



## Understanding New Hampshire's Parking Laws

### People with Walking Disabilities prepared by the Governor's Commission on Disability

*Parking spaces reserved for people who have walking disabilities are often referred to as "handicapped" parking spaces. The proper terminology is **Accessible Parking Spaces** or **Reserved Parking Spaces** for people with walking disabilities.*



NH RSA TITLE XXI, Chapter 261:88

<http://www.gencourt.state.nh.us/rsa/html/XXI/261/261-88.htm>

NH RSA TITLE XXI, Chapter 265:69 and 69-a; Chapter 259:1-b

<http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-69.htm>

<http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-69-a.htm>

<http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-1-b.htm>

NH RSA TITLE XXI, Chapter 265:73-a

<http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-73-a.htm>

<http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-74-a.htm>

NH RSA TITLE XXI, Chapter 265:74

<http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-74.htm>

### Using the "NH Walking Disabled Identification Permit"

The NH Walking Disabled Identification Permit is a two-sided, hanger style placard which has the international symbol of access (a wheelchair) on each side. This permit, which is either red for temporary walking disabilities, or blue for permanent walking disabilities, has an identification number, a date of expiration, and the NH State Seal. Also printed on the placard is an identification code for the person to whom the placard is issued which is listed in a database with the NH Division of Motor Vehicles. **You must apply for a walking disability plate or permit by requesting an application from the Walking Disability Information Desk at 271-2275 or by downloading the application at <http://www.nh.gov/safety/divisions/dmv/forms/dsmv16.pdf>.**

#### **The most common uses for this permit are:**

- (1) When you have a walking disability and you are a passenger in somebody else's vehicle or
- (2) When you have a walking disability and your personal vehicle does not have a wheelchair registration plate

**This permit cannot be used by anybody other than the person to whom it is issued and is only to be used when that person is being transported to or from an accessible parking space and will be exiting the vehicle.** Fraudulent use of the permit carries a fine of \$250 (refer to NH RSA 265:69). Law enforcement officials may request a form of identification to confirm the identity of the person to whom the plate or permit has been issued. For most residents of New Hampshire, who have the wheelchair plate or placard, the N.H. Division of Motor Vehicles places the international symbol of accessibility on both the driver's license and the non-driver's I.D. If you suspect that a person does not have a walking disability and is fraudulently using the parking space, you should contact the NH Division of Motor Vehicles at 271-2275. For your own safety, do not approach or engage in conversation with individuals suspected of violating these laws.

The permit must be displayed so that it is clearly visible from the front and rear of the vehicle by hanging it from the rearview mirror of a vehicle (while utilizing a parking space reserved for persons with disabilities). If there is no rearview mirror, it must be clearly displayed on the dashboard. The permit should only be hanging from the rearview mirror while the vehicle is parked. **It must be removed when the vehicle is being driven.** Driving with the permit hanging from the rearview mirror creates a blind spot thus causing a driving hazard.

### Using RESERVED PARKING SPACES for people with walking disabilities:

You must have a hanging placard permit or a wheelchair plate to park legally in accessible parking spaces. If the plate or permit is in your name, and you are staying inside the vehicle (meaning you are not exiting the vehicle), you should not park in any of the accessible parking spaces (refer to NH RSA 265:74). These parking spaces are intended to be used by individuals with walking disabilities who have the plate or placard and who are getting in/out of their vehicles to conduct business within

the area served by these parking spaces. Given the intent of this law, it is an ethical abuse of the privilege to have a walking disabled permit for you to occupy this parking space when *the individual you are with*, who does not have a walking disability, is the *only person exiting the vehicle*.

## **IT IS ILLEGAL FOR ANYBODY TO PARK WITHIN THE ACCESS AISLE!**

NH RSA 265:69

**No vehicle – not even a vehicle with a wheelchair symbol displayed - should be parked within the Access Aisle!** The "access aisle" is the crosshatched area parallel and adjacent to the accessible parking space (refer to NH RSA 259:1-b). This area, usually marked by yellow or white striped lines, is not a parking space. It is the space needed by individuals with a walking disability to fully open the door to their vehicle and safely maneuver in and out of their vehicle. The width of the required access aisle is eight feet for *Van Accessible* spaces and five feet for *accessible spaces to be used by cars*. Exiting or entering a van with a lift or a ramp requires eight feet of clear access aisle space to engage the lift/ramp and safely maneuver a wheelchair off or onto the lift/ramp. In order to safely exit/enter a car, the access aisle must be at least five feet wide. Per NH RSA 265:69, the fine for parking in or overlapping into the access aisle begins at a minimum of \$50 and increases by \$100 for each additional offense. Please do not leave shopping carts in access aisles.

## **IT IS ILLEGAL FOR ANYONE TO OBSTRUCT AN ACCESS AISLE OR ACCESSIBLE PARKING SPACE**

NH RSA 265:74-a

Owners of public and private property may not allow any unreasonable obstruction of an accessible parking space or access aisle after 24 hours following the conclusion of an adverse weather event. For example, snow may not be piled into these spaces. It is also unlawful for property owners to allow the accumulation of debris or large objects such as trash containers or palletes. Per NH RSA 265:74-a, the fine for obstruction of an access aisle or accessible parking space is up to \$250.

### **Enforcing parking laws:**

Accessible parking spaces must be clearly marked by a sign displaying the international symbol of accessibility that is affixed to a post or to a building. This sign should be clearly visible from a vehicle and placed directly in front of the accessible parking space (refer to NH RSA 265:73-a). Most enforcement officials will not issue a ticket for parking illegally without this sign being clearly posted. Signs painted on the pavement are often not visible due to snow, ice, sand, etc.

NH RSA 265:69-A allows persons with walking disabilities (or their drivers) to submit clear photographic evidence of a vehicle that is parked illegally, violating the law on accessible parking space and access aisles. This evidence must be accompanied by a sworn statement to the police department in the town where the violation occurred so that enforcement officials can take action.

**Parking illegally in an accessible parking space carries a fine of \$250.** A vehicle parked in designated accessible parking spaces must display **one of the following**:

- a) A valid **registration plate** from any state displaying the wheelchair symbol or a Veteran's plate (V) displaying the wheelchair symbol.
- b) Valid **Walking Disabled Identification Permit** from any state displaying the wheelchair symbol, hanging from the rear view mirror or clearly displayed in the windshield:
  - A red Temporary Walking Disability Parking Permit
  - A blue Permanent Walking Disability Parking Permit



For your own safety, do not approach or engage in conversation with individuals suspected of being illegally parked in an accessible parking space or within an access aisle. Contact the local police for assistance. For private parking areas to specific places of business, you may also want to request their assistance in contacting the police.

### **Parking Guidelines:**

U.S. Access Board Parking Technical Bulletin

<http://www.access-board.gov/adaag/about/bulletins/parking.htm>

U.S. Department of Justice - ADA Business Brief - Re-striping Parking Lots

<http://www.ada.gov/restribr.htm>



**For more information contact:**

**Division of Motor Vehicles**, Walking Disability Information Desk, 603-271-2275 or

**Wendy Beckwith, Accessibility Specialist**, NH Governor's Commission on Disability, 603-271-4177, TTY: 603-271-2773