

Approved: 3/14/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on March 13, 1995 in Room 519-S of the Capitol.

All members were present except:

Representative McKinney, excused
Representative Powell, excused
Representative Wilson, excused

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Jane Rhys, Kansas Council on Developmental Disabilities
Robert Burke, Access USA Inc.
Gary Robbins, Executive Director of Kansas Optometric Association
Tom Whitaker, Kansas Motor Carriers Association
Bob Giffin, Kansas Highway Patrol

Others attending: See attached list

Chairman King called the meeting to order at 1:35 p.m.

The Chair opened hearings on **SB 262, concerning accessible parking for persons with a disability**, and called on the Revisor, Bruce Kinzie, to give an overview of the bill.

The Chair recognized Jane Rhys of the Kansas Council on Developmental Disabilities as the first proponent. She gave a brief history of the Council and stated the mission of the Council is to advocate for individuals with developmental disabilities to see that they have choices in life. She told the committee this bill would strengthen the rights of individuals with disabilities to park at places specifically designated for them and increasing the fine for those who illegally display handicap parking items will help to ensure that these designated places are reserved for those who truly need them. (Attachment 1)

The next proponent was Robert Burke, founder of Access USA. He told the committee he had appeared before them three times in the last 10 years to help improve the state disabled parking laws and now was asking for several minor changes that were needed in order to meet the requirements of the Americans with Disabilities Act in regards to parking. He referred to **SB 262** section by section stating the recommended changes and why they were necessary. (Attachment 2) He also distributed a copy of the form that needed to be filled out to receive a disabled placard (Attachment 3) and showed examples of how easily these cards could be duplicated.

Gary Robbins, Executive Director of the Kansas Optometric Association was the last proponent to testify. He stated he represented 300 optometrist practicing in the state and they were asking to also be recognized as providers who can sign the designated form for a patient to receive a disabled parking placard, plate or individual identification card if a patient meets the legal standard of blindness. He told the committee currently only physicians, podiatrists, and chiropractors are authorized to sign these forms for an individual with a disability. He concluded it was an unnecessary step, and one which has a tendency to upset the family, when a patient is required to have the form signed by his/her primary care physician after being verified by their optometrist that they meet the legal requirements to receive this permit. (Attachment 4)

There were no opponents.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 13, 1995.

Written testimony was presented by Carla Stovall, Attorney General. (Attachment 5)

Following testimony the conferees stood for questions. In answer to a question from the committee, Mr. Burke stated federal mandates require 4 disabled parking stalls for every 100 stalls in a lot. The Revisor told the committee that Christian Scientist Practitioners were also permitted to sign these disability forms.

Following questions by the committee the Chair closed hearings on **SB 262**.

Chairman King opened hearings on **SB 272, concerning traffic regulation, braking systems**.

The Chair recognized Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association, as the first conferee. He stated, in addition to current language, they were asking for an amendment which would require "service brakes on any vehicle or combination of vehicles shall be operable and provide effective braking action that engages the brake lining or pad with the braking surface to bring the vehicle to a stop." He said this new language would assist with enforcement of braking requirements and would create a clearly understood and enforceable law governing effective braking systems on vehicles. (Attachment 6)

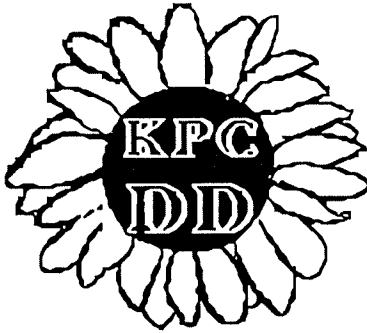
Captain Bob Giffin of the Kansas Highway Patrol was next to testify. He stated it is common place, during routine safety inspections and crash investigations, for enforcement personnel to discover vehicles, or combinations of vehicles, that have the service braking systems disabled or adjusted so that the pad or lining does not contact the braking surface when applied. He concluded the amendments in **SB 272** would help make enforcement of brake laws simpler for all involved. (Attachment 7)

There were no opponents.

Following questions by the committee, Chairman King closed hearings on **SB 272**.

The Chair adjourned the meeting at 2:35 p.m.

The next meeting is scheduled for March 14, 1995.



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor
WENDELL LEWIS, Chairperson
JANE RHYS, Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (913) 296-2608, FAX (913) 296-2861

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

HOUSE COMMITTEE ON TRANSPORTATION

MARCH 13, 1995

Testimony in Regard to S.B. 262, AN ACT ACCESSIBLE PARKING FOR PERSONS WITH A DISABILITY.

