
Building Codes Division



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to ensure safe building
construction while
supporting a positive
business climate.*

“Wheelchair User Only” Requirements for Parking Lots

Background:

During the 2007 legislative session, Senate Bill 716 was adopted, creating new requirements for “Wheelchair User Only” parking spaces in buildings subject to the Americans with Disabilities Act (ADA). Since the legislation went into effect, several contractors have asked whether resurfacing or restriping a parking lot triggers the need to comply with the new “Wheelchair User Only” requirements. Resurfacing a parking lot requires compliance with the new “Wheelchair User Only” requirements. Restriping triggers compliance with the new “Wheelchair User Only” requirements. Repainting existing stripes does not trigger compliance with the new “Wheelchair User Only” requirements.

Discussion:

The new “Wheelchair User Only” requirements are found in Oregon Revised Statute 447.233 (ORS 447.233). ORS 447.233 applies to “affected buildings subject to the state building code.”

“Affected buildings” as outlined in ORS 447.210(1) include public accommodations and commercial facilities designed, constructed and altered in compliance with the ADA; government buildings subject to Title II of the ADA; and, private entities, private membership clubs and churches with more than one floor that exceed 4,000 square feet or 20 feet in height.

For an affected building to be “subject to the state building code,” it must be under “construction, reconstruction, alteration or repair.” ORS 455.020. Thus, all new construction of “affected buildings” is subject to the “Wheelchair User Only” requirements. Similarly all reconstruction of “affected buildings” is subject to the “Wheelchair User Only” requirements.

“Alterations” of affected buildings are subject to the “Wheelchair User Only” requirements. The 2007 Oregon Structural Specialty Code defines alterations as follows:

“A change to a building or facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to remodeling, renovation, rehabilitation, reconstruction, historic restoration, **resurfacing of circulation paths, parking lots or vehicular ways**, changes or rearrangements in the plan for configuration of walls and full-height partitions. Normal maintenance, reroofing, **painting**, or wallpapering, or changes to the mechanical and electrical systems are not alterations unless **they affect the usability** of the building or facility.” (emphasis added)

Parking lot resurfacing, restriping and repainting are covered by this definition. Resurfacing a parking lot is an alteration and, thus, requires that the resurfaced parking lot comply with the new “Wheelchair User Only” requirements. Restriping is also an alteration because by changing the number and the layout of the parking spaces restriping changes the usability of the lot. Repainting over existing parking lot stripes is maintenance work that does not change the usability of the lot and, thus, does not *require* compliance with the new “Wheelchair User Only” requirements. Voluntary adoption of the new requirement is, however, desirable.

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