

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on January 29, 1986 in room 254-E of the Capitol.

All members were present ~~except~~
~~XXXX~~.

Committee staff present:

Fred Carman, Revisor
Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Bob Storey, Topeka, Traffic Safety Now
Bob Burke, Topeka, Advisory Committee for the Handicapped
Ray Petty, Topeka, Advisory Committee on Employment of the Handicapped
Frances Kastner, Topeka, Food Dealers' Association
Joan Watson, Commissioner, Rehabilitation Services, SRS
Don Karr, Topeka, Topeka Rehabilitation Association
Bill Edds, Department of Revenue

On a motion from Sen. Doyen and a second from Sen. Hayden the Minutes of January 22 and January 23, 1986 were approved. Motion carried.

Bob Storey requested the committee to submit a mandatory seat belt law which would include a \$25 fine and would not contain mitigation of damages.

A motion was made by Sen. Vidricksen and was seconded by Sen. Hoferer to introduce the bill as a committee bill and have it referred back to this committee. Motion carried.

Bill Edds requested the committee to submit legislation which would increase the fee for driver licenses by varying amounts, and also legislation which would eliminate the staggered system for issuing licenses to new applicants. He submitted a memorandum for these requests. A copy of attached. (Att. 1). A motion was made by Sen. Walker and was seconded by Sen. Martin to introduce these bills as committee bills and have them referred back to this committee. Motion carried.

HEARING ON S.B. 429 - Relating to handicapped parking.

The Chairman told the committee that this bill was the result of the Interim Committee and was explained fully as Proposal No. 62 on page 1131 of the December 1985 Legislative Interim Committee Reports.

Bob Burke said he had spoken to the Interim Committee in October and since then he had a few other things to mention. He spoke about the location of the placard which should be hung immediately below the rear view mirror to make it easier for law enforcement officers. He felt there should be a penalty if a person does not have his I.D. card with him. A violator should be given a ticket and if he produces his I.D. within 15 days the ticket could be voided. In line 60 there should be a penalty if a person does not bring his placard in to be updated. There should also be language to revoke a card. He also felt meter maids or "parking control officers" should have some authority if they see a violation. He also said that Kansas residents should have a Kansas I.D. card and they should not be from different states. Some residents could live in Missouri and get a handicapped parking permit for Kansas. This should be changed. The Department of Revenue should have the option of checking vital statistics for cards that should be returned.

There should be a higher replacement fee for cards that are lost or stolen. They now cost only \$1.95 and in one case he knew of a person on her fourth card.

CONTINUATION SHEET

Senate Transportation

Minutes of the & Utilities Committee on January 29, 1986

Something should be done about "look-alike" cards. There are currently six forms in Kansas that are legal and officers do not know if a card is always legal. There should be a penalty for "look-alikes".

Ray Petty submitted a copy of the federal legislation for a uniform system for handicapped parking (H.B. 3889) and he compared it to S.B. 429 with notations as to the differences. A copy is attached. (Att. 2).

There was some discussion about the plates for disabled veterans and how S.B. 429 would affect them. Mr. Petty also had a recommendation for an addition to the definition which should include ", or without great difficulty or discomfort". Mr. Petty also had some problem with the number of devices one person can obtain. He submitted a memorandum covering these problems dated January 29, 1986. A copy is attached. (Att. 3).

Frances Kastner said the Food Dealers' Association supported S.B. 429 and submitted a statement dated January 29, 1986. A copy is attached. (Att. 4).

Joan B. Watson said the State Department of Social and Rehabilitation Services feels the present handicapped parking law is not enforceable and is in support of S.B. 429. A copy of her statement is attached. (Att. 5). She also submitted a statement supporting S.B. 429 from Robert C. Harder, Secretary, Social and Rehabilitation Services dated January 29, 1986. A copy is attached. (Att. 6).

Don Karr, Topeka Rehabilitation Association, submitted a statement with recommendations for changes in the current law. These changes have already been incorporated in S.B. 429. A copy of his statement is attached. (Att. 7).

One member of the committee said he always noticed many open handicapped spaces and there did not appear to be much abuse. He did not want personnel diverted from more important DWI cases.

The Chairman said there was much abuse and the purpose of the bill was to have better marking and better enforcement.

A question was raised as to whether municipal airports should provide handicapped parking in short term parking lots.

