



SPONSOR: Rep. Viola & Rep. Hudson & Sen. Poore  
Reps. Heffernan, Kowalko, Matthews, Ramone

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 200

AN ACT TO AMEND TITLES 9, 21, AND 22 OF THE DELAWARE CODE RELATING TO ACCESSIBLE PARKING SPACES.

1 WHEREAS, the number and quality of accessible parking spaces for persons with disabilities varies widely  
2 throughout the state; and

3 WHEREAS, federal standards for accessible parking do not meet the needs of most persons with disabilities using  
4 accessible parking; and

5 WHEREAS, there is inconsistent application of existing standards for accessible parking spaces, and enforcement  
6 of those standards is poor; and

7 WHEREAS, individuals in this state continue to park illegally in accessible parking spaces to the detriment of  
8 persons with disabilities and the establishments that provide goods and services to those persons;

9 NOW, THEREFORE,

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all  
11 members elected to each house thereof concurring therein):

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

14 § 4183 Parking areas for vehicles being used by persons with disabilities.

15 (a) For purposes of this section, the term "vehicle being used by a person with a disability" means a vehicle:

16 (1) That displays a valid special license plate issued pursuant to § 2134 of this title on the rear of the vehicle,  
17 or that displays a valid parking placard issued pursuant to § 2135 of this title on the front windshield rearview mirror of  
18 the vehicle or, if there is no mirror, on the dashboard, or that displays a valid plate, placard or other item issued under a  
19 similar statute in another state or country; and

20 (2) In which the person for whom the plate or placard is issued is either the operator or a passenger or, in the  
21 case of an organization, in which a person who is entitled to obtain a permanent or temporary placard is a passenger.

22 (b) With the exception of a vehicle being used by a person with a disability, it is unlawful to park on public or  
23 private property any vehicle in any area under the control of the Department of Transportation or a local authority within its  
24 respective jurisdiction or under the control of an owner or lessee of private property that is ~~designated as a parking space or~~  
25 ~~zone for persons with disabilities which limit or impair the ability to walk and that is conspicuously marked as such. For~~  
26 ~~purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at~~  
27 ~~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~~  
28 ~~parking space or zone. The sign must substantially follow federal specifications that identify a parking zone or space as one~~  
29 ~~for persons with disabilities which limit or impair the ability to walk. A sign at least 12 inches wide by 18 inches tall that~~  
30 ~~includes the internationally recognized wheelchair symbol of access substantially follows federal specifications. These~~  
31 ~~requirements may not be construed to preclude additional markings, such as the international wheelchair symbol or a~~  
32 ~~striped extension area painted on the space or zone, or a tow-away warning sign substantially complies with the~~  
33 requirements for an accessible parking space, as defined in § 4183A of this title.

34 (c) Upon the discovery on private property of a vehicle, other than a vehicle being used by a person with a  
35 disability, in a ~~designated parking space or zone for persons with disabilities that~~ substantially complies with the  
36 requirements for an accessible parking space as defined in §4183A of this title, the owner or lessee of the private property  
37 may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles.  
38 Any costs of removal and storage must be borne by the owner or operator of the vehicle. Upon the discovery of a vehicle  
39 illegally parked in a ~~designated parking space that~~ substantially complies with the requirements for an accessible parking  
40 space as defined in §4183A of this title ~~or zone for persons with disabilities~~ that is under the control of the Department of  
41 Transportation or local authorities, the State Police, county police or municipal police having jurisdiction may cause the  
42 illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of  
43 removal and storage must be borne by the owner or operator of the vehicle.

44 (d) In addition to unlawful parking on public or private property ~~in a space in an accessible parking space or zone~~  
45 ~~for persons with disabilities~~, the following acts are prohibited on both public and private property and may be enforced  
46 pursuant to this section:

- 47 (1) Creating or using a counterfeit license plate or parking placard, as described in § 2134 or § 2135 of this  
48 title;
- 49 (2) Altering a license plate or parking placard issued pursuant to § 2134 or § 2135 of this title;

50 (3) Parking on a striped area or access aisle within or adjacent to a an accessible parking space that  
51 substantially complies with the requirements of § 4183A of this title. ~~or zone designated for a vehicle being used by a~~  
52 ~~person with a disability;~~

53 (4) Being the person or organization to whom a license plate or parking placard has been issued pursuant to §  
54 2134 or § 2135 of this title, allowing another to use the plate or placard; or

55 (5) Parking a vehicle with a license plate or placard issued pursuant to § 2134 or § 2135 of this title ~~in a space~~  
56 ~~or zone defined in subsection (b) of this section~~ in an accessible parking space that substantially complies with the  
57 requirements of § 4183A of this title. unless a person on whose behalf a special license plate or placard has been  
58 issued is being transported.

