

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 1052
HOUSE BILL 2391

AN ACT TO INCREASE THE MAXIMUM FINE FOR PARKING IN A HANDICAPPED PARKING SPACE AND TO REQUIRE SIGNS DESIGNATING HANDICAPPED PARKING SPACES TO STATE THE PENALTY FOR PARKING IN THE SPACE IN VIOLATION OF THE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-37.6(f)(1) reads as rewritten:

"(1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of ~~twenty five dollars (\$25.00)~~ at least fifty dollars (\$50.00) but not more than one hundred dollars (\$100.00) and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be **prima facie** evidence in any court in the State of North Carolina that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with a violation of this section."

Sec. 2. G.S. 20-37.6(f)(2) reads as rewritten:

"(2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty of ~~fifty dollars (\$50.00)~~ at least fifty dollars (\$50.00) but not more than one hundred dollars (\$100.00) and whenever evidence shall be presented in any court of the fact that any such nonconforming sign or markings are being used it shall be **prima facie** evidence in any court in the State of North Carolina that the person, firm, or corporation with ownership of the property where said nonconforming signs or markings are located is responsible for violation of this section. Building inspectors and others responsible for North Carolina State Building Code violations specified in G.S. 143-138(h) where such signs are required by the Handicapped Section of the North Carolina State Building Code, may cause a citation to be issued for this violation and may also initiate any appropriate action or proceeding to correct such violation."

Sec. 3. G.S. 20-37.6(d) reads as rewritten:

"(d) Designation of Parking Places. – Designation of parking spaces for the physically handicapped and the visually impaired on streets and in other areas, including public vehicular areas specified in G.S. 20-4.01(32), shall be by the use of sign R7-8 for multiple parking spaces as shown in the Manual on Uniform Traffic Control Devices, or sign R7-8a for single parking spaces as shown in the N.C. Department of Transportation Supplement to the Manual on Uniform Traffic Control Devices. ~~Nonconforming signs in use prior to July 1, 1979, shall not constitute a violation of G.S. 20-37.6(e)(4) during their useful lives, which shall not be extended by other means than normal maintenance. These nonconforming signs shall be removed and be replaced with conforming signs before January 1, 1989; provided that a sign or symbol painted on the surface of a parking space need not be removed when a conforming sign is erected. Signs R7-8 and R7-8a shall state the maximum penalty for parking in a parking space for the physically handicapped or visually impaired in violation of the law.~~"

Sec. 3.1. G.S. 20-37.6(d1) reads as rewritten:

"(d1) Unique Properties. – The owner of private property which contains a public vehicular area, on which is to be designated one or more parking spaces for the physically handicapped and the visually impaired, may file a written certification, on a form supplied by the Department of Transportation, that signs conforming to G.S. 20-37.6(d) would not be compatible with the unique visual character of the property. Upon filing of the certification with the Department of Transportation, the owner may cause to be erected signs of materials and colors different from signs R7-8 and R7-8a. The signs shall be the same size and shape as signs R7-8 or R7-8a, as appropriate, with the same letters, words, ~~numbers and symbols.~~ numbers, and symbols, except for the statement of the maximum penalty for parking in a parking space for the physically handicapped or visually impaired in violation of the law. Such signs shall be deemed to conform to G.S. 20-37.6(d)."

Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1990, and shall apply to infractions committed on or after that date. Sections 3 and 3.1 is effective upon ratification and applies to signs placed in service after December 31, 1990.

In the General Assembly read three times and ratified this the 27th day of July, 1990.