Hank Avila said a study had been done in Lawrence on handicapped parking which would probably be of interest to the committee and he would make copies available.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 1-29-86 Place 254-E Time 9:00

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Frances Kastner	Topeka	Ks Food Dealers
Don Kam	"	Topeka Rehabilitation Ass.
Bob BURKE	TOPEKA	
Bob Storey	Topeka	Traffic Safety Now
PILL PERDUE	TOPEKA	Traffic Safety Now
Richard Funk	"	KASB
Joe Furjanc	Topeka	KASB
Cam Watson	Topeka	Rehabilitation, SVC/SAS
Bill Denny	Topeka	Kansas Engineering Society
Ron Colbert	Newton	United Transportation Union
TERRY L. STEVENS	TOPEKA	TOPEKA POLICE DEPT.
Michael T. Dickey	Topeka	Topeka Police Dept.
Laura L Moore	POH/Riley Co. Wamego	Three Rivers Independent Living Resource Center
Susan Cluffy	Topeka	Budget
Bill Green	TOPEKA	KCC
John W Smith	Topeka	Dept of Rev
Harold B. Fumka	"	" " "
Bill EROS	"	" " "
Tom Whitaker	"	KMCA
Bruce Graham	Topeka	ICMCA
George A. Duggan	"	Ks Dept on Aging

MEMORANDUM

TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation and Utilities

FROM: Harley T. Duncan, Secretary
Kansas Department of Revenue

RE: Driver License Legislation

The Department of Revenue respectfully requests that the Senate Committee on Transportation introduce the following legislation.

1. Increase the fee charged for driver licenses by varying amounts.

Currently, fee receipts generated by our driver examination, licensing and control activities do not cover the cost of operating our Driver Licensing and Control Bureau which is performing these responsibilities. Consequently, these activities constitute a net drain on the State Highway Fund and the activities supported by it. The fees have not been increased since 1973. We would, therefore, recommend that the driver license fees be increased as follows:

Class of License	Current	Proposed
Class A and B	\$10.00	\$15.00
Class C	\$6.00	\$10.00
Class D	\$3.00	\$5.00

ATT. ①
S.T.U 1/29/86

We estimate that this increase will generate about \$2.1 million total, of which \$1.1 million will be deposited to the State Highway Fund and the remainder to the State Safety Fund and Motorcycle Safety Fund. With the increase, total receipts generated by our driver licensing and control activities will approximate \$5.6 million and the recommended budget for FY 1987 is \$5.3 million.

2. Amend K.S.A. 8-240 to eliminate the staggered system for issuing licenses to new applicants.

When the driver license renewal period was changed from a 2-year to a 4-year term in 1970, it was necessary to set up a system for staggering renewals over the 4-year period to even out the flow of applicants. That system still exists in law and is applied to new licensees who may receive a license extending from as little as 6 months to as long as 59 months and a cost ranging from \$1.50 to \$6.75. We do not believe the staggering system is necessary because new applicants--new drivers and new residents--should be randomly staggered across the months. The staggered system also complicates our administrative work and confuses the public.

We would, therefore, recommend that the staggering system be eliminated and replaced with a system where each new license is good for four years from the nearest birthday.

Thank you for considering these matters. We will, of course, explain and justify them more fully when they are heard.

99TH CONGRESS
1ST SESSION

H. R. 3889

[Companion
S. 1936]

To amend title 23, United States Code, to provide for a uniform system for
handicapped parking.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 1985

Mr. FRANK introduced the following bill; which was referred to the Committee on
Public Works and Transportation

A BILL

To amend title 23, United States Code, to provide for a uniform
system for handicapped parking.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Handicapped Parking
5 Act of 1985".

6 SEC. 2. HANDICAPPED PARKING.

7 (a) ESTABLISHMENT OF UNIFORM SYSTEM FOR
8 HANDICAPPED PARKING.— Chapter 1 of title 23, United
9 States Code, is amended by adding at the end thereof the
10 following new section:

ATT. ②
S. TU 1/29/86

1 "§ 159. Handicapped parking

2 "(a) The Secretary shall reduce a State's apportionment
3 of Federal-aid highway funds under each of the sections
4 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggre-
5 gate amount of up to 5 percent of the amount to be appor-
6 tioned in any fiscal year for any such State which does not
7 have in effect a uniform system for handicapped parking
8 approved by the Secretary.

