

Approved: 2-4-97
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:07 a.m. on January 28, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Bob Burke, Shawnee County District Attorney's Office, Topeka
Mr. Henry L. Blase, Commission on the Status of People with Disabilities, Wichita
Mrs. Shirley D. Yonce, Wichita
Ms. Jane Rhys, Kansas Council on Developmental Disabilities, Topeka
Mr. Michael Byington, Wichita Industries & Services for the Blind, Inc., Topeka
Ms. Meg Henson, Kansas Medical Society, Topeka
Mr. Gary Robbins, Kansas Optometric Association, Topeka
Ms. Betty McBride, Division of Vehicles, Topeka

Others attending: See attached list

SB 29: Accessible parking; persons with a disability

Bob Burke, an investigator with the Shawnee County District Attorney's Office, appeared as a proponent to **SB 29** on behalf of the disabled for better enforcement to keep parking places accessible to persons with a disability. He submitted written testimony (Attachment #1) and explained how easy it is to make application and obtain a disabled placard. Mr. Burke discussed fraudulent use of the placards, calling attention to the list of approximately 121 disabled parking placards and disabled license plates in use within three blocks of the Capitol Building. He then reviewed changes and amendments he proposes to the bill. Included with Mr. Burke's written remarks were letters in support of the bill in original form from local law enforcement agencies.

When questioned about language in the bill regarding signs being located so they cannot be obscured by a vehicle parked in the space, Mr. Burke advised it was the exact language used in the Americans with Disability Act.

Henry H. Blase, a member of the Commission on the Status of People with Disabilities, City of Wichita, appeared in support of **SB 29** and submitted written testimony (Attachment #2) which included recommendations for language changes. He offered amendments to the bill and outlined his rationale for each.

Shirley D. Yonce, coordinator for the Snap It Program for the City of Wichita and the mother of a physically and mentally handicapped daughter, who has other family members who are totally disabled, submitted written testimony (Attachment #3) in support of changes in the law contained in **SB 29**. Mrs. Yonce pointed out that the City of Wichita relies on state statutes as its basis regarding handicapped parking and believes the bill will be effective in enforcing handicapped parking ordinances in Wichita as well as in other communities in the state. She urged the committee to make the changes recommended by the Wichita Commission on the Status of People with Disabilities and favorably recommend passage of **SB 29**.

Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities, testified and provided written remarks (Attachment #4) in favor of **SB 29**. Mr. Rhys said the Council supported the bill because it would assist individuals who have physical disabilities in obtaining access to handicapped parking by increasing fines significantly to discourage fraudulent use of parking permits and by making it illegal to dump snow or other debris in a handicapped parking space.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E, Statehouse, at 11:00 a.m. on January 28, 1997.

Michael Byington, Director of Governmental Affairs with Wichita Industries and Services for the Blind, appeared in support of **SB 29**, with amendments, and provided written testimony (Attachment #5) outlining the proposed language changes. Mr. Byington addressed the non-driving Kansas identification cards provided to individuals who cannot obtain a driver's license due to disabilities or who choose not to drive a motor vehicle. He explained that individuals who are blind or visually impaired and who do not drive want to make certain that each time statutes regarding use of information relevant to the Kansas driver's license are amended, the non-driving identification card is specifically included in the amended statutes. The amendments he proposed would serve that purpose. He called attention also to **HB 2010** which is currently before the House Transportation Committee which he said, if passed, would result in massive changes in the body of the law and suggested that reconciling be done with amendments in addition to the ones he proposed.

Written testimony in support of **SB 29** was submitted by Gina McDonald, Kansas Association of Centers for Independent Living (Attachment #6), and Shannon Jones, Executive Director for the Statewide Independent Living Council of Kansas (Attachment #7). Copies were provided to committee members and will be entered into the record.

Meg Henson, Director of Government Affairs, Kansas Medical Society, appeared before the committee to express concerns with **SB 29** as written and provided written remarks to that effect (Attachment #8). Ms. Henson advised that, although the Kansas Medical Society strongly believes that only those persons with actual disabilities should have access to handicap permits, the Society questioned whether the proposed amendments contained in the bill would enhance the ability of officials to track down people who violate the law. She indicated the Society also had concerns about the potential this bill creates for disclosure of confidential information regarding those who make application for a disabled parking permit.

Gary Robbins, Executive Director of the Kansas Optometric Association, appeared before the committee and provided written comments (Attachment #9) outlining the Association's concern with **SB 29**; specifically, in regard to confidentiality of records and the additional cost created by paperwork to health providers which could cause delays in delivering care and might disrupt the delivery of care in extreme cases. Additionally, he suggested that appropriate educational information be disseminated regarding proper usage and penalties for fraudulent use when disabled parking placards are initially issued.

