

CHAPTER 27
FORMERLY
SENATE BILL NO. 28

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR UNLAWFULLY PARKING IN AN AREA DESIGNATED FOR OR USING THE PRIVILEGES OF AN INDIVIDUAL WITH A DISABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4183, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4183. Parking areas for vehicles being used by persons with disabilities.

(b) With the exception of a vehicle being used by a person with a disability, it is unlawful to park on public or private property any vehicle in any area under the control of the Department of Transportation or a local authority within its respective jurisdiction or under the control of an owner or lessee of private property that is designated as a parking space or zone for persons with disabilities which limit or impair the ability to walk and that is conspicuously marked as such. For purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at least 5 feet but no more than 7 feet when measured from the surface directly below the sign to the top of the sign for each parking space or zone. The sign must substantially follow federal specifications that identify a parking zone or space as one for persons with disabilities which limit or impair the ability to walk. A sign at least 12 inches wide by 18 inches tall that includes the internationally recognized wheelchair symbol of access substantially follows federal specifications. These requirements may not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space or zone, or a tow-away warning sign.

(d) In addition to unlawful parking on public or private property in a space or zone designated for a vehicle being used by a person with a disability, the following acts are prohibited on both public and private property and may be enforced pursuant to this section:

- (1) Creating or using a counterfeit license plate or parking placard, as described in § 2134 or § 2135 of this title;
- (2) Altering a license plate or parking placard issued pursuant to § 2134 or § 2135 of this title;
- (3) Parking on a striped area within or adjacent to a space or zone designated for a vehicle being used by a person with a disability;
- (4) Being the person or organization to whom a license plate or parking placard has been issued pursuant to § 2134 or § 2135 of this title, allowing another to use the plate or placard; or
- (5) Parking a vehicle with a license plate or placard issued pursuant to § 2134 or § 2135 of this title in a space or zone defined in subsection (b) of this section unless a person on whose behalf a special license plate or placard has been issued is being transported.

(f)(1) A person or organization who violates ~~any provision of this section shall~~ this section must receive a mandatory fine of ~~\$100~~ \$200 for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200~~ \$300 or a term of imprisonment of not less than 10 nor more than 30 days, or both.

(2) In addition, a person or organization who holds a valid special license plate or parking placard issued ~~pursuant to~~ under § 2134 or § 2135 of this title and who violates paragraph (d)(1), (2), or (4) of this section may receive an additional penalty of up to a 6-month suspension or the permanent revocation of the plate or placard. If a plate is suspended or revoked ~~pursuant to~~ under this subsection, the person may apply for and be issued a regular license plate.

Approved June 5, 2019