To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities.

Mr. Chairman, Members of the Committee, I am appearing today on behalf of the Kansas Council on Developmental Disabilities regarding S.B. 262.

The Kansas Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor. At least half of the membership is composed of individuals who are persons with developmental disabilities or their immediate relatives. We also have representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices in life.

This bill strengthens the rights of individuals with disabilities to park at places specifically designated for them. The increased height requirement for handicapped parking signs will make them easier for individuals to see. The increase in the fine from under \$100 to not more than \$300 and the addition of the charge of misdemeanor for those who illegally display handicapped parking items will help to ensure that these designated places are reserved for those who truly need them.

We applaud the attempt to strengthen this law and I appreciate the opportunity of testifying. I would be happy to answer any questions you may have.

Jane Rhys

Kansas Council on Developmental Disabilities

Docking State Office Building, Room 141

915 SW Harrison

Topeka, KS 66612-1570

913 296-2608

*House Transportation Committee
March 13, 1995
Attachment 1*

Access



USA INC.

REG.

BOB BURKE
FOUNDER

4220 S.E. MINNESOTA
TOPEKA, KANSAS 66609-1706

913-266-8649
Voice Pager 913-354-0042

Good afternoon Chairman King, and members of the House Transportation Committee. I am Robert Burke, and, I am disabled myself. I am the founder of Access USA. I have appeared before you three times in the last 10 years, trying to help improve the state disabled parking laws. I have been told Kansas receives many out of state inquiries, wishing to draft disabled parking laws similar to Kansas laws. I have conducted training for several law enforcement agencies on "apprehending the non-handicapped placard user", and other violations of NON DISABLED persons, using the disabled parking system illegally.

This year I am asking you to strengthen our laws to help law enforcement, several minor changes are also needed in order to meet the requirements of the Americans with Disabilities Act, in regards to parking.

In reference to Senate Bill No. 262, Page 1, line 16, the word ALL needs to be changed back to EACH. Most parking places already have "each" stall marked. Last year this was inadvertently changed to "ALL". A resulting problem has been with the new construction of a shopping center, here in Topeka, where handicapped parking was installed, and marked by the placement of signs, with arrows on the signs, designating several parking places between the signs. Therefore, each parking stall is not clearly marked. Since disabled parking stalls shall have access aisles by the parking places, to get wheelchairs, crutches, etc. out of vehicles, it is often difficult to determine where the stall is and where the access aisle is located, with this arrow system, if they are not clearly marked. Also, stores don't always keep these parking places clear of dirt, snow and ice, or repaint the stalls when needed. Customers, both disabled and able-bodied, often don't know where to park, because the lines are covered or worn out. A person with a side lift van, that finds a car parked beside the van, because the access aisle was not clearly marked, may not be able to enter their van. Regular drivers, not seeing the disabled parking sign, that used to be in front of each stall, think it is okay to park, and become upset when they are ticketed. See Federal Register insert, ADAAG 4.6.4 Signage

Line 20 explains the height of new signs installed after July 1, 1995. The "Americans with Disabilities Act", ADAAG 4.6.4 Signage, requires that "signs are not obscured by a vehicle parked in the space, each space must be clearly marked." See Federal Register insert.

Line 30, pertains to defining "vehicles."

*House Transportation Committee
March 13, 1995
Attachment 2*

Line 36 pertains to the Americans with Disabilities Act, ADAAG 4.6.2 Location (parking). There shall be an accessible route from the parking place to the building entrance, if entrance is blocked by a vehicle, this parking place is useless. An example is at a shopping center, where a car parks across the curb cut at the building entrance, which is across from the disabled parking. See Federal Register insert, ADAAG 4.6.2

Line 40, increases the fine to \$50 minimum, it has been noted that the number of handicapped parking violations issued has decreased in the Topeka area, where the fine is \$50.

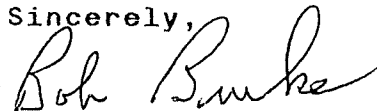
Page 2, Line 6, there still are many persons using expired placards, they continue to park close, pay no meter fees, and can tour national parks free of charge.

Line 13, People use a disabled persons card, while that disabled person is not being transported, others use cards of someone who has expired. We receive complaints from office workers having to pay \$30-\$50 a month to park 3 blocks from the office, while their co-worker parks at the office door using a placard that is not issued to them. This needs a minimum of \$100, and a maximum of \$300.

**Line 32, (PASS PLACARD) Changing the date, or serial numbers, has also been a problem. In February, we caught an employee using a placard that expired in Dec. 92, parking in a lot with a fee of \$150 a year at KU Medical Center. He saved at least \$300, but the fine is \$25. This fine needs to have a minimum \$100, and a mandatory court appearance. In this case the judge might have fined him \$300. Also, law enforcement needs to be able to seize any of these items to prevent them from being used again.

Thank you, Officer Stanley from the Topeka Police Department is here with me if you wish to ask him or myself any questions.

Sincerely,



Bob Burke
Phone 913-231-9965
4220 SE Minnesota
Topeka, Kansas
66609-1706

4.8 Parking and Passenger Loading Zones

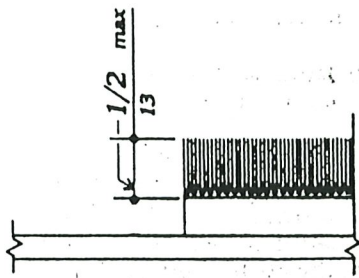


Fig. 8 (f)
Carpet Pile Thickness

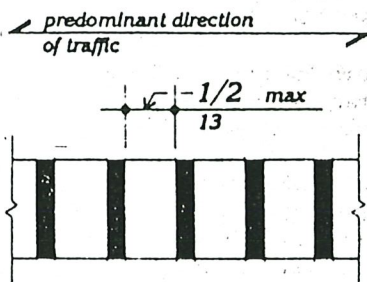


Fig. 8 (g)
Gratings

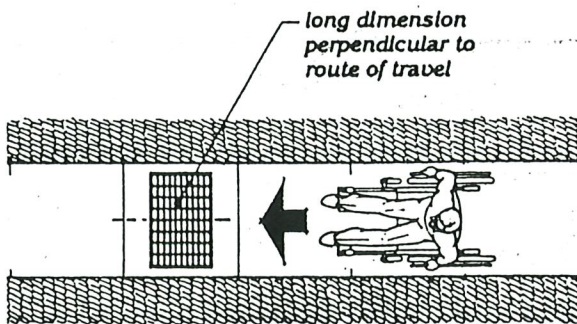


Fig. 8 (h)
Grating Orientation

4.6.2 Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3* Parking Spaces. Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

4.6.4* Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4.6.5* Vertical Clearance. Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

4.6.6 Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with



KANSAS DEPARTMENT OF REVENUE
DIVISION OF VEHICLES



DISABLED PLACARD AND/OR PLATE APPLICATION

APPLICATION FOR DISABLED PLACARDS, PLATES AND ID CARDS MUST BE MADE AT YOUR LOCAL COUNTY TREASURER'S OFFICE

Name of Disabled Individual, Business or Agency _____

Address _____ City _____ KS ZIP _____

Applicant Signature _____ Phone No. (____) _____ Date _____

PLEASE CHECK APPROPRIATE APPLICATION(S):

- 1. **DISABLED IDENTIFICATION PLACARD APPLICATION** PERMANENT (\$5.25 fee); TEMPORARY (\$4.25 fee)
 Check here only if applying for (lost, stolen) replacement placard.* No Licensed Professional's Statement needed for replacement placard.

*If Replacement Placard, Current Disabled ID Card Number _____

- 2. **DISABLED LICENSE PLATE APPLICATION** (FEE: \$3.25) plus 50¢ reflectorized plate fee
Only applicants certified as PERMANENT disabled may apply for Disabled Plate.

BUSINESS OR AGENCY REPRESENTATIVE MUST CERTIFY AND SIGN THE FOLLOWING:

I, the undersigned, certify that the above named agency or business is responsible for the transportation of person(s) to be considered disabled as per K.S.A. 8-1,124, as outlined below, thus qualifying for accessible parking privileges.

Authorized Representative or Owner Signature (Rubber Stamp NOT Acceptable) _____ Title _____ Date _____

HEALING ARTS LICENSED PROFESSIONAL'S STATEMENT

Attending licensed professional must certify and sign the following:

I, the undersigned licensed professional, certify that (Disabled Individual's Name) _____ is considered to be disabled, as per Kansas Statute 8-1,124, due to at least one (1) or more of the following: (Must check at least one.)

