



ACCESSIBLE PARKING

Are there laws about parking for people with disabilities?

Yes. There are several laws about the rights of people with disabilities to get into places serving the public. These laws have rules. The rules explain what must be done so people with disabilities can park and get into these places. See more at <http://www.access-board.gov/about/aboutaba/brochure.htm>

The best known laws are:

◆ Americans with Disabilities Act (ADA)

Title II of the ADA covers all state and local agencies: Title III covers private businesses that serve the public. The rules are called the ADA Accessibility Guidelines (ADAAG). The ADAAG give information about the location, size and number of accessible parking spaces that places should have. The rules went into effect on January 26, 1992. Minor changes to parking rules were made in March 2012.

◆ Architectural Barriers Act (ABA)

The ABA covers all federal agencies and programs funded with federal money. The older rules are called the Uniform Federal Accessibility Standards (UFAS). The UFAS apply to anything built before May 2005.

The new rules are called "The ABA Accessibility Standards." These rules are for anything built after May 2005, and are almost the same as the ADAAG.

◆ **Barrier Free Design Law**

Michigan's Barrier Free Design law required state buildings to be accessible after 1966, and all places of business after 1974. Sometimes the Barrier Free Design Board will give a business an exception if it would be too expensive or impossible to make the place accessible.

Does it matter if the building or parking lot is old?

Yes. Places built before the rules were written might not have to be physically accessible. Usually, they have to only if it is readily achievable. This means it must be physically possible without costing a lot.

What if an older building or lot is altered?

Any time there is construction to the outside of the building or a new surface is put on the lot, it must then be made accessible according to the rules. The only time it might be avoided would be if the cost for making it accessible would be more than 20% of the total construction costs.

How many accessible parking spaces should the parking lot have if the building is new or has been altered?

The number of accessible parking spaces depends on the total number of spaces in the lot or structure:

Total number of parking spaces	Number of accessible spaces required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8

401-500	9
501-600	2% of total
1001 and over	20, plus 1 for each 100 or fraction thereof, over 1000

One of every six accessible spaces, or fraction thereof, must be "van-accessible."

Are there additional requirements for medical facilities?

Yes. If the facility provides outpatient medical care, then 10% of the parking spaces must be accessible (100 spaces, 10 accessible).

If the facility treats or provides services only to people with mobility impairments, then 20% must be accessible (100 spaces, 20 accessible).

Where must these spaces be located?

Parking spaces should be closest to the building's entrance. If there is more than one accessible entrance, then parking spaces should be near all of them.

There should be an accessible path from the parking space to that entrance. An accessible path would be one without barriers. It would have ramps or curb cuts if needed.

Must accessible spaces be in the parking lot?

No. Accessible parking spaces do not need to be in the parking lot. They may be in a different location, as long as it is close or closer to the entrance.

Are there any other requirements for accessible parking spaces?

- ◆ The spaces should be at least 96 inches wide with a marked access aisle for loading and unloading passengers. Access aisles should be at least 60 inches wide for cars and 96 inches wide for vans.
- ◆ One of every six accessible spaces must be "van accessible."
- ◆ Spaces should be level, stable, firm, and slip resistant.
- ◆ Each space should contain a sign that can be seen over a parked car with the International Symbol of Accessibility. Signs for vans should also have "van accessible" on the sign.

Does Michigan have any laws about parking for people with disabilities?

Yes. Michigan's Barrier Free Design law says places of business and state buildings must have accessible parking. It says the state's Construction Code must be followed. The state's Construction Code says accessible parking must be according to ICC/ANSI guidelines. The ICC/ANSI guidelines are the same as the guidelines for the ADA.

The Michigan Vehicle Code, starting at MCL 257.674, says it is illegal to park in a spot marked for people with disabilities. It is also illegal to park in the aisle next to that spot. A person who does this can be fined or jailed.

The Michigan Vehicle Code also describes the different kinds of parking permits for people with disabilities, how to get one, and how to use it. A person who lies about having a disability or misuses the permit can be fined.

How can I enforce the laws?

If there are no accessible parking spaces:

You may file a complaint with the agency that enforces the law for that type of business. It is helpful to take pictures, but not needed. Call MPAS for information about which law to use and where to file the complaint.

If a person parks illegally in a space for a person with a disability:

◆ CAUTION!!

Many people have disabilities that are not easy to see. Do not assume that because the person does not appear to have a hard time walking, they do not have a disability.

Check carefully before you decide that the person parked illegally. Some people have their permit on their license plate, or put it on their dashboard instead of their mirror.

You can call the local police department and give them the address, location, and description of the illegally parked vehicle. Police departments recommend that you do not confront the person yourself.

Another technique for enforcement is to leave "illegal parking cards" that you can probably get from your local disability agency or call MPAS for a referral.

This is a summary of the current laws. It is not a substitute for legal advice. For more information, talk with your lawyer or call Michigan Protection and Advocacy Service, Inc. at 1-800-288-5923 toll free or (517) 487-1755 collect.

Copyright-2013,2008,1996 Michigan Protection and Advocacy Service, Inc. Permission to copy this information is granted provided credit is given to Michigan Protection and Advocacy Service, Inc.

Revised Jul-13