

COUNCIL OF THE DISTRICT OF COLUMBIA

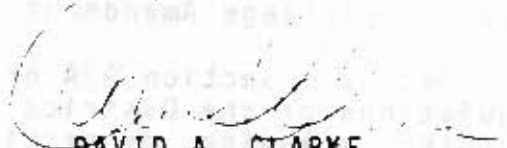
NOTICE

D.C. LAW 7-219

"Persons With a Disability Parking Privilege  
Amendment Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-403 on first and second readings November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 6, 1989, this legislation was assigned Act No. 7-294 published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 545) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-219, effective March 16, 1989.

  
DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January	24, 25, 26, 27, 30, 31
February	1, 2, 3, 6, 7, 8, 9, 21, 22, 23, 24, 27, 28
March	1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15

AN ACT

D.C. ACT 7 - 294

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 06 1989

To amend the Traffic Regulations of the District of Columbia relating to the stopping, standing, or parking of motor vehicles to require the Mayor to strengthen the eligibility requirements for parking privileges for persons with disabilities, to reserve, upon request, 1 on-street parking space for any qualified applicant domiciled in a single family residence who holds a valid special parking permit for a person with a physical disability, and to require the issuance of special parking permits or tags to residents with physical disabilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Persons with a Disability  
Parking Privilege Amendment Act of 1988".

D.C.M.R.

Sec. 2. Section 97A of Article XIII of the Traffic Regulations of the District of Columbia, relating to the stopping, standing, or parking of motor vehicles, issued May 24, 1973 (Reg. 73-12; 18 DCMR 2410), is amended as follows:

(a) By striking the phrase "THE HANDICAPPED" in section 2410 and inserting the phrase "PERSONS WITH A PHYSICAL DISABILITY" in its place.

(b) By amending subsection 2410.1 to read as follows:

"2410.1. A disabled resident of the District of Columbia may apply to the Director to obtain the privileges granted under this section, if the individual:

"(a) Has permanently lost the use of 1 or both legs;

"(b) Is so severely disabled as to be unable to walk without the aid of a mechanical device. The term mechanical device includes wheelchairs, walkers, crutches, long leg braces, and may include canes.

"(c) Suffers from any respiratory disease or ailment, as determined by the Director, after consideration of the extent that the Arterial PO2 is less than 60 mm Hg, the Forced Vital Capacity ("FVC") is less than 50% of the

predicted value, the Forced Expiratory Volume in 1 second ("FEV1") is less than 40% of the predicted value and the FEV1/FVC is less than 40% of the actual value when measured in liters by a spirometer based on predicted normal values for the individual's sex, age, and height as set forth in tables 2 through 7 on pages 89-94 of the "American Medical Association: Guides to the Evaluation of Permanent Impairment", 2nd ed. Chicago, American Medical Association, 1984;

"(d) Has a physical disability, as certified by a licensed physician and determined by the Director, that is permanent and that substantially impairs the individual's mobility; or

"(e) Has a physical disability, as certified by a licensed physician and determined by the Director, that is not permanent, but that substantially impairs the individual's mobility for no less than 5 weeks."

(c) By redesignating existing subsection 2410.15 as new subsection 2410.18 and inserting after the word "section" the phrase ", including parking in a parking space reserved for a person with a disability,".

(d) By adding new subsections 2410.15, 2410.16, 2410.17, 2410.19, 2410.20, 2410.21, 2410.22, 2410.23, 2410.24, 2410.25, and 2410.26 to read as follows:

"2410.15. The Director may reserve 1 on-street parking space for any District resident who applies in writing for a reserved space and who:

"(a) Holds a valid license plate or permit for a person with a physical disability issued by the District pursuant to section 2410.1 (a) or (c);

"(b) Is legally domiciled at a single-family residence in the District of Columbia that is her or his principal place of residence;

"(c) Cannot avail herself or himself of any other form of transportation;

"(d) Has no readily available parking within a distance that is reasonably accessible for the resident as determined by rules promulgated pursuant to section 3; and

"(e) Does not have off-street parking available in the form of a driveway, garage, or private parking space immediately adjacent to or on the premises of the single family dwelling where the physically disabled person resides.

"2410.16. The reserved space shall be in front of the applicant's residence, if parking is permitted by law. If parking is not permitted by law, the Director may reserve a legal parking space as close as possible to the residence of the applicant, if the applicant satisfies the requirements of subsection 2410.15. The Director shall give due

consideration to the concerns of adjacent property owners regarding the space to be reserved.

