

NEW JERSEY

Guide to Handicapped Parking

RESERVED
PARKING



PENALTY
\$250-FIRST OFFENSE

SUBSEQUENT OFFENSES
\$250 MINIMUM AND/OR
UP TO 90 DAYS
COMMUNITY SERVICE

TOW-AWAY ZONE

PARKING THERE FOR "JUST A
MINUTE..."

...IS 60 SECONDS TOO LONG!

Never park in a space "reserved" for people with disabilities **UNLESS** you have a permit, placard or handicapped parking plates. It is the courteous thing to do - - and it is the law.

REMEMBER: Do not park in the striped access aisles next to spaces reserved for people with disabilities, even if you have permit or plates. The access aisles provide room for wheelchair users to transfer safely to and from their vehicles.

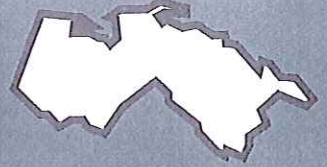
Second Edition, August 2008

This publication is designed as a resource only; it is not a substitute for the law or statute related to handicapped parking.

State of New Jersey
Chris Christie, Governor

Department of Human Services
Division of Disability Services
888-285-3036

Produced by the DHS Office of Publications



Reserved parking for persons with disabilities ensures safe and equal access to goods and services. Parking for persons with disabilities makes it possible for individuals to use and benefit from the services offered by public and private entities. It's the law.

HIGHLIGHTS AND FINES AND NEW JERSEY HANDICAPPED PARKING LAWS:

- Prohibit parking motor vehicles in handicapped spaces without a special vehicle identification.
- Mandate initial and subsequent fines of \$250 each and up to 90 days of community services (C.39:4-197.(3)c).
- Authorize municipalities to establish handicapped spaces in front of residences, schools, hospitals, public buildings, and in shopping and business districts (C.39:4-197.5).
- Authorize municipalities to establish handicapped parking zones in front of residences occupied by people with disabilities, unless such parking interferes with the flow of traffic (C.39:4-197.6).
- Enable enforcement officers to enforce handicapped parking laws on both public and private property (C.39:4-138.o).
- Authorize municipalities to set up parking enforcement units that concentrate on shopping centers and malls (C.39:4-197.9).
- Authorize eligible people with disabilities to request law enforcement officers to arrange for the removal and storage of motor vehicles unlawfully parked in handicapped parking spaces or zones (C.39:4-207.7).
- Mandate the removal of snow and ice in handicapped parking spaces within 48 hours and establish penalties of \$200 to \$500 for those who do not comply (C.39:4-207.9).



FOR MORE INFORMATION

Division of Disability Services (DDS)

PO Box 700
Trenton, NJ 08625-0700
(888) 285-3036 (Voice)
(609) 292-7800 (Voice)
(609) 292-1210 (TTY)
www.state.nj.us/humanservices/dds

New Jersey Motor Vehicle Commission (MVC)

(888) 486-3339 (Voice) (In-state only)
(609) 292-6500 (Voice) (Out-of-state only)
(609) 292-5120 (TTY)
www.state.nj.us/mvc

United Spinal Association

75-20 Astoria Boulevard
Jackson Heights, NY 11370-1177
(718) 803-3782 (voice and TTY)
www.unitedspinal.org

To obtain an application for a permanent handicapped license plate or placard:

- Go to www.state.nj.us/mvc/Vehicle/HandicappedPlates.htm
- Call (888) 486-3339
- Visit your nearest MVC facility

Temporary handicapped placards, which are issued for short-term mobility impairment or medical conditions, are valid for six months and are issued by your municipal police department.

DEPARTMENT OF HUMAN SERVICES DIVISION OF DISABILITY SERVICES

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Javier Robles, Deputy Director
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The Division of Disability Services wishes to acknowledge the work of the United Spinal Association in publishing previous editions of this guide, and for allowing the use of their text.

Q: Store owners and other businesses often receive complaints from patrons about other customers who illegally park in the handicapped parking spaces or misuse the spots by parking in the striped area next to the space. What should they do?

A: By reporting a violation, you are “doing what’s right.” Instances when individuals who illegally park in a space marked for handicapped parking should be reported to the proper law enforcement authorities. In your area, if the local police are responsible for addressing violations, they should be notified as soon as possible. If local security company staff patrols your parking area, they should be notified.

The striped area next to the parking space is called an access aisle and is strictly off limits for parking to everyone, regardless of whether or not they have a handicapped parking plate or placard. The access aisle must be in place in order to ensure that people who use wheelchairs have room to transfer in and out of their vehicles. Only the handicapped parking space itself is reserved for those individuals who have proper identification on their vehicles (i.e., placard, tag, or plate) indicating that they are authorized to park in these designated areas. The access aisle or striped area next to the parking space is **NOT** a parking space. Anyone who parks in this area illegally should be reported to a local law enforcement officer.

Q: Do store owners or other business owners have to clear snow and ice from the handicapped parking spaces?

A: Yes, businesses are required to clear ice, snow, or any obstructions from a handicapped parking space and adjacent curb cuts within 48 hours after the weather condition causing the snow or ice ceases. New Jersey Parking Law (C.39:4-207.9) mandates fines from \$200 to \$500 for violations.

- Prohibit the issuance of penalties for overtime parking in one location for up to 24 hours, when the person to whom the issued placard or license plate is either the driver or passenger of the motor vehicles (C.39:4-207). When parking at a metered space, a driver with a placard or handicapped license plate must put the appropriate amount of money in the meter. If the vehicle will occupy the space for more than the maximum amount that the meter holds, the driver must fill the meter to the maximum amount. This will permit the vehicle to occupy the space for up to 24 hours, and no further payment will be required during that time. A municipality may require the vehicle to vacate the space after 24 hours.

HOW ARE HANDICAPPED PARKING SPACES IDENTIFIED?



- Handicapped parking spaces are identified with this sign bearing the International Symbol of Accessibility.
- In New Jersey, signage should also include a penalty sign indicating fines for offenses. The penalty for the first offense is \$250 and, for subsequent offenses, a \$250 minimum fine and/or up to 90 days community service.

A PERMIT OR PLATE HOLDER CANNOT PARK IN AREAS PROHIBITED BY C.39:4-SECTION 138, AND IN THE FOLLOWING AREAS:

- Striped access aisles adjacent to handicapped parking spaces
 - New York City (NYC) streets, unless one has a NYC permit
 - Parking meters without depositing a coin
 - Parking meters beyond a 24 hour period
- Remember:** Handicapped parking permits and plates are to be used solely by the person with the qualifying disability, with punishable fines of at least \$250. If someone who does not have a disability uses another person's permit or plates, the Motor Vehicles Commission or issuing locality may revoke the permit of plates or deny renewal.

WHAT ARE BUSINESS OR FACILITY OWNERS AND OPERATORS REQUIRED TO DO?

Owners or operators of any facility (e.g., restaurant, theater, library) that provides parking, whether an indoor or outdoor garage or parking lot, are required to provide handicapped parking spaces in accordance with federal and state laws (see Frequently Asked Questions...on page 4).

COMPLAINTS: ABOUT ILLEGAL PARKING ... WHAT CAN BE DONE?

- Ask a state, county or municipal law enforcement officer to ticket an illegally parked car and to arrange for the removal and storage of the vehicle.
- Complain to a shopping center manager or business owner (if at a commercial site). Ask them to inform the local authorities.

FREQUENTLY ASKED QUESTIONS ABOUT HANDICAPPED PARKING:

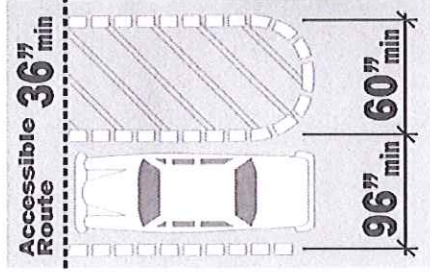
Q: How many accessible parking spaces are required?

A: It depends on the total number of parking spaces in the lot or garage. **The New Jersey Barrier Free Subcode and the Americans with Disabilities Act Accessibility Guidelines (ADAAG)** both require the following number of handicapped spaces in parking areas:

Total # of spaces	Required # of accessible spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 + 1 for each 100 over 1,000

Please Note: Spaces should be on the **SHORTEST ACCESSIBLE ROUTE** from parking to an accessible entrance. Multiple building entrances should provide dispersed accessible parking spaces near each accessible entrance.

Q: Can the handicapped parking spaces be the same size as the other, non-handicapped spaces, as long as the appropriate signs are placed in front of the space?



A: No. The New Jersey Barrier Free Subcode and the Americans with Disabilities Act require handicapped parking spaces to be at least 8 feet wide, with adjacent striped access aisles at least 5 feet wide. At least one handicapped parking space in each parking lot, and one in every eight accessible spaces, must be van-accessible with an access aisle at least 8 feet wide. The parking spaces and access aisles must be painted in a color (most often blue) contrasting with other spaces. Signage with the International Symbol of Accessibility and the Penalty Sign **MUST** be provided at each handicapped parking space and must be permanently installed 5 to 7 feet above the ground.

Q: If a parking lot does not have any spaces designated for people with disabilities because it was paved a long time ago, before these requirements were in place, does it now have to provide accessible parking spaces?

A: Yes. Title III of the ADA requires private entities to remove barriers in order to become compliant. Therefore, even if business owners are not planning any type of construction, they are still obligated to remove barriers that are readily achievable.