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## Technical Bulletins: Enforcement of Handicapped Parking Spaces

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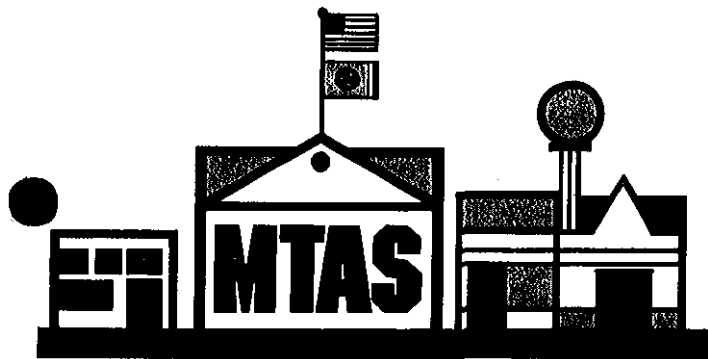
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# TECHNICAL BULLETIN

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THE UNIVERSITY OF TENNESSEE  
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## ENFORCEMENT OF HANDICAPPED PARKING SPACES

By Harold Yungmeyer, Municipal Management Consultant

Since July 1, 1983, municipalities have had additional responsibilities in the enforcement of parking spaces for the handicapped. The 1983 Regular Session of the 93rd General Assembly granted private businesses specific authority to designate parking spaces for the exclusive use of the handicapped and mandated that municipalities were to enforce the parking restrictions established by the private businesses "in the same manner used to enforce other parking laws."

Since the enforcement procedures for handicapped parking spaces on either public or private property are identical, the purpose of this bulletin is to provide the basic information needed to enforce any handicapped parking space in accordance with the state statutes.

T.C.A. 55-21-105 provides that parking spaces reserved for the handicapped should be marked with the blue and white stylized wheelchair symbol. However, non-conforming markings or signs may continue in use during their useful life as long as "they provide reasonable notice of the specially designated space." This provision may require a judgment call in specific cases, particularly where the marking is on the surface of the street or parking area. It is suggested that all handicapped spaces on public property be signed with the required symbol, and that businesses be required to sign their spaces accordingly to avoid disputes over whether a motorist received "reasonable notice" from a non-conforming marking.

Vehicles occupying handicapped parking spaces should display one of the following:

- (1) A license plate with the stylized wheelchair symbol (T.C.A. 55-21-104(a));
- (2) A license plate with the handicapped veteran indication (T.C.A. 55-21-104(b));
- (3) A blue and white placard, at least 6" x 12" in size displayed on the driver's side of the dashboard (T.C.A. 55-21-103(b)); or
- (4) A red and white flag, approximately 7 1/2" x 13", displaying the stylized wheelchair symbol (T.C.A. 55-21-107).

Vehicles which do not display a distinguishing plate, a placard, or a flag should be presumed to be parked illegally and should be cited for a violation "in the same manner used to enforce other parking laws." (T.C.A. 55-21-108(b)).

Despite the admonition of T.C.A. 55-21-108(b) quoted above, a city may not be able, initially, to enforce illegal parking in handicapped spaces in the same manner as other parking violations. Depending upon the provisions of the city code of ordinances, or the lack of particular provisions, a city may have to cite alleged violators into general sessions court rather than municipal court. If the city has a code provision or ordinance which specifically mentions handicapped parking spaces or an ordinance which provides that all offenses against the State of Tennessee which are defined as misdemeanors are offenses against the municipality, then violators may be cited into municipal court. Without at least one of these provisions, the handling of handicapped parking space violations in municipal court would not be permissible.

If a city is citing violators into municipal court, officials should be aware that penalties are prescribed by T.C.A. 55-21-108. The law provides that any person who parks illegally in a handicapped parking space is guilty of a misdemeanor which is punishable by a fine of not more than \$25.00 for a first offense and not less than \$50.00 for each subsequent offense. If a city's illegal parking citations may be paid without appearing in court, then the persons collecting such fines should be made aware of this provision. The mandatory \$50.00 fine on second or subsequent offenses may increase the possibility of alleged violators requesting a judicial hearing instead of simply paying the fine.

Contact a MTAS Management Consultant if additional information is desired or if assistance in drafting an ordinance on this subject is required.

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