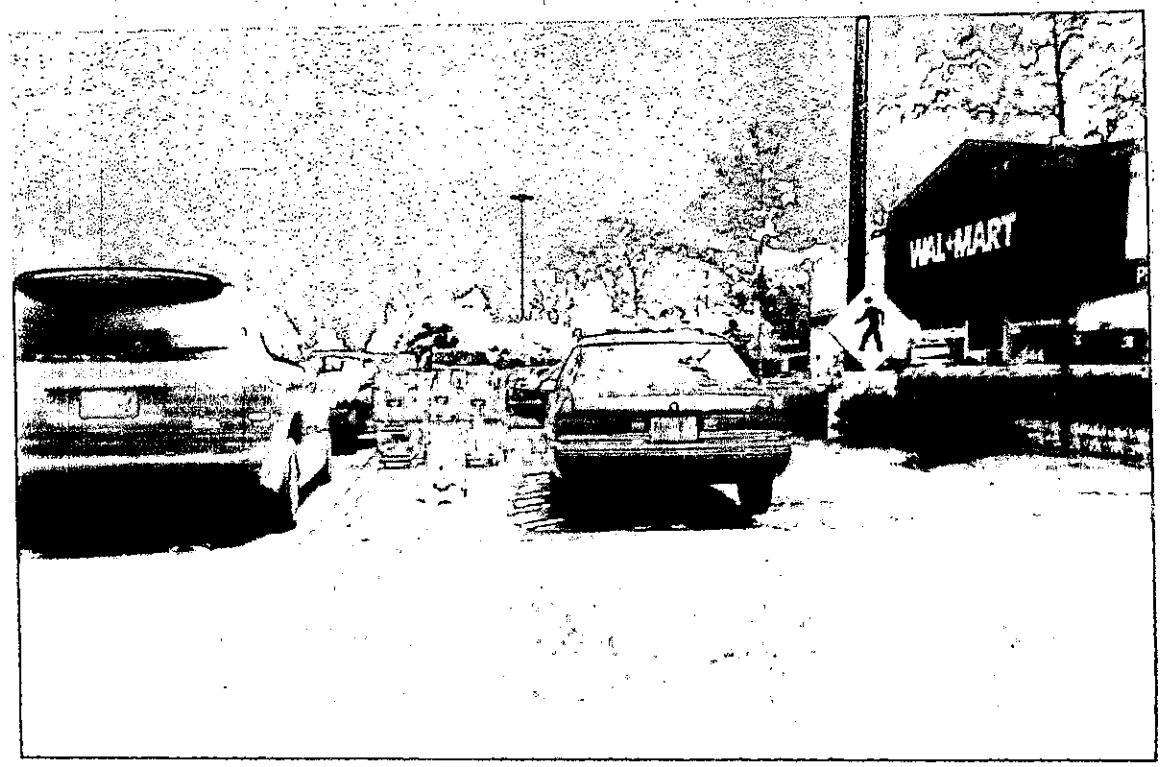










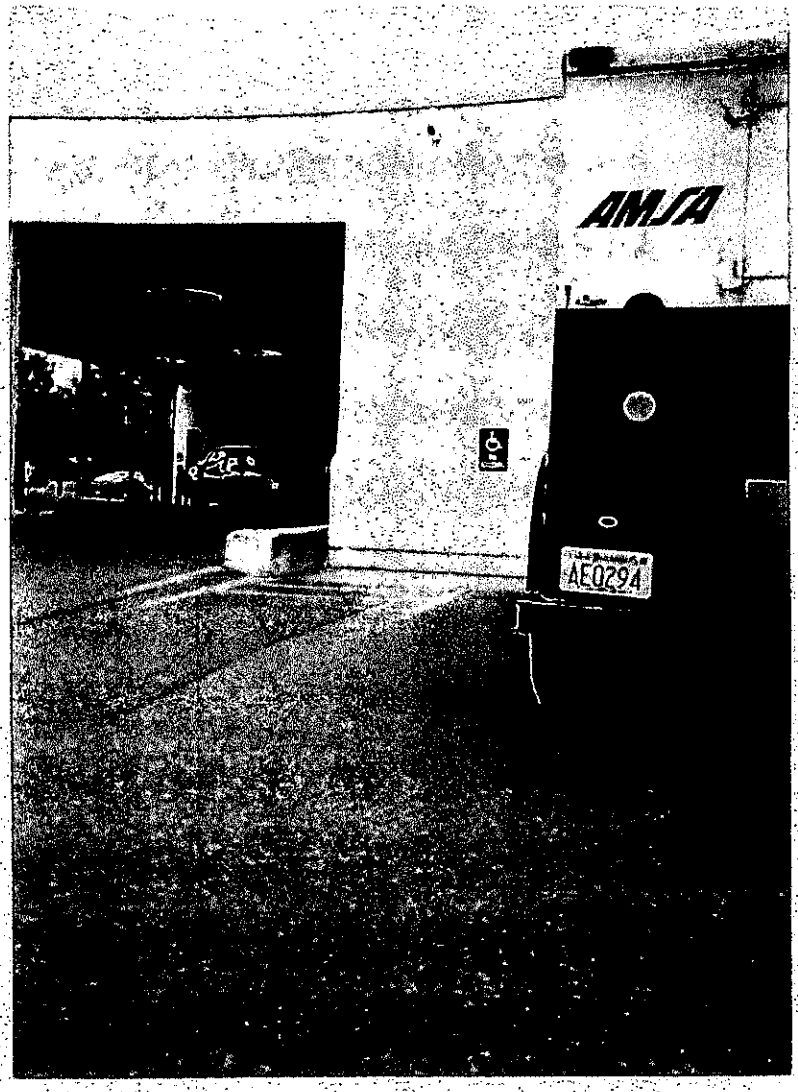

WAL★MART










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AMERICA, INC.
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Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 56-FN

BILL TITLE: **relative to parking for persons with disabilities.**

DATE: April 29, 2003

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Rollo

Seconded by Rep. Cote

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 56-FN

BILL TITLE: **relative to parking for persons with disabilities.**

DATE: 4-29-03

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Rollo

Seconded by Rep. Cote

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

COTE/BARTLETT

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

OFFICE OF THE HOUSE CLERK

2003 SESSION

TRANSPORTATION 1st VOTE

Bill #: HB56FN **Title:** Move Consent Cote/Bartlett

PH Date: 4/1/03 Exec Session Date: 4/29/03

Motion: O.T.P. Rollo/Cote Amendment #:

MEMBER	YEAS	NAYS
Packard, Sherman A, Chairman	✓	
Flanders, John W, V Chairman		✓
Katsakiores, George N	✓	
Bartlett, Gordon E	✓	
Kobel, Rudolph J	✓	
Letourneau, Robert J	✓	
Artz, Lawrence A	✓	
Bergeron, Jean-Guy J, Clerk	✓	
Dewhirst, Glenn E	✓	
Mosher, William E	✓	
Allen, Mary M		
Hollinger, Jeffrey D		
Scanlon, Michael J	✓	
Sullivan, Jeffrey A		
Cote, Peter R	✓	
Haley, Robert J		
Ferland, Brenda L	✓	
Casey, Kimberley S		
Creteau, Irene T	✓	
Rollo, Deanna S	✓	
	14	1

TOTAL VOTE:

Printed: 1/21/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **SB 56-FN**

TITLE: relative to parking for persons with disabilities.

DATE: April 29, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill is amending current disability parking space law to include the stripped area next to handicap parking spots. People who need to use a wheelchair ramp cannot open the doors of vans, they need the stripped area which measures about 96 inches for clearance. It also increases and sets up a fine for violators. People in wheelchairs testified it has become a problem in many parking lots for them. The only opposition was the fining, but other people felt that the fines would be effective in educating the public.