*1 percent
in S. 1936*

9 "(b)(1) For purposes of this section, a uniform system for
10 handicapped parking is a system which—

*YES,
except
for
disabled
Veteran
plates*

11 "(A) adopts the International Symbol of Access
12 (as adopted by Rehabilitation International in 1969 at
13 its 11th World Congress on Rehabilitation of the Dis-
14 abled) as the only recognized symbol for the identifica-
15 tion of vehicles used for transporting individuals with
16 handicaps which limit or impair the ability to walk;

YES

17 "(B) establishes a system of easy access parking
18 spaces, designated by the International Symbol of
19 Access, in public areas (including privately owned
20 property which is open to the public) to accommodate
21 the needs of individuals with handicaps which limit or
22 impair the ability to walk;

*not included
in S. 1936*

YES

23 "(C) provides for the issuance of license plates
24 displaying the International Symbol of Access for vehi-
25 cles which will be used to transport individuals with

1 handicaps which limit or impair the ability to walk,
2 under criteria determined by the State;

YES

3 “(D) provides for the issuance of removable wind-
4 shield placards displaying the International Symbol of
5 Access to individuals with handicaps which limit or
6 impair the ability to walk, under criteria determined by
7 the State;

YES

8 “(E) provides for the same schedule of fees for the
9 licensing or registration of a vehicle used to transport
10 such individuals with handicaps as for other vehicles
11 operated in the State;

NO

12 “(F) requires the designation of a sufficient
13 number of easy access parking spaces to accommodate
14 the needs of such individuals with handicaps in the
15 State, as determined by the Secretary;

not
included
in
S. 1936

YES

16 “(G) for purposes of easy access parking, recog-
17 nizes licenses and placards displaying the International
18 Symbol of Access which have been issued by other
19 States and countries; and

YES

20 “(H) provides for civil penalties, imposed by law,
21 for any individual who parks a vehicle which does not
22 display the International Symbol of Access on a valid
23 license or placard in an easy access space described in
24 subparagraph (B).

1 “(2) The uniform system for handicapped parking de-
 2 scribed in paragraph (1) shall be submitted by a State to the
 3 Secretary and shall be accompanied by such information as
 4 the Secretary considers necessary.”.

5 (b) CONFORMING AMENDMENT.—The analysis of such
 6 chapter is amended by adding at the end thereof the
 7 following item:

“159. Handicapped parking.”.

8 SEC. 3. STUDY CONCERNING STATE COMPLIANCE.

9 Beginning not later than 18 months after the effective
 10 date of this Act, the Secretary of Transportation shall
 11 annually evaluate compliance by the States with the amend-
 12 ments made by this Act. *

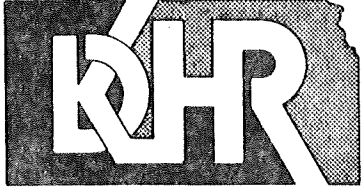
13 SEC. 4. EFFECTIVE DATE.

14 The provisions of this Act shall take effect October 1,
 15 1988.

○

* S. 1936 adds :

The Secretary shall submit to
 Congress an annual report on
 such evaluation on compliance
 by the states.

ADVISORY COMMITTEE ON EMPLOYMENT
OF THE HANDICAPPED1430 S.W. Topeka Avenue, Topeka, Kansas 66612-1877
913-232-7828 (V/TDD) 567-0828 KANS-A-N

John Carlin, Governor

Larry E. Wolgast, Secretary

Testimony regarding Senate Bill 429:
Handicapped ParkingRay Petty, Legislative Liaison
January 29, 1986

Mr. Chairman and members of the Senate Committee on Transportation and Utilities:

Thank you for this opportunity to testify in support of Senate Bill 429 which favorably amends the current Kansas law regarding parking privileges for disabled persons. Many of you served on the interim committee which considered Proposal #62 and we appreciate your help in developing this bill - one which addresses virtually all of the concerns expressed by advocates during hearings this past summer and fall.

Rather than spending my time today accentuating the improvements in our law, I would prefer to address two areas of importance:

1. The Handicapped Parking Act of 1985 - proposed federal legislation designed to provide for a uniform system for handicapped parking.
2. Call your attention to two minor technical changes which have come to my attention subsequent to the conclusion of the interim study.

ATT.
S. TU 1/29/86 (3)

The Handicapped Parking Act of 1985

Legislation has been introduced in Congress which is designed to provide for a uniform system for handicapped parking. This is no surprise since the Paralyzed Veterans of America have been heavily invested in this effort for at least two years. Senate Bill 429 has attended to the recommendations of that PVA study and consequently this bill, with one or two minor differences, appears to conform to the proposed national standards.

I have included a copy of H.R. 3889 with my comments. You will notice that I have indicated in the right margin the provisions that differ between 3889 and its companion version, S. 1936. In the left margin I have indicated my opinion as to whether or not S. 429 will be in compliance with the federal legislation, should both be passed.

Both the House and Senate versions of the proposed federal legislation adopt the International Symbol of Access as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps (see lines 11-16 on page 2). **At present, the disabled veteran's plates in Kansas do not utilize the wheelchair symbol which is called for here.** This was pointed out during the interim and was not deemed important by the committee - particularly since the design for that special plate is at the discretion of the director of vehicles (see line 175 in S. 429).

If the committee desires, it would be possible to direct the director of vehicles to include the wheelchair symbol in the new series of plates, which I gather are to be issued in 1988. **This change would insure that all handicapped parking devices in Kansas would be easily recognized by the wheelchair symbol.** Wording could be taken from lines 65-67 in the current bill, and would be applied after the words "in this act." in line 176:

Beginning in the year in which new license plates are issued pursuant to subsection (b) of K.S.A. 8-132, and amendments thereto, such license plate shall display the international symbol of access to the physically handicapped.

Notice also that in lines 12-15 of H.R. 3889 (but not S. 1936) there is a proposed requirement for "a sufficient number of easy access parking spaces to accommodate the needs of such individuals." That "sufficient number" is to be determined by the Secretary of Transportation. **At present, we are not requesting that Kansas require certain numbers of parking spaces as it has been our observation that many communities are earnestly attempting to fulfill such needs.** Should a requirement be necessary, it could be added later.

Technical Difficulties

1. Definition

It has been brought to my attention that there are certain disabling conditions such as emphysema or heart disease which might be debilitating enough to require handicapped parking privileges, but not sufficient to meet the proposed definition of "handicapped person." These conditions may not require a person to use some assistive device for mobility, yet the person might be in intense pain or danger should he/she be expected to walk over 200 feet on a regular basis.

It would appear that adding the following (Illinois) wording after "device" in line 30 would take care of this problem:

, or without great difficulty or discomfort

2. How many devices can one person obtain?

During the interim, I recommended that a person be allowed to obtain only one disabled license plate. That was suggested in order to cut down on the number of vehicles which could be misused by family members, etc. And it was understood that when the new series of license plates is issued, a person will be able to request both a license plate and a placard. Until that time a person could not legally obtain both.

The problem is this: if the primary vehicle, say a lift-equipped van, is in the shop, and the disabled person is prevented from obtaining or keeping a second disabled license plate for another family vehicle, then he/she will be unable to legally use handicapped parking privileges during that period of time. I realize that this is a temporary situation, both for the person in terms of vehicles, and for the state in terms of the new issuance of plates - but it is a point that was brought to my attention by a consumer.

One solution would be to delete the word "one" in line 35. Then, when the new plates become available, and a person could obtain a plate and a placard - thus eliminating the problem - clean-up legislation could be introduced.

With these few considerations in mind, we are pleased to support Senate Bill 429 and urge this committee to recommend it favorably for passage.



Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205
PHONE: (913) 384-3838

January 29, 1986

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Topeka

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DIRECTOR OF GOVERNMENTAL AFFAIRS

FRANCES KASTNER

SENATE TRANSPORTATION COMMITTEE

RE: SB 429

EXECUTIVE DIRECTOR
JIM SHEEHAN
Shawnee Mission

Mr. Chairman, and members of the Committee I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership consists of grocers, wholesalers and distributors of food products throughout the State of Kansas.

During the Interim Committees deliberations we contacted a number of our members and found overwhelming sentiment that the spaces currently being provided for the handicapped who shop at our grocery stores often are occupied by those who certainly are not handicapped and do not have properly identified vehicles. Usually by the time a complaint was lodged with the store managers the violators had left.

We believe that the strict enforcement outlined in SB 429 will be of benefit to the truly handicapped. As we understand the bill, however, ONLY tickets for handicapped violations will be issued, rather than also writing a ticket for a broken tail light on another vehicle, for example. We are in favor of that limitation.

