

December 15, 1998

Park Directive 4040

**BARRIER FREE PARKING**

All parking and parking signs in Arkansas State Parks must be in compliance with Arkansas Statutes 27-15-313 through 27-15-315.

**I. PARKING**

At each facility with designated parking spaces (including but not limited to VICs, lodges, rest rooms, bath houses, picnic areas, trailheads, etc.) spaces shall be designated for the exclusive use of vehicles bearing a special license plate or special certificate in accordance with Arkansas Statute 27-15-313 (copy attached).

**II. PARKING SIGNS**

All signs designating parking spaces for special persons with disabilities must be in compliance with Arkansas Statute 27-15-315, which designates the R7-8 sign, as listed in the manual of Uniform Traffic Control Devices (Rev. 12/79), as regulatory in nature. Signs shall be 12" x 18", displaying the international symbol of accessibility (white on blue) with the words "RESERVED PARKING" (green on white) and will be posted at each designated site.

NOTE: Superintendents / Museum Directors should contact the Planning and Development Section for sign and installation specification which meet guidelines.

**III. PENALTIES**

In accordance with Arkansas Statutes 27-15-305 and 27-15-306, any vehicle in a designated parking space found to be without the special license plate or special certificate shall be subject to impoundment and the owner of the vehicle subject to fine.

Replaces PD 4030 dated July 6, 1983

APPROVED BY:



GREG BUTTS, DIRECTOR

Arkansas State Parks

Effective Until Superseded

-1-

PD 4040

**History.** Acts 1991, No. 656, § 8. was derived from Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7.  
**Publisher's Notes.** Former § 27-15-304, concerning the exclusion of temporary disability, was repealed by Acts 1991, No. 656, § 14. The former section U.S. Code. Public Law 100-641, referred to in this section, is codified as a note under 23 U.S.C. § 402.

### 27-15-305. Penalties.

(a) Any individual who provides false information in order to acquire, or who assists an unqualified person to acquire, the special license plate or the special certificate, and any person who abuses the privileges granted by this subchapter shall be deemed guilty of a Class C misdemeanor.

(b) Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, as provided in this subchapter, on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized in this subchapter, or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability, while not being used for the actual transporting of a person with a disability, shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner of the vehicle shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense, plus applicable towing, impoundment, and related fees, as well as court costs.

**History.** Acts 1985, No. 907, § 12; A.S.A. 1947, § 75-296.14; Acts 1987, No. 59, § 5; 1991, No. 656, § 4. **Amendments.** The 1991 amendment rewrote (a) and the first sentence in (b).

### 27-15-306. Enforcement.

(a) Any law enforcement official in this state is authorized to enter upon the public parking space of any public agency of this state for the purpose of enforcing the provisions of this subchapter with respect to handicapped parking.

(b) Any law enforcement officer in this state is authorized to enter upon the parking space of any private agency in this state for the purpose of enforcing the provisions of this subchapter with respect to handicapped parking, unless the private agency has notified the law enforcement agency that intrusion upon such property by law enforcement officers is prohibited without the issuance of an appropriate court order.

**History.** Acts 1985, No. 907, § 11; A.S.A. 1947, § 75-296.13.

**27-15-313. Parking facilities on public property.**

(a) Each public agency of this state, as defined in § 27-15-302(3), having jurisdiction over street parking or publicly owned and operated parking lots and facilities, including spaces adjacent to public buildings, shall provide a minimum number of specially designated and marked motor vehicle parking spaces for the exclusive use of motor vehicles bearing a special license plate or special certificate issued under the provisions of this subchapter.

(b) The following minimum number of parking spaces shall be provided for special persons with disabilities vehicle parking:

(1) One (1) space in the immediate vicinity of a building which houses the public agency, including, but not limited to, state office buildings, courthouses, and city halls, if no parking for the public is provided on the premises of these buildings;

(2) For publicly maintained and operated parking facilities intended for public use, one (1) parking space is recommended for parking for people with disabilities for the first twenty (20) parking spaces, or fraction thereof, and one (1) additional parking space for people with disabilities for the next eighty (80) parking spaces, or fraction thereof, and one (1) additional parking space for people with disabilities for each additional one hundred (100) parking spaces, or fraction thereof, after the first one hundred (100) parking spaces;

(3) A minimum of four (4) parking spaces for people with disabilities shall be provided at physical restoration rehabilitation centers and hospitals.

