



**STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES**

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The Honorable John Carney  
Governor

John A. McNeal  
Director

**MEMORANDUM**

DATE: February 21, 2020

TO: Senator Anthony Delcollo

FROM: Mr. J. Todd Webb, Chairperson  
State Council for Persons with Disabilities

RE: S.B. 202 (An Act to Amend Title 6 and Title 21 of the Delaware Code Related to Equal Accommodations in Parking)

The State Council for Persons with Disabilities (SCPD) has reviewed Senate Bill 202 which seeks to amend Title 21, Sections 2134 and 2135 to clarify that a person with a special license plate or permit for persons with disabilities which limit or impair the ability to walk may park for an unlimited period where the length of time is otherwise limited and must be able to park in a metered parking space for at least 1 hour. The bill further seeks to clarify that it is a violation of the state equal accommodations law in Title 6 to “not allow” parking by a holder of a special license plate or permit for persons with disabilities which limit or impair the ability to walk or to post a sign prohibiting parking by a holder of a special license plate or permit.<sup>1</sup> SCPD has the following observations and recommendations.

The main purpose of the bill is to address parking time restrictions for drivers with a special license plate or permit for persons with disabilities which limit or impair the ability to walk (permit holders). The time restrictions for permit holders to park are generally defined by local law. For example, in the city of Wilmington states “Drivers with disabilities who have a valid handicapped plate and placard may park in a handicap space (i.e. space with a blue meter) but must observe the same parking rules and procedures that apply to non-disabled drivers.”<sup>2</sup> This bill would allow permit holders to park for an unlimited period of time where the length of time is otherwise limited. This could be extremely beneficial in areas that have a very short time frame for metered parking. For example, certain metered parking spots in Rehoboth Beach have a maximum parking time limit of 30 minutes. This bill would allow a permit holder to park for double that amount of time. The increases in the time limit would give those with disabilities additional time to get to and from their destination.

The bill does not specify whether a permit holder who parks at metered parking would have to

pay the charge. “About two-dozen states have laws that allow people with placards to park for free at metered spaces, and the majority of them have no time limit.”<sup>3</sup>

SCPD endorses the proposed legislation but asks for clarification on whether permit holders have to pay the charge at metered parking spaces. SCPD also questions how often a business or other entity would actually not allow a person with a special license or placard to park or post a sign that prohibited a person with a special license or placard from parking? SCPD requests clarification regarding the goal of the Title 6 amendments. If the intent of the amendment to the Equal Accommodation law is to prohibit public accommodations from refusing to install accessible spaces, the language will have to be rewritten.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

SB 202 – equal accommodations in parking 2-21-20

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<sup>1</sup> It may be problematic to include this in the Equal Accommodations law rather than as part of the Motor Vehicle statutes. Putting it in Title 6 may have the positive effect of increasing opportunities for enforcement; however, the piecemeal amendments to the Equal Accommodations statute ( i.e. front door access, service animals, accommodations for some protected classes and not others) have been used by Division of Human Relations (DHR) to justify a narrow construction of the law.

<sup>2</sup> Wilmington, DE, Handicapped Parking | Wilmington, DE, <https://www.wilmingtonde.gov/residents/parking-in-wilmington/handicapped-parking> (last visited Feb 10, 2020).

<sup>3</sup> States Cracking Down On Accessible Parking Abuse, Disability Scoop (2014), <https://www.disabilityscoop.com/2014/11/17/states-parking-abuse/19851/> (last visited Feb 10, 2020).