It would appear that by more stringent monitoring of those issued handicapped identification, and a few tickets issued to violators, we will have handicapped parking spaces available for those who need it.

We appreciate the fact that you have made it a voluntary program, and that if indeed our members want to provide parking spaces for the handicapped, the use of the upright signs will indicate their participation.

Thank you for the opportunity of appearing before you and voicing our support of SB 429. I will be happy to answer any questions you may have.

ATT. ④
S.TU 1/29/86

State Department of Social and Rehabilitation Services
Testimony In Support of S.B. 429

Mr. Chairman, Members of the Committee, Social and Rehabilitation Services supports the passage of S.B. 429.

The current handicapped parking law is not presently enforceable and does not ensure parking.

1. Non-disabled persons are parking in these designated areas. Some of the biggest abusers are family members of persons certified to use handicapped parking.
2. Non-disabled family members often misuse the handicapped parking.
3. Those who use special equipped vans have difficulty locating handicapped parking spaces large enough to accommodate their lifts safely.
4. The methods used to designate handicapped parking are varied and confusing. Ground marked parking fades and is not visible in poor weather.
4. Confusion exists as to whether law enforcement officers have the authority to enforce handicapped parking laws on private property.

S.T.U. ATT. 5
1/29/86

S. B. 429 addresses these problems with the following::

1. The requirement of persons carrying handicapped parking identification cards will assist law enforcement officers determine abusers of handicapped parking.
2. Kansas will adhere to American National Standards Institute (ANSI) for parking space size and upright signs with the international symbol of access.
3. Law enforcement officers will have national enforcement authority on private parking.
4. Uniform fine schedules will be set.
5. Handicap identification devices of other states will be recognized.

Social and Rehabilitation Services supports S.B. 429 because it clearly addresses the major problems surrounding handicapped parking - abuse and enforcement. Persons certified to use handicapped parking will have greater opportunity to use these spaces with the passage of this bill.

Joan B. Watson
Commissioner
Rehabilitation Services
for
Robert C. Harder
Office of the Secretary
Social and Rehabilitation Services
296-3271
January 29, 1986

⑥

State Department of Social and Rehabilitation Services

Statement Regarding S.B. 429

Title - Amendments of K.S.A. 8-161 and K.S.A. 1985 Supp. 8-2118 and repealing the existing section; also repealing KSA 1985 Supp. 8-132a, expanding law enforcement and protection of handicapped parking.

Purpose - Current law provides special license or placards for parking in designated handicapped spaces with limited enforcement authority. This bill clarifies the enforcement issues and addresses the chronic abuse problem of designated handicapped parking.

Background - The bill strikes at the enormous abuse problem of non-disabled parking in handicapped spaces; provide uniform parking (size and marking); and currently limited law enforcement. The requirement of persons carrying handicapped parking identification cards would assist law enforcement officers determine abusers of handicapped parking. Law enforcement officers would have clear enforcement authority on private property as supported by retailers. Kansas would adhere to American National Standards Institute (ANSI) standards for parking space size and upright signs with the international symbol of access. Uniform fine schedules would be set. Handicap identification devices of other states would be recognized. A more specific definition of mobility is included. Physicians will be fined if they certify a non-disabled person for purposes of obtaining handicapped parking permit.

Effect of Passage - Abusers of handicapped parking on public and private property will be identified easily and fines will be levied. Retailers will not be involved with abusers being ticketed. Handicapped parking spaces will be more obvious due to the requirement of an upright sign. Parking spaces will be large enough to accommodate a specially equipped van with lift. Physicians are provided a clearer definition of persons who qualify for handicapped parking.

SRS Recommendation - Social and Rehabilitation Services recommends passage of Senate Bill 429 because it clearly addresses the major problems surrounding handicapped parking.

Robert C. Harder
Secretary
Social and Rehabilitation Services
296-3271
January 29, 1986

ATT.
S. TU 1/29/86 ⑥

KSA 58-1311 specifies:

-As a minimum requirement ". . . every building or facility which is used by or open to the public shall be provided with at least one parking space, easily accessible to such building, which is clearly marked as being reserved for persons with disabilities or persons responsible for the transportation of a person with a disability."

Recommendations:

- 1. Standardized signage (uniform display).
- 2. Consistent enforcement (patrol officer and/or other policing body, including lay monitors).
- 3. Deterent fines.

ATT. (7)
S. TU 11/29/86