

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 632  
SENATE BILL 210

AN ACT TO CLARIFY THE LAW PERTAINING TO PARKING PRIVILEGES FOR THE  
HANDICAPPED.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 20-37.6 is rewritten to read as follows:

"§ 20-37.6. **Handicapped; drivers and passengers; parking privileges.** — (a) Any vehicle driven by or transporting a person who is handicapped as defined by G.S. 20-37.5 or transporting a person who is visually impaired as defined by G.S. 111-11, as certified by a licensed ophthalmologist, optometrist, or Division of Services for the Blind, may be parked for unlimited periods in parking zones restricted as to length of time parking is permitted. This provision has 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. Any qualifying vehicle may park in spaces designated by aboveground markings as restricted to vehicles distinguished as being driven by or as transporting the handicapped or as transporting the visually impaired.

(b) Handicapped car owners; distinguishing license plates. If the handicapped or visually impaired person is a registered owner of a vehicle, this vehicle may display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate may also receive up to two distinguishing placards as provided for in G.S. 20-37.6(c).

(c) Handicapped drivers and passengers; distinguishing placards. A person who is either handicapped or visually impaired may apply for issuance of a distinguishing placard to be designed by the Division of Motor Vehicles of the Department of Transportation, in cooperation with the Office for the Handicapped of the Department of Insurance. Any organization which, as determined and certified by the State Vocational Rehabilitation Agency, regularly transports handicapped or visually impaired people, may also apply. The placard shall be at least 6 inches by 12 inches in size and shall contain all the information the Division of Motor Vehicles deems necessary for purpose of designation and enforcement. The placard shall be displayed on the driver's side of the dashboard of a vehicle only when the vehicle is being driven by a duly licensed handicapped driver or is being used to transport handicapped or visually impaired passengers. When the placard is properly displayed, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to G.S. 20-37.6(b) shall apply. The Division of Motor Vehicles shall establish procedures for the issuance of the distinguishing placards, may charge a fee sufficient to pay the actual cost of issuance. Two placards may be issued to an applicant on request. Applicants who are organizations may receive one placard for each transporting vehicle.

(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, Manual on Uniform Traffic Control Devices. Nonconforming signs in use prior to July 1, 1979, shall not constitute a violation during their useful lives, which shall not be extended by other means than normal maintenance.

- (e) Enforcement of handicapped parking privileges. It shall be unlawful:
- (1) to park or leave standing any vehicle in a space designated for handicapped or visually impaired persons when the vehicle does not display the distinguishing license plate or placard as provided in this section;
  - (2) for any person not qualifying for the rights and privileges extended to handicapped or visually impaired 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;
  - (3) to park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by North Carolina Building Code or as designated in G.S. 136-44.14;
  - (4) for those responsible for designating parking spaces for the handicapped to erect or otherwise use signs not conforming to G.S. 20-37.6(e) for this purpose.

This section is enforceable in all public vehicular areas specified in G.S. 20-4.01(32).

(f) Penalties for violation.

- (1) The penalty for a violation of G.S. 20-37.6(e)(1),(2) and (3) shall be ten dollars (\$10.00) 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.
- (2) The penalty for violation of G.S. 20-37.6(e)(4) shall be fifty dollars (\$50.00) 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.
- (3) A law enforcement officer, including security officer who has authority to enforce laws on the property of his employer as specified in G.S. Chapter 74A, may cause a vehicle parked in violation of this section to be towed; and such officer shall be a legal possessor as provided in G.S. 20-161(d)(2). This law enforcement officer, or security officer, shall not be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from such space pursuant to this section, except where such motor vehicle is willfully, maliciously, or negligently damaged in the removal from aforesaid space to place of storage.
- (4) Notwithstanding any other provision of the General Statutes, the provisions of this section relative to handicapped parking shall be enforced by State,

county, city and other municipal authorities in their respective jurisdictions whether on public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies."

**Sec. 2.** This act shall become effective July 1, 1979.

In the General Assembly read three times and ratified, this the 23rd day of May, 1979.