



Representing:
Agricultural Equipment Dealers
Industrial Equipment Dealers
Outdoor Power Equipment Dealers
Rental Equipment Dealers

In:
Arizona ☐ California
Colorado ☐ Hawaii
Nevada ☐ Utah
Wyoming

Steven G. Kost
Executive Vice President

March 10, 2009

Dear Far West Members,

It has come to our attention that a number of dealers have had visits from individuals, usually handicapped, that will appear at their business and start taking pictures of their facility or otherwise peruse the dealers business. This is usually followed up by a visit or letter stating that your business is not compliant with American with Disabilities Act of 1990. This could lead for very serious lawsuits and fines. While I cannot offer legal advice I think it would be prudent for dealers to at least be sure that their parking lots are properly marked for disabled parking. I say this because it seems these people will drive around until they see a business that has not done this. This is usually indicative that the business may not in compliance inside also.

We will be following up on this with professionals to determine how best our members can minimize their exposure to such actions.

Additional information on how parking lots and signage need to be for compliance is below but again, I urge each of you to seek professional advice.

Also, additional information can be found at <http://www.ada.gov/restribr.htm> and your state's DMV website.

Please do not hesitate to contact me if you have any questions, concerns or would like additional information.

Sincerely,

A handwritten signature in blue ink that reads "Steven G. Kost".

Steven Kost
Executive Vice President

Accessible Parking Spaces

When a business restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

Accessible Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."



One of eight accessible parking spaces, but always at least one, must be van-accessible.

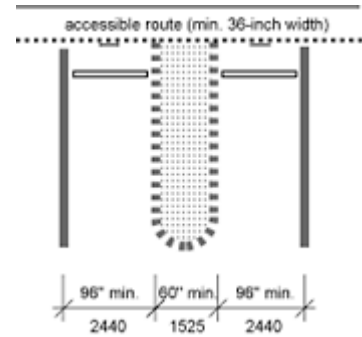
Minimum Number of Accessible Parking Spaces

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van-Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3

Note: For larger parking lots, go to <http://www.ada.gov/restribr.htm> for requirements.

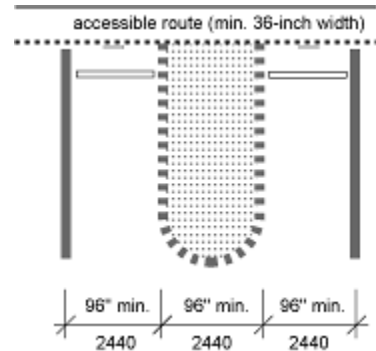
Features of Accessible Parking Spaces for Cars

- **Sign with the international symbol of accessibility** mounted high enough so it can be seen while a vehicle is parked in the space.
- If the accessible route is located in front of the space, install wheelstops to keep vehicles from reducing width below 36 inches.
- **Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions)**, be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.
- **Boundary of the access aisle must be marked.** The end may be a squared or curved shape.
- Two parking spaces **may share an access aisle.**



Three Additional Features for Van-Accessible Parking Spaces

- **Sign with "van accessible"** and the international symbol of accessibility mounted high enough so the sign can be seen when a vehicle is parked in the space
- **96" min. width access aisle**, level (max. slope 1:50 in all directions), located beside the van parking space
- **Min. 98-inch-high clearance** at van parking space, access aisle, and on vehicular route to and from van space



Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3- feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

Why Should You Care?

- 14,000+ ADA/accessibility lawsuits filed throughout just in California over the past few years
- \$45,000 is smallest settlement in some areas
- Many plaintiffs' average posted demand was \$1,000,000+
- Many businesses closed, jobs lost and bankruptcies filed (almost all avoidable)
- No improvement in sight (except SB 1608, CASp)
- Many companies sued four or five times
- Many insurers do not cover these claims

What Are We Talking About?

- The Americans with Disabilities Act of 1990 (ADA)
 - Deadline for compliance was 1992
- California's Unruh Act, Disabled Persons Act and Health & Safety Code
 - "Any discrimination or distinction" can trigger liability in California
- Many plaintiffs say, "Show us your books, because we think you could have afforded to do more for compliance"
 - ADA/accessibility litigation: "Lawsuits you can't afford to win."

New Requirement July 1, 2008:

- "Tow away" enforcement signage
- Additional "Minimum Fine \$250" sign or language below the signs.
- Contrasting striping in access aisle painted with a blue border and hatched line with a maximum of 36 inches on center in a contrasting color preferable blue or white.
- Additional sign that identifies "Van Accessible" parking.

"Tow Away" Enforcement Signage

- Purpose:
 - Alert motorists that car may be towed if improperly parked in disabled space
- Posting:
 - Optimal: at every entrance to parking area (This is a known target for those looking for problems)
 - Alternative: at each disabled parking space itself
- Regular "customer parking only" signs not enough

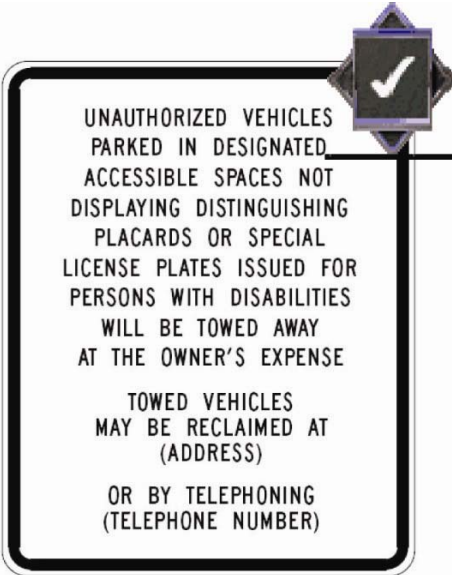
Avoid Improper Signs

- Avoid the Word "Handicapped" - Every new or replacement sign installed on or after January 1, 1992, relating to parking privileges for disabled persons shall refer to "disabled persons" rather than "physically handicapped persons" or any other similar term, whenever such a reference is required on a sign.
- Must have "Minimum Fine \$250" sign as well as a separate "Van Accessible" Sign.

Sample Signage



Sample Disabled Parking with Fine and "Van Accessible" Sign



Sample "Tow Away" Sign



Sample Disabled Parking with Minimum Fine Sign



Sample Access Aisle with Contrasting Lines



Sample Signs at Entrance