59 (e) A uniform parking summons may be attached to an unattended vehicle found in violation of this section by a  
60 person authorized to issue a summons for a violation of this section. It is prima facie evidence that the person or  
61 organization in whose name the unattended vehicle is registered is responsible for the violation. The owner or operator of  
62 the unattended vehicle may mail or deliver the summons and the designated fine and costs directly to the court identified on  
63 the summons instead of appearing before the court for arraignment on the charge, provided that the owner or operator  
64 identifies himself, herself or itself and that the summons and fine and costs are received by the court at least 2 days before  
65 the arraignment date designated on the summons.

66 (f) A person or organization who violates any provision of this section shall receive a mandatory fine of ~~\$100~~  
67 \$250 for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200~~ \$500 or a term of imprisonment of not  
68 less than 10 nor more than 30 days, or both. In addition, a person or organization who holds a valid special license plate or  
69 parking placard issued pursuant to § 2134 or § 2135 of this title and who violates paragraph (d)(1), (2), or (4) of this section  
70 may receive an additional penalty of up to a 6-month suspension or the permanent revocation of the plate or placard. If a  
71 plate is suspended or revoked pursuant to this subsection, the person may apply for and be issued a regular license plate.

72 (g) The Superintendent of the State Police is authorized to appoint State Police Academy cadets to enforce this  
73 section within the unincorporated areas of each county. Cadets appointed pursuant to this subsection must be at least 18  
74 years of age. The Superintendent may establish other qualifications considered necessary or desirable.

75 (h) A summons issued by a cadet appointed by the Superintendent pursuant to subsection (f) of this section has  
76 the same force and effect as a summons issued by the State Police.

77 (i) Fines collected from summonses issued by the State Police or by cadets appointed pursuant to subsection (f) of  
78 this section must be deposited into the General Fund.

79 (j) The authority of the State Police or a cadet appointed by the Superintendent to enforce this section is not  
80 limited by any jurisdictional agreement between the State Police and any local law-enforcement agency.

81 Section 2. Amend Title 21 of the Delaware Code by making deletions as shown by strike through and insertions  
82 as shown by underline as follows and redesignating accordingly:

83 Section 4183A Requirements for Design, Construction and Maintenance of Accessible Parking Spaces.

84 (a) “Accessible parking space” is defined as any parking space or parking zone designated by an owner or lessee  
85 of any public or private property for use by a “vehicle being used by or for a person with disability”, as defined in §4183 of  
86 this title.

87 (b) Where accessible parking spaces are provided, they shall be designed and constructed in compliance with the  
88 requirements of this section and with the applicable regulations promulgated by the United States Department of Justice  
89 and the United States Department of Transportation under the Americans with Disabilities Act, Titles II and III, the  
90 Guidelines for Pedestrian Facilities in Public Rights of Way, when such Guidelines are adopted and codified in the United  
91 States Code of Federal Regulations, any applicable building code adopted by any county or municipality, and any  
92 statewide building code, all as they may be amended.

93 (c) In addition to meeting the standards for accessible parking spaces in subsection (b) of this section, any  
94 applicable building code adopted by any county or municipality, and any statewide building code, all accessible parking  
95 spaces shall meet the following requirements:

96 (1) Accessible parking spaces shall be a minimum of 108 inches wide, in addition to a mandatory 60 inch  
97 access aisle. Van accessible spaces shall be a minimum of 144 inches wide with an access aisle of 60 inches, or 108  
98 inches wide if the access aisle is 96 inches wide.

99 (2) For every five accessible parking spaces required by law, one additional space shall be reserved for  
100 wheelchair and scooter users only, in addition to designating any required van accessible spaces.

101 (3) Each accessible parking space shall have a sign that shall be clearly visible to a person parking in the  
102 space, at a minimum height of 60 inches, shall be marked with the International Symbol of Access, shall indicate that  
103 the space is reserved for vehicles with plates and/or permits issued to persons with persons with disabilities under §  
104 2134 and § 2135 of this title, and shall display the then current fines established in § 4183(f) of this title. Each  
105 accessible parking space shall be marked on both sides with a blue painted border.

106 (4) A van accessible space shall have an additional sign marked “Van Accessible” mounted below the sign.  
107 An accessible parking space reserved for wheelchair users shall have a sign that includes the words  
108 “Wheelchair/Scooter Users Only.”

109           (5) All access aisles shall have conspicuous signage to indicate that parking and obstruction of the access  
110 aisle is prohibited. Signs shall not obstruct or interfere with an accessible route and shall display the then current fines  
111 established in §4183(f) of this title.