(c) Such parking spaces shall be designated and located as follows:

(1) All spaces shall be accessible thereto by curb ramp or curb cut, when necessary to allow access to the building served, and shall be located so that the user will not be compelled to wheel behind parked vehicles;

(2) Parallel parking spaces next to a curb shall be separated from the space in front or behind by a minimum five foot (5') striped "NO PARKING" area. This area shall be connected to the curb by a curb cut or ramp at a maximum inclination ratio of 12:1. Such curb cuts or ramps shall have tactile markings, and shall be connected to sidewalks by a curb cut or ramp as listed in this subsection;

(3) Curbs adjacent to parking spaces designated for parking for people with disabilities shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

**History.** Acts 1985, No. 907, § 8; A.S.A. 1947, § 75-296.10; Acts 1987, No. 59, § 2; 1991, No. 656, § 11.

**Amendments.** The 1991 amendment, in (a), substituted "§ 27-15-302(3)" for "subdivision (3) of § 27-15-302," deleted "agency" following "adjacent to public," and substituted "a special license plate" for "a disabled veteran license plate, a

special handicapped person decal"; substituted "persons with disabilities" for "handicapped" in the introductory language of (b); rewrote (b)(2), substituted "people with disabilities" for "handicapped persons" in (b)(3); substituted "shall be accessible" for "shall have accessibility" near the beginning of (c)(1); rewrote the last sentence of (c)(2); deleted

former (c)(3), redesignated former (c)(4) as (c)(3); and, in (c)(3), substituted "parking for persons with disabilities" for "handicapped parking."

### 27-15-314. Parking spaces by private agencies.

(a)(1) Any business firm or other person licensed to do business with the public or owning or operating a business which provides parking access to the public may provide specially designated and marked motor vehicle parking spaces for the exclusive use of people with disabilities who have been issued a special license plate or special certificate.

(2) Private businesses intended for use by the public, which are constructed after January 1, 1992, and private businesses which undertake significant physical modifications or alterations of their premises after January 1, 1992, shall provide parking spaces in such number and otherwise in accordance with the standards set forth in § 27-15-313 for parking spaces for people with disabilities.

(b) The failure of a private agency to provide, in number or specification, parking spaces for people with disabilities as required of public agencies in § 27-15-313 shall in no way be deemed to:

(1) Authorize or permit unauthorized vehicles to park in a parking space which contains a sign or other appropriate marking designating the parking space as space reserved for parking for people with disabilities; or

(2) Relieve any law enforcement officer of the responsibility of arresting persons for violating the laws of this state which prohibit the parking of vehicles that do not display a special license plate or special certificate in parking spaces designated for people with disabilities.

**History.** Acts 1985, No. 907, § 9; A.S.A. 1947, § 75-296.11; Acts 1987, No. 59, § 3; 1991, No. 656, § 12.

**Amendments.** The 1991 amendment, in (a)(1), substituted "people with disabilities" for "handicapped persons," substituted "special license plate or" for "special handicapped person motor vehicle decal"

and deleted "or a disabled veteran license plate" following "special certificate" at the end; added (a)(2); rewrote the introductory language of (b); substituted "parking for people with disabilities" for "handicapped parking" in (b)(1); and rewrote (b)(2).

### 27-15-315. Signs regulatory in nature.

(a) For the purposes of this subchapter, and for the purposes of enforcing any law of this state relating to penalizing owners or operators of vehicles who park vehicles in spaces designated for use by people with disabilities, and whose vehicles do not properly and legally display a special license plate or a special certificate provided under this subchapter, it shall be assumed that the identification of areas designated for use by people with disabilities is regulatory in nature and that the identified areas are intended for exclusive use by people with disabilities whose vehicles are properly identified, and that penalties should be imposed on the owner or operator of a vehicle parked in those areas whose vehicle is not properly identified.

(b) For the purposes of this subchapter and for the purposes of enforcing any laws of this state related to parking areas for people with disabilities, sign R7-8, listed in the Manual of Uniform Traffic Control Devices (Rev. 12/79) shall be displayed on each parking space for people with disabilities, and shall be regulatory in nature.

(c) The blue and white international symbol of access, accompanied by appropriate regulatory language, including, but not limited to, "HANDICAPPED PARKING", "RESERVED FOR HANDICAPPED", "PERMIT REQUIRED — TOWING ENFORCED", etc., may be used in lieu of sign R7-8, if the sign was erected prior to January 1, 1992, and shall be regulatory in nature.

**History.** Acts 1985, No. 907, § 10; A.S.A. 1947, § 75-296.12; Acts 1987, No. 59, § 4; 1991, No. 656, § 13.

**Amendments.** The 1991 amendment, in (a), substituted "people with disabilities" for "handicapped persons" three times, substituted "special license plate" for "special handicapped person decal," deleted "or a disabled veteran license plate" following "under this subchapter," substituted "exclusive use by" for "exclu-

sive use of" and inserted "should" following "penalties"; in (b), substituted "parking areas for people with disabilities" for "handicapped person parking area" and "parking space for people with disabilities" for "handicapped parking space"; and, in (c), deleted "Until July 1, 1988" preceding "The blue" and inserted "if the sign was erected prior to January 1, 1992"; and made other minor stylistic changes.