

Representative Jeffrey D. Stenquist proposes the following substitute bill:

DISABLED PARKING PERMIT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to accessible parking spaces.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the International Building Code pertaining to "wheelchair parking spaces";
- ▶ encourages an individual that is otherwise eligible to park in an accessible parking space to avoid parking in a wheelchair parking space unless the individual has wheelchair user placard; ~~and~~

▶ prohibits a private right of action to enforce the requirement to provide a wheelchair parking space; and ~~and~~

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

15A-3-105, as last amended by Laws of Utah 2019, Chapter 20

41-1a-414, as last amended by Laws of Utah 2017, Chapter 41



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **15A-3-105** is amended to read:

15A-3-105. Amendments to Chapters 10 through 12 of IBC.

(1) In IBC, Section 1010.1.9, an exception is added as follows: "Exception: Group E occupancies for purposes of a lockdown or a lockdown drill in accordance with Section 1010.1.9.5 Exception 5."

(2) In IBC, Section 1010.1.9.2, "Exception:" is deleted and replaced with "Exceptions: 1."

(3) In IBC, Section 1010.1.9.2, a new exception 2 is added as follows: "2. Group E occupancies for purposes of a lockdown or a lockdown drill may have one lock below 34 inches in accordance with Section 1010.1.9.5 Exception 5."

(4) In IBC, Section 1010.1.9.4, a new number 7 is added as follows: "7. Group E occupancies for purposes of a lockdown or a lockdown drill in accordance with Section 1010.1.9.5 Exception 5."

(5) In IBC, Section 1010.1.9.5, a new exception 6 is added as follows: "6. Group E occupancies for purposes of a lockdown or a lockdown drill in accordance with Section 1010.1.9.5 Exception 5."

(6) In IBC, Section 1010.1.9.6, a new exception 5 is added as follows: "5. Group E occupancies may have a second lock on classrooms for purposes of a lockdown or lockdown drill, if:

5.1 The application of the lock is approved by the code official.

5.2 The unlatching of any door or leaf does not require more than two operations.

5.3 The lock can be released from the opposite side of the door on which it is installed.

5.4 The lock is only applied during lockdown or during a lockdown drill.

5.5 The lock complies with all other state and federal regulations, including the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq."

(7) In IBC, Section 1010.1.9.7, a new number 9 is added as follows: "9. The secure area or unit with special egress locks shall be located at the level of exit discharge in Type IIIB, IV, and V construction."

(8) In IBC, Section 1011.5.2, exception 3 is deleted and replaced with the following:

57 "3. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group
 58 U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual
 59 dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203
 60 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread
 61 depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall
 62 be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25
 63 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less
 64 than 10 inches (254 mm)."

65 (9) In IBC, Section 1011.11, a new exception 5 is added as follows: "5. In occupancies
 66 in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are
 67 accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be
 68 provided on at least one side of stairways consisting of four or more risers."

69 (10) In IBC, Section 1013.5, the words ", including when the building may not be fully
 70 occupied" are added at the end of the sentence.

71 (11) IBC, Section 1025, is deleted.

72 (12) In IBC, Section 1029.15, exception 2 is deleted.

73 (13) In IBC, the following is added below Table 1106.1: "Where two or more
 74 accessible spaces are required, a minimum of one space shall be designated as a wheelchair
 75 parking space ~~Ŷ→ [; with physical dimensions of 11 feet wide and adjacent to an access aisle at least~~
 76 five feet wide] ←Ŷ . This shall be in addition to the van-accessible space or spaces required by
 77 Section 1106.5."

78 [(13)] (14) In IBC, Section 1207.4, subparagraph 1 is deleted and replaced with the
 79 following: "1. The unit shall have a living room of not less than 165 square feet (15.3 m2) of
 80 floor area. An additional 100 square feet (9.3 m2) of floor area shall be provided for each
 81 occupant of such unit in excess of two."

82 Section 2. Section **41-1a-414** is amended to read:

83 **41-1a-414. Parking privileges for persons with disabilities.**

84 (1) As used in this section:

85 (a) "Accessible parking space" means a parking space that is clearly identified as
 86 reserved for use by a person with a disability and includes:

87 (i) vertical signage, including the international symbol of accessibility, that is visible

88 from a passing vehicle; and

89 (ii) a clearly marked access aisle, if provided, that is adjacent to and considered part of
90 the parking space.

91 (b) "Temporary wheelchair user placard" means the same as that term is defined in
92 Section 41-1a-420.

93 (c) "Van accessible parking space" means an accessible parking space that is marked
94 for use by a qualifying person with a walking disability who has a temporary wheelchair user
95 placard or a wheelchair user placard and includes:

96 (i) vertical signage with the international symbol of accessibility and the words "van
97 accessible" that is visible from a passing vehicle; and

98 (ii) a clearly marked access aisle that is adjacent to and considered part of the parking
99 space.

100 (d) "Walking disability" means a physical disability that requires the use of a
101 walking-assistive device or wheelchair or similar low-powered motorized or mechanically
102 propelled vehicle that is specifically designed to assist a person who has a limited or impaired
103 ability to walk.

104 (e) "Wheelchair parking space" means an accessible parking space that is marked for
105 use by a qualifying person with a temporary wheelchair user placard or a wheelchair user
106 placard and includes ⚠ → [♿

107 ~~—— (i) ← ⚠~~ vertical signage with the international symbol of accessibility and the words
108 "wheelchair parking" that is visible from a passing vehicle ⚠ → [♿ ~~and~~

109 ~~—— (ii) a clearly marked access aisle that is adjacent to and considered part of the parking~~
110 ~~space] ← ⚠~~ .

111 [(e)] (f) "Wheelchair user placard" means the same as that term is defined in Section
112 41-1a-420.

113 (2) Except in parking areas designated for emergency use, a person with a disability,
114 qualifying under rules made in accordance with Section 41-1a-420, may park an appropriately
115 marked vehicle for reasonable periods without charge in metered parking zones and restricted
116 parking areas, in a manner that allows proper access to the vehicle by the person with a
117 disability.

118 (3) (a) Only those vehicles [carrying a person] with a disability special group license

119 plate, temporary removable windshield placard, or removable windshield placard and
120 transporting a qualifying person with a disability may park in an accessible parking space.

121 (b) A violation of Subsection (3)(a) is a class C misdemeanor.

122 (c) A person ~~[described in Subsection (3)(a)]~~ who is eligible to park in an accessible
123 parking space is encouraged to avoid parking in a van accessible parking space unless:

124 (i) the person has a walking disability and has a temporary wheelchair user placard;

125 (ii) the person has a wheelchair user placard; or

126 (iii) all other accessible parking spaces that are not van accessible parking spaces are
127 occupied.

128 (d) A person who is eligible to park in an accessible parking space is encouraged to
129 avoid parking in a wheelchair parking space unless:

130 (i) the person has a walking disability and has a temporary wheelchair user placard;

131 (ii) the person has a wheelchair user placard; or

132 (iii) all other accessible parking spaces that are not van accessible parking spaces are
133 occupied.

134 (4) This section applies to and may be enforced on public property and on private
135 property that is used or intended for use by the public.

136 (5) The parking privileges granted by this section also apply to vehicles displaying a
137 person with a disability special group license plate, temporary removable windshield placard,
138 or removable windshield placard issued by another jurisdiction if displayed on a vehicle being
139 used by a person with a disability.

139a **H→ (6) A person has no private right of action to enforce the requirement to provide a**
139b **wheelchair parking space as described in Subsection (1)(e) and Section 15A-3-105. ←H**

140 Section 3. **Effective date.**

141 This bill takes effect on January 1, 2024.