

PERSONS WITH DISABILITIES PARKING

ACCESS ACT OF 1993

P.L. 8-35

EFFECTIVE JANUARY 07, 1994 ALL OPEN OFF-STREET PARKING AREAS SHALL PROVIDE PARKING SPACES FOR USE BY MOTOR VEHICLES WHICH TRANSPORT PHYSICALLY DISABLED PERSONS. ALL PRIVATE AND PUBLIC ENTITIES MUST COMPLY WITH THE PERSONS WITH DISABILITIES ACT SIGNED BY GOVERNOR LORENZO I. DELEON GUERRERO, JANUARY 07, 1994.

WHO IS COVERED BY THE ACT?

1. Qualified individuals with disabilities who meet one or more of the definitions; and
2. Private and public entities which operate parking facilities

DEFINITION OF QUALIFIED INDIVIDUALS WITH DISABILITIES UNDER THIS ACT:

A person with a disability that has a mental or physical impairment or combination of both consisting of:

- a. loss of both lower legs;
- b. loss of normal or full use of the arms, legs or sight to sufficiently make up a serious disability;
- c. is so seriously disabled that the person cannot move without the aid of crutches, brace, or a wheelchair;
- d. loss of both hands
- e. suffers from lung disease to such an extent that forced breathing volume, when measured is less than one liter per second; and
- f. impairment by heart disease to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association.

WHO MAY OBTAIN A PLACARD?

Qualified individuals with Disabilities as defined under this Act and Organizations and agencies involved in the transportation of persons with disabilities.

ARE TEMPORARY IMPAIRED INDIVIDUALS ELIGIBLE TO APPLY?

Yes, any person who is temporarily disabled for a period of less than six months may apply for a temporary special identification placard and may be renewed for another six (6) months.

ISSUANCE

The Division of Motor Vehicle under the Department of Public Safety is authorized to issue and revoke Special Identification Placard and may require the applicant to submit a certificate signed by a physician, surgeon or other qualified medical practitioner, substantiating the disability. Effective April 4, 1994, qualified individuals with disabilities may apply for a placard and identification card at the Division of Motor Vehicle, Department of Public Safety.

OFF-ISLAND SPECIAL IDENTIFICATION PLACARD OR LICENSE PLATE POLICY

Qualified individuals who are relocating; visiting or traveling on business to the CNMI may use their valid special identification placard or special identification license plate issued by another jurisdiction with the same privileges.

EXISTING DESIGNATED PARKING SPACES MUST CONFORM TO THE ACT

Signs erected by owners or operators of private parking facilities to reserve parking for persons with disabilities prior to the passage of this Act shall be altered or replaced to comply with the requirements of this Act and other applicable law within one (1) year from the date this Act becomes law.

NEW CONSTRUCTION & ALTERED PARKING FACILITIES

All existing, new construction and altered parking facilities must comply with both the ADA Accessibility Guidelines (ADAAG) and the Persons With Disabilities Parking Access Act minimum standards.

RESPONSIBLE PARTIES

Both the owner and driver of the vehicle that has illegally parked in a designated parking space are responsible, unless the court determines otherwise.

VIOLATION: ARE THERE ANY FEES OR PENALTIES FOR NON-COMPLIANCE OF THE LAWS?

There's a \$150.00 fine for violators (illegal parking) under the Persons with Disabilities Parking Access Act. Other charges may include tow and storage fees. Parking facility owners must first call the Department of Public Safety if someone has illegally parked at a designated accessible parking space without displaying a valid placard. Owners may also cause to remove the unauthorized vehicle by calling a towing company.

ENFORCEMENT

The Department of Public Safety's Police Officers have the authority to enforce P.L. 8-35, however; the Department of Justice and individuals with disabilities have the authority to enforce the ADA. The Department of Public Safety's Peace Officers are authorized to issue citation to parking violators. Effective April 4th, 1994, vehicles parked at designated accessible parking spaces without displaying a placard will be cited and fined \$150.00 and possibly pay tow and storage fee if the vehicle is removed by owner of parking facility or DPS.

This information is prepared and supported by the CNMI Governor's Developmental Disabilities Council in cooperation with the Northern Marianas Protection & Advocacy Systems, Inc. and the Division of Motor Vehicle, Department of Public Safety. For more information please contact any of these agencies.

For alternative format of the above information (braille, large print or audio tape), please call the CNMI Governor's Developmental Disabilities Council at 670-667-7000.

DISCLAIMER

The CNMI Governor's Developmental Disabilities Council "priority area mandates" charges the office with the responsibility to monitor those entities mandated to comply with the ADA although not responsible for enforcement of the ADA. The information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA. If legal advice or assistance is required, consult an attorney.