

1988 BILL 223

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 223

DISABLED PARKING ACT

MS. MJOLSNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 223
Ms. Mjolsness

BILL 223

1988

DISABLED PARKING ACT

(Assented to , 1988)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) "designated parking space" means a parking space reserved for the use of vehicles either operated by or conveying a disabled person;
- (b) "disabled person" has the meaning established by the regulations;
- (c) "Minister" means the Minister of Community and Occupational Health;
- (d) "permit" means a disabled parking permit issued pursuant to section 6.

Designated
disabled parking

2(1) The owner and operator of every parking lot that is customarily available for parking by the public shall designate and make available as designated parking spaces

- (a) not less than 1 stall or 1% of all stalls, whichever is the greater, where the parking lot contains not less than 25 and not more than 400 stalls, and

(b) 1 additional stall for each 200 stalls or major portion thereof in excess of 400 stalls in the parking lot.

(2) Every employer who provides a parking lot for his employees or who secures parking stalls in a parking lot owned by some other person for his employees shall designate and make available a number of stalls as designated parking spaces that is reasonably sufficient for the number of disabled employees.

(3) A designated parking space shall be marked as such by a sign in a form, in the manner and in accordance with the conditions prescribed in the regulations.

Municipal by-law

3 A municipality may by by-law prescribe a percentage of parking stalls higher than that specified in section 2 to be designated parking spaces with respect to parking lots within the municipality.

Location and dimensions

4 The spaces in a parking lot that are designated parking spaces shall be those spaces which are the most convenient for the use of disabled persons and shall be of dimensions prescribed in the regulations.

Charges

5 The owner or operator of a parking lot may not establish any parking charge for parking in a designated parking space that exceeds the charge for any other parking space within the parking lot for an equivalent period of use.

Permit

6(1) The Minister may enter into 1 or more agreements to provide for a private agency to issue disabled parking permits and to establish a fee to cover the cost of issuing permits.

(2) Where a person applies to the Minister or a private agency appointed pursuant to subsection (1) in the form prescribed by the regulations, and provides the certificate of a physician stating that the person is a disabled person within the meaning prescribed in the regulations, the Minister or agency shall issue a permit to the applicant.

(3) A permit shall be in a form that may be placed on the dash or hung on the rear-view mirror of the vehicle the disabled person is using.

Parking 7 No person shall park a vehicle in a designated parking space unless the vehicle is operated by or is carrying, delivering or picking up a disabled person and displays on the dash or hung on the rear-view mirror a permit issued to a disabled person by the Minister or private agency pursuant to section 6.

Reciprocity 8 The Minister may enter into agreements with the government of any other province to allow for the standardization of permits for parking issued to disabled persons and the reciprocal recognition,

(a) in Alberta, of permits issued to disabled persons in other provinces, and

(b) in other provinces, of permits issued to disabled persons in Alberta.

Binds Crown 9 This Act binds the Crown.

Offences and penalties 10(1) A person who is the owner or operator of a parking lot that does not comply with section 2 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 for a first offence, \$2000 for a second offence, and \$10 000 for a third or subsequent offence, relating to the same parking lot.

(2) The operator of a vehicle who contravenes section 7 is guilty of an offence and liable on summary conviction to a fine of \$75.

(3) An offence under subsection (2) shall be deemed to be a specified offence for the purposes of the demerit point system established by regulation pursuant to section 59(1)(f) of the *Motor Vehicle Administration Act*.

(4) The operator of a vehicle who knowingly displays a permit issued pursuant to this Act, or a facsimile thereof, and is not a disabled person or not carrying, depositing or picking up a disabled person, and who parks in a designated parking space, is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.

Removal of vehicles 11 A municipality may by by-law provide for the towing away of any vehicle that is in contravention of section 7 and the charging to the owner or operator thereof of the costs of towing and storage.

Regulations

12 The Minister may make regulations

- (a) defining "disabled person" for the purposes of this Act;
- (b) prescribing the design, colour and size of signs to be used in designated parking spaces;
- (c) prescribing the design, colour and size of permits to be issued to disabled persons;
- (d) prescribing dimensions for designated parking stalls;
- (e) requiring the owners and operators of parking lots to place a wheelchair logo sign of prescribed wording and size at every entrance to the parking lot and visible from outside it indicating the location of designated parking spaces in the parking lot;
- (f) authorizing municipalities to issue permits on his behalf for the purposes of this Act;
- (g) prescribing forms for the purposes of this Act.

Coming into
force

13 This Act comes into force on Proclamation.