



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

March 24, 1995

Thomas E. Watson, Chief of Police
Greenville-Spartanburg Airport Commission
2000 GSP Drive, Suite 1
Greer, South Carolina 29651-9202

Re: Informal Opinion

Dear Chief Watson:

You have asked three questions regarding handicapped parking at the Greenville-Spartanburg Airport. Those are as follows:

1. Do any standard markings exist for Handicapped Parking spaces? (i.e. paint color or signage)
2. Section 56-3-1960 of the South Carolina Code indicates a person that is handicapped would be allowed to park in a timed or metered parking place without being subject to fees or fines. Would this privilege extend into daily, weekly or monthly parking facilities?
3. The employees at the Airport are provided a free parking lot. However, employees are allowed to park in the revenue lots at a reduced rate. Would a handicapped employee have the privilege of free parking in a daily, weekly or monthly parking facility?

S.C. Code Ann. Section 56-3-1960 provides in pertinent part:

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- (1) Any person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

Section 56-3-1965 further specifies that "[t]hose municipalities having marked parking spaces shall provide appropriately designated space or spaces reserved for the parking of handicapped persons." [emphasis added]. In addition, Section 56-3-1975 requires:

[e]ach handicapped parking place must be clearly identified as a handicapped parking place. If the handicapped parking place is on public property, the marker must be maintained by the political subdivision having jurisdiction over the public property or the street or highway where the handicapped parking place is located. If the handicapped parking place is on private property, the marker must be maintained by the owner of the property.

[emphasis added].

Addressing each of your questions in turn, as to your first inquiry, the statutes do not require any "standard markings" for handicapped spaces. Section 56-3-1975 simply mandates that "[e]ach handicapped parking place must be clearly identified as a handicapped parking place." [emphasis added]. Similarly, municipalities are obligated to provide "appropriately designed" spaces where marked handicapped spaces are provided. I cannot find any Regulations previously promulgated by the Department of Transportation regarding signs for handicapped parking. You may wish, therefore, to contact Ms. Betty Mabry, Legal Counsel to the Department, regarding any information that can be provided in this area.

With respect to your next question, whether the parking privilege extends to daily, weekly or monthly parking facilities, I would advise that it does. In an opinion, dated August 18, 1980, interpreting Section 56-3-1960, we wrote:

Code § 56-3-1960 states "[a]ny person who is handicapped as defined in this article, shall be allowed to park in metered or timed parking places without being subject to parking fees or

fines." Blacks Law Dictionary defines a parking meter as a clock set on a post measuring time of parking. A metered parking place, therefore, would refer to those spaces which have a parking meter.

The meaning of the words "timed parking" is not as clear. Rules of statutory construction require that words used in the statute be given their usual and ordinary meaning unless otherwise indicated. Windham v. Page, 191 S.C. 271, 6 S.E.2d 270 (1939). Timed parking would, therefore, include those places where there is free parking for a specified duration with fines imposed thereafter or where tickets are issued to denote the time of arrival and departure and one is charged according to the amount of time spent in the parking place.

Anyone displaying the required placard or plate would be exempt from parking fees or fines in either a metered spot or a timed spot.... [emphasis added].

Clearly, this opinion does not appear to suggest, nor do the statutes appear to contemplate, any time limitations with respect to a handicapped person being "allowed to park in metered or timed parking places without being subject to parking fees or fines." If the space is "metered or timed" as defined above, and it would appear that long-term Airport parking is "timed", it would not matter what the time restrictions on parking were -- a day, a week or a month etc. -- the statute would still exempt the handicapped from paying "parking fees or fines."

Finally, with respect to employee parking, the statute does not seem to speak to this question directly. You have indicated that while Airport employees are allowed to park for free in the employees lot, they may also park in the long-term commercial lot, but at a reduced rate. It would therefore appear to be difficult, logically, to distinguish this situation, for purposes of the statute, from the one involving commercial parking, addressed above. The only difference is that the employee receives a reduced rate for parking in the commercial lot. That the employees also have a "free" lot, would make no difference with respect to their parking in the commercial lot. When using the commercial lot, the employee still pays a "fee" to park in a "timed" spot as defined above. So long as a "fee" is charged or a "fine" is assessed for parking in a "timed" space, the intent of the General Assembly is that "[a]nyone displaying the required placard or plate would be exempt ..." therefrom. Op. Atty. Gen., August 18, 1980, supra. Thus, I believe

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a court would construe the statute as exempting a handicapped person from paying the reduced rate parking fee for Airport employees.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

I trust the foregoing responds to your questions. With kind regards, I remain

Very truly yours,



Robert D. Cook
Deputy Attorney General

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