"2410.17. No more than 1 on-street parking space may be reserved pursuant to subsection 2410.15 for each single-family residence, even though more than 1 qualified applicant may reside at the same residence.

"2410.19. The Director shall decide to approve or deny an application for a reserved parking space for a person with a disability within 60 days following submission of the application:

"(a) Approval or denial of an application shall be based upon the rules promulgated pursuant to section 3;

"(b) The decision of the Director shall be in writing and mailed via first class, stating the reasons for the approval or denial of the application;

"(c) Approval or denial of an application shall be published on a monthly basis in the District of Columbia Register, and in one newspaper of general circulation.

"2410.20. If the application is approved or denied by the Director, the public notice and the decision shall inform the applicant or the residents of the block where the applicant resides that he or she may file an appeal with the Mayor's Committee on Handicapped Individuals, Disability Parking Review Committee ("Disability Committee"). The decision and public notice shall further inform the applicant or resident of the street where the applicant resides that he or she may request a personal appearance before the Disability Committee. The Disability Committee may request that the applicant be seen by a Public Health Physician.

"2410.21. The Disability Parking Review Committee shall consist of the following members:

"(a) A representative of the Mayor's Committee on Handicapped Individuals;

"(b) A representative of the Commission on Public Health;

"(c) A representative of the Transportation Systems Administration; and

"(d) Two representatives of non-profit organizations representing individuals with disabilities.

"2410.22. Appeals filed under subsection 2410.20 shall:

"(a) Be filed within 45 days after the decision denying or granting the application is mailed by the Director to the applicant;

"(b) Consist of a written statement requesting review of the granting or denial of the application including arguments and evidence on the applicant's or resident's behalf for consideration by the Disability Parking Review Committee. The Committee shall give great weight to any

petition for approval or denial signed by a majority of the property owners on the block where the applicant resides.

"2410.23. The Disability Parking Review Committee shall issue a decision regarding the appeal within 45 days after submission of the appeal. All decisions by the Disability Parking Review Committee are final.

"2410.24. The Mayor shall issue proposed rules to implement the provisions of this act no later than 60 days from the effective date of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this act shall affect any requirements imposed upon the Mayor by title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.).

"2410.25. The Mayor shall submit, by January 30 of each year, a report to the Council that shall include the following:

"(a) The number of applications, per ward, that have been received requesting a reserved parking space for a person with a disability during the preceding 12 months;

"(b) The number of applications, per ward, that have been processed and approved for a reserved parking space for a person with a disability during the preceding 12 months; and

"(c) The number of reserved parking space applications, per ward, that have been denied for a reserved parking space for a person with a disability during the preceding 12 months.

"2410.26. Section 2(a) through 2(d) shall apply upon application for a reserved parking space or upon an initial or renewal application for a special parking tag or permit."

(e) By amending subsection 2410.2 to read as follows:


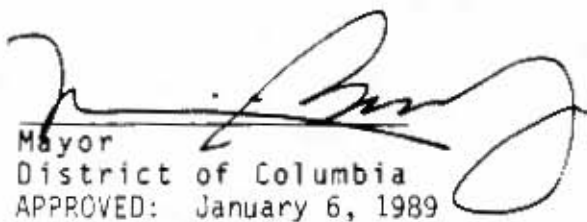
"2410.2. The Director shall issue to an owner of a motor vehicle who satisfies the requirements in paragraph (a), (b), (c), or (d) of subsection 2410.1, either a special license tag that displays the universal handicap symbol or a special parking permit as defined in section 2410.3."

(f) By striking the phrase "2410.3 The Director shall issue to an individual who does not drive" and inserting the phrase "2410.3. The Director shall issue to an individual who does not own a motor vehicle" in its place.

Sec. 3. Effective date.



This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
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Chairman  
Council of the District of Columbia  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED: January 6, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO.

37-403

Item on Consent Calendar

X ACTION & DATE Adopted First Reading, 11-29-88

X VOICE VOTE Approved

Recorded vote on request

Absent

Rolark, Crawford, Clarke and Smith

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

12-22-88

X Item on Consent Calendar

X ACTION & DATE Adopted Final Reading, 12-13-88

X VOICE VOTE Approved

Recorded vote on request

Absent

Wilson and Smith

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

12-22-88

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

87-P6070 wc33