- 1. Has a severe visual impairment, or;
- 2. Cannot walk two hundred (200) feet without stopping to rest, or;
- 3. Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device, or;
- 4. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest, or;
- 5. Uses portable oxygen, or;
- 6. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association, or;
- 7. Is severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

Licensed Professional's Signature (Rubber stamp not acceptable) _____ Date _____

MUST check one (1) of the below and provide requested information:

- PERMANENT TEMPORARY**: \rightarrow From (Date) _____ To (Date) _____
- ** Six (6) Months is the MAXIMUM Duration for a Temporary Placard.

Licensed Professional's Name Printed / Typed _____

Printed: Address _____ City _____ State _____ ZIP _____

*House Transportation Committee
March 13, 1995
Attachment 3*

INSTRUCTIONS

- Disabled individual **must** be a Kansas resident.
- Application **must** be signed by the disabled individual, representative or vehicle owner.
- **Fees:**
 - Permanent Disabled Placard application fee is \$5.25. The Personal Disabled Identification Card **must** be carried by the person to whom it is assigned when using disabled parking privileges. Application is to be made at the local County Treasurer's office.
 - Temporary Disabled Placard application fee is \$4.25. The placard **must** be returned upon expiration to the Department of Revenue, Titles and Registration Bureau, Docking State Office Building, Topeka, Kansas 66626-0001. Application is to be made at the local County Treasurer's office.
 - Disabled License Plate will require a \$3.25 fee and 50¢ reflectorized plate fee, in addition to regular registration fees. Application for a disabled license plate must be made at the local County Treasurer's office.
 - The fee for replacement placards will be \$5.25 for Permanent or \$4.25 for Temporary. Replacement placards are subject to the same return requirements as outlined in these instructions. Application for replacement placard is to be made at the local County Treasurer's office.
- Disabled Identification Placard **must** be suspended from rear view mirror when using disabled parking privileges and may be transferred from one vehicle to another. **The placard is to be removed from the rear view mirror when the vehicle is being operated.**
- Upon death of the disabled individual, both the Disabled License Plate and/or Placard and the personal Disabled Identification Card **must** be returned to the local County Treasurer's Office in exchange for a regular county issue tag, if applicable.
- The Healing Arts Licensed Professional's name **must** be printed/typed in the space provided. Licensed Professional **must** be signed by the professional, NOT rubber stamped or initialed.
- Disabled Identification Card **must** be available upon demand if the disabled individual is using any disabled parking privilege. If the disabled individual is not in the vehicle or the disabled individual does not have their ID card available upon demand, the vehicle is NOT entitled to use the disabled parking privilege.
- A disabled individual may have one (1) of the following:
 - One (1) disabled license plate and/or one (1) placard, or
 - Two (2) placards, but NO disabled plate.
- The owner's receipt of the application for Temporary placard **must** be carried by the person it is issued to when using accessible parking. (K.S.A. 8-1,125)

In addition to being eligible to park at marked accessible parking places, disabled persons having a valid disabled plate or placard displayed on or in the vehicle may also park at parking meters for an unlimited period and will be exempt from any parking meter fees. (KSA 8-1,126)

PENALTY

Any person who willfully and falsely represents him/herself as having the qualifications to obtain a special license plate or ID Placard, or who falsely utilizes any parking privilege, shall be guilty of a class C misdemeanor, punishable by fines of \$500.00 and no more than 30 days in jail. (K.S.A. 8-132a) Violators may also be subject to additional penalties where imposed by city ordinance.

Kansas Optometric Association

1266 SW Topeka Blvd., Topeka, KS 66612
913-232-0225

TESTIMONY
HOUSE TRANSPORTATION COMMITTEE
MARCH 13, 1995

I am Gary Robbins, Executive Director of the Kansas Optometric Association and I appreciate the opportunity to appear on Senate Bill 262 this afternoon. The Kansas Optometric Association represents 300 optometrists practicing in the state. We are hopeful that the committee can address an additional issue in this legislation involving accessible parking for individuals with a disability. On a daily basis our members test the vision of individuals for drivers license renewals and make determinations of blindness as a disability for Social Security or Income Tax purposes. One oversight in Kansas Law is that optometrists are not recognized as providers who can sign the designated form for a patient to receive a disabled parking placard, plate or individual identification card if a patient meets the legal standard of blindness. Currently, only physicians, podiatrists and chiropractors are authorized to sign these forms for an individual with a disability.

Under the current law, the optometrist will verify that an individual is blind and then will notify the patient's primary care physician who signs the form. This is an unnecessary step which is time consuming and has a tendency to upset the family of the patient. If a family insists, some optometrists will sign the form and often the form is approved.

We respectfully request that K.S.A. 8-1,125 be amended to allow a licensed optometrist to be among the health providers who can certify if an individual has a disability.

Thank you for your time and consideration of this request.



*House Transportation Committee
March 13, 1995
Attachment 4*



State of Kansas

Office of the Attorney General

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

March 13, 1995

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
FAX: 296-6296

Representative Kenneth King, Chairperson
House Transportation Committee
State Capitol, Room 431-N
Topeka, Kansas 66612

RE: Senate Bill 262

Dear Representative King and Members of the Committee:

I am writing to express my support of Senate Bill 262. This bill is designed to strengthen the enforcement of an act concerning parking for individuals with disabilities.

Pursuant to K.S.A. 58-1304(b) my office has been given responsibility for enforcement of the Kansas Architectural Accessibility Act (K.S.A. 58-1301 et seq.), which is patterned after Titles II and III of the ADA. As you may know, my office has the use of a full-time architect and part-time attorney to help with enforcement of this act.

SB 262 requests that the required height of signs designating parking spaces for individuals with disabilities be set between 60"-72". This helps clarify one of the requirements stated in the guidelines of the ADA and KAAA which requires "such signs . . . be located so they cannot be obscured by a vehicle parked in the space."

Elements associated with accessible parking such as loading zones, curb ramps, access aisles and parking spaces constructed properly and clearly identified enhance stronger enforcement for individuals with disabilities.

I urge the committee to pass SB 262. The availability of accessible parking accommodations is the first step toward making goods and services available to individuals with disabilities.

Very truly yours,

CARLA J. STOVALL
ATTORNEY GENERAL OF KANSAS

CJS:PF:bas

House Transportation Committee
March 13, 1995
Attachment 5

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting Senate Bill No. 272
which strengthens the statute
governing operable brakes.

Presented to the House Transportation
Committee, Rep. Kenneth R. King, Chairman;
Statehouse, Topeka, Monday, March 13, 1995.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association with offices in Topeka. I am here today along with Mary Turkington, the Association's Executive Director, representing our member-firms and the highway transportation industry.

We are here to support Senate Bill No. 272. Current law governing braking systems on motor vehicles or combinations of vehicles only requires that a vehicle be able to stop in 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface. In addition to current language, we are asking that K.S.A 8-1734 be amended to require, "service brakes on any vehicle or combination of vehicles shall be operable and provide effective braking action that engages the brake lining or pad with the braking surface to bring the vehicle to a stop."

*House Transportation Committee
March 13, 1995
Attachment 6*

We have worked closely with the Kansas Highway Patrol to develop the new language that appears in SB 272 to assist with enforcement of braking requirements.

We believe that adoption of SB 272 will create a clearly understood and enforceable law governing effective braking systems on vehicles.

We respectfully ask you to recommend SB 272 favorably for passage. We would be pleased to respond to any questions.

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**KANSAS HIGHWAY PATROL
Summary of Testimony
In support of
1995 Senate Bill 272
before the
House Transportation Committee
March 13, 1995
presented by
Captain Bob Giffin**

Good afternoon Mr. Chairman and members of the committee. My name is Bob Giffin and I appear before you on behalf of Superintendent Lonnie McCollum in support of Senate Bill 272.

Senate Bill 272 adds language to K.S.A. 8-1734 to require that service brakes on any axle of a vehicle or combination of vehicles be operable and when applied, provide effective braking action that engages the brake lining or pad with the braking surface to bring the vehicle or combination of vehicles to a stop. Current law requires that every vehicle or combination of vehicles be equipped with a service braking system which will stop such vehicle or combination of vehicles within 40 feet from an initial speed of 20 miles per hour on a level, dry surface.

During routine safety inspections and crash investigations, it is common place for enforcement personnel to discover vehicles or combinations of vehicles that have the service braking systems disabled or adjusted so that the pad or lining does not contact the braking surface when applied. Even though these vehicles are designed and equipped with brakes by manufacturers, the owners and/or operators choose to override the safety benefits of the braking systems designed into their vehicles. This creates a dangerous situation for all highway users.

Additionally, enforcement officers are faced with a situation where they must inconvenience the vehicle operator and find a dry level surface to test braking performance. The amendments in Senate Bill 272 would help make enforcement of brake laws simpler for all involved.

It is with these considerations in mind that the Patrol respectfully requests that Senate Bill 272 be favorably considered.

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*House Transportation Committee
March 13, 1995
Attachment 7*