Vote 14-1.

Rep. Deanne S. Rollo
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Transportation

SB 56-FN, relative to parking for persons with disabilities. **OUGHT TO PASS**

Rep. Deanne S. Rollo for Transportation: This bill is amending current disability parking space law to include the stripped area next to handicap parking spots. People who need to use a wheelchair ramp cannot open the doors of vans, they need the stripped area which measures about 96 inches for clearance. It also increases and sets up a fine for violators. People in wheelchairs testified it has become a problem in many parking lots for them. The only opposition was the fining, but other people felt that the fines would be effective in educating the public. **Vote 14-1.**

SB 56

OTP 14 Yes 1 No

This bill ~~is~~ amending current disabilities parking space laws to include the stripped area next to handicap parking spots.

People who need to use a wheel chair ramp cannot open their door of vans. They need the stripped area which measures about 96 inches for clearance.

It also increases and sets up a fine for violators.

People in wheel chair testified it has become a problem, ~~at~~ in many parking lots for them.

The only opposition was the fining, but other people felt that the fine would be effective in educating the public.

Deanna Rello

Spacek

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **SB 56-FN**

TITLE: relative to parking for persons with disabilities.

DATE: 4-29-03 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

14-1
Vote {Type VOTE}.

Rollo
~~BERGERON~~
Rep. {Type NAME}
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT