

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 340
SENATE BILL 235

AN ACT TO AMEND G.S. 20-37.5 RELATIVE TO THE DEFINITION OF HANDICAPPED
AND TO AMEND G.S. 20-37.6 RELATIVE TO PARKING PRIVILEGES FOR THE
HANDICAPPED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-37.5 is hereby rewritten to read as follows:

"§ 20-37.5. Handicapped – definition. — As used in this Article, handicapped shall mean:

- (1) any person who has an obvious physical disability that requires the use of a wheelchair, braces, walkers, or crutches, and those who have lost the use of one or both legs; or
- (2) any person who, as determined and certified by a physician, is severely restricted in mobility by a pulmonary or cardiovascular disability, arthritic condition, orthopedic or neurologic impairment."

Sec. 2. G.S. 20-37.6 is hereby amended as follows:

(1) By designating the present section as subsection (a) and by rewriting this section as follows:

"§ 20-37.6. Handicapped – parking privileges. — (a) Any person who falls within the definition of handicapped as defined in G.S. 20-37.5 shall be allowed to park for unlimited periods in parking zones restricted as to length of time parking is permitted. This section shall have no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate or placard which shall be issued for vehicles registered to the disabled person. Such license plate shall be issued for the normal fee applicable to standard license plates, except that a person who qualifies for a license plate under this section and also qualifies as a disabled veteran under G.S. 20-81.4 shall be issued the license plate provided for herein free of charge."

(2) By adding new subsections to read as follows:

"(b) Any person who qualifies for issuance of a distinguishing license plate under subsection (a) may apply to the Division of Motor Vehicles for issuance of a distinguishing placard to be designed by the Division of Motor Vehicles, the State Vocational Rehabilitation Agency, and the Department of Insurance. Such placard shall be at least six inches by twelve inches in size, and shall display such information as the Division of Motor Vehicles deems necessary for enforcement purposes. Such placard may be used on vehicles transporting the disabled person to whom issued as hereinafter provided, in lieu of the distinguishing license plate issued pursuant to subsection (a). When the placard provided herein is displayed on the driver's side dashboard of a vehicle, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to subsection (a) shall be applicable to such vehicle. The Division of Motor Vehicles shall establish procedures for the issuance of distinguishing placards, may charge a fee sufficient to pay the actual cost for issuance thereof and may issue two such placards to applicant upon request.

(c) Designation of parking spaces for the physically handicapped required in the North Carolina Building Code shall after July 1, 1977, be by the use of sign D9-6, Manual on

Uniform Traffic Control Devices, provided nonconforming signs in use prior to July 1, 1977, shall not constitute a violation during the useful life thereof which may not be extended by other than normal maintenance. Designation of parking spaces for the physically handicapped in other areas, including public vehicular areas referenced in G.S. 20-4.01(32) shall be by the use of sign D9-6, Manual on Uniform Traffic Control Devices, provided nonconforming signs in use prior to ratification of this bill shall not constitute a violation during the useful life thereof which may not be extended by other than normal maintenance.

(d) It shall be unlawful to park or leave standing any vehicle in a space designated for physically handicapped persons when such vehicle does not display the distinguishing license plate or placard as provided in this section where appropriate aboveground signs or symbol and words giving notice thereof are erected marking the designated parking space. It shall be unlawful for any person not qualifying for the rights and privileges extended to handicapped persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate or placard issued pursuant to the provisions of this section. The punishment for violation of this section shall not exceed a fine of ten dollars (\$10.00) and the *prima facie* rule of evidence set forth in G.S. 20-162.1 shall apply."

Sec. 3. G.S. 20-7(d) as same appears in the 1975 Cumulative Supplement to the 1975 Replacement Volume 1C of the General Statutes is hereby amended by striking the period after the word "require" and before the word "The" appearing in line 11 thereof and inserting the following words and punctuation: "and shall include such test as is necessary to assure that applicants recognize the 'international symbol of access' for the handicapped (sign D9-6, Manual on Uniform Traffic Control Devices) and devices relative to handicapped drivers as set forth in Article 2A of this Chapter."

Sec. 4. G.S. 20-88.1 is hereby amended by adding the following provision at the end thereof: "provided that any program supported in whole or in part from the fund established herein shall include instructions as to rights and privileges of the handicapped and the signs and symbols used to assist the handicapped relative to motor vehicles including but not limited to the 'international symbol of accessibility' and symbols and devices as provided in Article 2A of this Chapter."

Sec. 5. G.S. 20-37.6(d) shall become effective January 1, 1978, and the remaining portions of this act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1977.