§ 1203-c. Off street parking spaces for the handicapped. 1. Any person, firm or corporation owning a shopping center or facility with at least five separate retail stores and at least twenty off street parking spaces which are provided for use by the shopping public must designate as only for the handicapped and clearly mark for use by the handicapped a minimum of five percent of such parking spaces or ten such spaces whichever is less. These spaces must be located as close as reasonably practicable to the shopping center facility and reasonably distributed so as to provide convenient access for use by handicapped drivers. Such parking spaces are to be used either by handicapped drivers displaying a special municipal parking permit (as defined in section twelve hundred three-a of this chapter and distributed by the commissioner of motor vehicles to local governing bodies to be issued to handicapped persons who reside in such locality) or by motor vehicles registered in accordance with section four hundred four-a of this chapter and being used for the transportation of a handicapped person.

2. (a) The parking spaces designated pursuant to the provisions of this section shall be clearly identified for use by handicapped persons which designation shall include conspicuous and permanently installed above grade signs which display the international symbol of access and which shall be positioned from the parking space surface at a height of not less than five feet nor more than seven feet and may include the use of blue painted lines or markings. Such parking spaces also may be marked as tow-away zones.

(b) Whenever a person, firm or corporation creates an off-street parking lot or parking garage, or repaves or repaints more than one-half of the total number of parking spaces in an off-street parking lot or parking garage, which contains designated handicapped parking spaces, or creates designated handicapped parking spaces in an off-street parking lot or parking garage, or repaves or repaints more than one-half of the total number of designated handicapped parking spaces in an off-street parking lot or parking garage, the size of designated handicapped parking spaces and designated handicapped parking space access aisles each shall be at least eight feet wide. Such access aisles also shall be (i) clearly designated with conspicuous and permanently installed above grade signs which shall read "No Parking Anytime" and which shall be

positioned from the access aisle surface at a height of not less than five feet nor more than seven feet, and (ii) marked with diagonal stripes.

3. A violation of this section by any person, firm or corporation owning a shopping center or facility with at least five separate retail stores and at least twenty off street parking spaces which are provided for use by the shopping public who fails to provide spaces only for the handicapped and clearly marked for use by the handicapped in accordance with this section, shall be punishable by a fine up to two hundred fifty dollars.

4. Except as otherwise provided by local law which imposes a larger maximum fine, any person who stops, stands or parks in spaces clearly marked for use by the handicapped either: (a) in accordance with this section; or (b) in the parking area of a shopping center or facility with at least one but less than five separate retail stores and at least twenty off street parking spaces provided for use by the shopping public, in accordance with the state fire prevention and building code, without a special vehicle identification parking permit, a special municipal parking permit or whose motor vehicle is not registered in accordance with section four hundred four-a of this chapter and being used for the transportation of a handicapped person; or with such permit or registration and such person is not the one to whom the permit or registration was issued or is not transporting the person issued the permit or registration; or any person who parks in a handicapped parking access aisle; shall be subject to a fine of not less than fifty dollars nor more than seventy-five dollars for the first offense and seventy-five to one hundred fifty dollars for the second offense occurring within a period of two years within the same municipality. The arresting or ticketing officer shall issue a summons to violators of this section. A ticketing officer issuing a summons pursuant to this section may provide for the removal and storage of a motor vehicle illegally parked in a handicapped parking space, or a handicapped parking access aisle.

5. As used in this section, the term "handicapped" shall also include

a "severely disabled person" as defined in section four hundred four-a of this chapter.

6. Notwithstanding any other state or local law to the contrary, a state, county or municipal law enforcement officer seeking to enforce subdivision four of this section may enter onto the parking lot of any shopping center or facility as described in subdivision one or four of this section or any other parking lot as described in the state fire prevention and building code, which is required to contain accessible and designated parking spaces for people with disabilities, regardless of the existence or absence of any state or local law or rule otherwise permitting or restricting such access for such law enforcement officer.