112           (6) All access aisles shall be marked with a blue painted border around the perimeter; the area within the blue  
113 border shall be marked by 4 inch hatched lines painted diagonally on a 45 % angle to the blue border, in a color  
114 contrasting the aisle surface.

115           (7) All newly constructed or designed accessible parking spaces shall be designed and constructed such that a  
116 disabled driver or passenger will not be required to wheel or walk behind parked vehicles ( other than their own).  
117 Unless prevented by local fire codes, accessible parking spaces shall be placed on the shortest accessible route to the  
118 accessible entrance.

119           (8) Accessible parking spaces and access aisles shall be maintained so as to meet the requirements of this  
120 section. Snow, ice and debris shall be removed as soon as is practicable. Access aisles shall remain clear of all  
121 obstructions, including without limitation, plowed snow, bicycle racks or shopping carts.

122           (d) The obligation to design and construct accessible parking spaces consistent with this section extends to all  
123 newly installed spaces, and to any existing accessible parking spaces whenever they are restriped, repainted, resurfaced, or  
124 otherwise altered, effective six months from the date of enactment. All accessible parking spaces shall comply with this  
125 section not later than three years from the date of enactment.

126           (e) No new accessible parking spaces and no existing accessible parking spaces owned or leased by any private  
127 entity or person shall be installed, and no existing accessible parking spaces shall be restriped, repainted, resurfaced or  
128 otherwise altered, until the county or municipal authority having jurisdiction over the construction or alteration of  
129 commercial buildings has issued a permit authorizing such action and has inspected the installation or modification of the  
130 space to ensure that it has been constructed or modified in accordance with this section.

131           Section 3. Amend §110, Title 22 of the Delaware Code by making deletions as shown by strike through and  
132 insertions as shown by underline as follows:

133           § 110 Parking spaces for use by persons with disabilities.

134           (a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016,  
135 and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~  
136 July 1, 2016 adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and  
137 maintain ~~signage on parking spaces or zones for use by persons with disabilities~~ accessible parking spaces consistent with  
138 § 4183A of Title 21.

139           (b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016, and the municipal  
140 government of each incorporated municipality within each county shall, on or before July 1, 2016 adopt regulations or  
141 ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space  
142 shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has  
143 issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is  
144 compliant.

145           (b) (c) The ~~signage~~ regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must  
146 include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a  
147 written warning to an individual or artificial entity who is required to ~~erect and maintain signage~~ construct and maintain  
148 accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30  
149 days from the date that a warning is issued, the individual or artificial entity has not ~~erected and/or maintained the required~~  
150 signage constructed or maintained the accessible parking spaces, the enforcement officer may issue a summons or apply for  
151 a warrant in the name of the offending individual or artificial entity.

152           (e) (d) A municipality may elect to adopt accessible parking space regulations or ordinances of the county  
153 government of the county in which the municipality is located. A municipality which elects to do so may also adopt  
154 additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own  
155 accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional  
156 regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less  
157 restrictive than those of the county.

158           Section 4. Amend §310, Title 9 of the Delaware Code by making deletions as shown by strike through and  
159 insertions as shown by underline as follows:

160           § 310 Parking spaces for use by persons with disabilities.

161           (a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016,  
162 and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~  
163 July 1, 2016, adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and  
164 maintain signage on parking spaces or zones for use by persons with disabilities accessible parking spaces consistent with  
165 § 4183A of Title 21.

166           (b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016 , and the municipal  
167 government of each incorporated municipality within each county shall, on or before July 1, 2016, adopt regulations or  
168 ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space

169 shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has  
170 issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is  
171 compliant.

172 (b) (c) The ~~signage~~ regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must  
173 include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a  
174 written warning to an individual or artificial entity who is required ~~to erect and maintain signage~~ construct and maintain  
175 accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30  
176 days from the date that a warning is issued, the individual or artificial entity has not ~~erected and/or maintained the required~~  
177 ~~signage~~ constructed or maintained the accessible parking spaces, the enforcement officer may issue a summons or apply for  
178 a warrant in the name of the offending individual or artificial entity.

179 (e) (d) A municipality may elect to adopt accessible parking space regulations or ordinances of the county  
180 government of the county in which the municipality is located. A municipality which elects to do so may also adopt  
181 additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own  
182 accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional  
183 regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less  
184 restrictive than those of the county.

185 Section 5. This Act becomes effective 30 days after its enactment into law.

#### SYNOPSIS

This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and adding additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 of the Delaware Code to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and inspection for new or modified accessible parking spaces, in order to increase compliance and uniformity statewide.