Betty McBride, Director of the Kansas Division of Vehicles, appeared and submitted written remarks (Attachment #10) addressing two sections of the bill which, if adopted, would cause concern for the Division: Section (e) of KSA 8-1,125 which would require the return of all expired permanent and temporary placards and identification cards to the Division of Vehicles, and Section (b), subsection (1), of KSA 1996 Supp. 74-2012 which would require that the physician's name or name of the healing arts practitioner who certifies that a person has the qualifications to obtain an accessible parking identification device may be disclosed to any law enforcement agency. Mrs. McBride explained the Division's objections to the former was the cost involved and, to the latter, the confidentiality of medical records.

Senator Oleen thanked the conferees for appearing before the committee and for the wealth of information they provided. She indicated that the Committee would still accept written testimony regarding the bill, and it would become part of the official record.

A motion was made by Senator Gooch that the January 22 minutes be approved; Senator Schraad seconded the motion. The motion carried by voice vote.

Senator Oleen indicated she would open the floor for motions on the confirmation of Gene Olander .

Senator Schraad made a motion for favorable recommendation to the full Senate on Gene Olander to a four-year term to the Kansas Racing and Gaming Commission; Senator Vidricksen seconded the motion and the motion carried by voice vote.

The meeting adjourned at 11:58 am; the next meeting is scheduled for January 29, 1997.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 1 - 28 - 97

NAME	REPRESENTING
DEPUTY MICHAEL O'SHEA	SHAWNEE CO. SHERIFF'S DEPT
Shirley Yonce	Parent of handicap child Snap IT Program City of Wichita
HENRY H. BLASE	WICHITA COMMISSION ON THE STATUS OF PEOPLE WITH DISABILITIES
BOB BURKE	SHAWNEE CO DISTRICT ATTORNEY OFFICE
Dan Hamer	Visitor
Randy Fisher	Ks Common Dis Concerns
JERRY STANLEY	TOPICKA POLICE DEPT
Gary Robbins	Ks Optometric Assn
John Jorcen	Dept of Adm.
Billy White	KDOR
Paul Schick	KDOR
Ken Clark	KDOR
Marge Bailey	KDOR
Michael Byington	Wichita Industries and Services for the Blind.
Wes HENGER	KS Medical Society
Michelle Peterson	Peterson Public Affairs
Susan Mahoney	Sen. Salisbury
Susan Briggs	Topeka Ind. Living Res. Ctr.
Nicole Johnson	Repr. Intern

First Assistant District Attorney
Joel W. Meinecke

Assistant District Attorneys

Athena E. Andaya
James A. Brown
Nancy S. Brumbeloe
Gwynne E. Harris
Michelle V. Hostetter
E. Bernard Hurd
Lisa C. Kelley
Anthony W. Mattivi
Michael F. McElhinney
Tony W. Rues
Lori Reyes Seifert
Gary C. West

Joan M. Hamilton

District Attorney

Kansas Third Judicial District

Suite 214 • Shawnee County Courthouse • Topeka, Kansas 66603-3922

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Director of Victim Services
Suzanne H.

Investigators
Donald M. Murphy
Ken Hendrix
Mick Meyer

SB 29

Good morning Madam Chairman, and members of the Senate Federal and State Committee. I am Bob Burke, a disabled lifetime citizen of Kansas, and I have appeared here four times in the last thirteen years to enhance the disabled parking laws of Kansas, to help law enforcement achieve better results in apprehending the "non-disabled and fraudulent users".

These changes I am asking you to consider are for better enforcement to keep the disabled parking places available to those individuals who really need them. Most everyone in this room, thats right, most everyone will qualify someday for a disabled parking placard. Unless you die instantly from a health problem, or an accident, you will probably find yourself in a nursing home setting, and persons in nursing homes generally don't move to fast, however, they still like to go shopping with their family, and they are eligible for a parking placard.

I am an investigator for Shawnee County District Attorney Joan Hamilton, who formerly was a member of the Kansas House of Representatives during the 1991-92 sessions. I investigate access complaints filed against business's who may be in violation of Kansas access laws. These laws parallel the federal Americans with Disabilities Act, and I also investigate the illegal use of disabled parking devises.

Sen. Federal & State Affairs Comm.
Date: 01-28-94
Attachment: #1

Justice for All

I have conducted training for several law enforcement agencies on "apprehending the non-disabled placard user".

With Kansas laws and the American with Disabilities Act requiring disabled parking spaces at all business's, more and more disabled persons are getting out to shop, and there has been many more disabled parking placards and disabled license plates issued. A couple of years ago there were approximately 20,000 disabled license plates and 80,000 disabled placards issued in the state of Kansas alone.

This also brings up the issue of "getting a placard so I don't have to pay for parking". In the larger cities of Kansas, parking lots cost \$40-\$70 a month to park, however, parking in the street at a meter, or by the office front door is free with a disabled placard. This can be a large financial incentive for someone to get a parking (pass) placard.

People get placards several ways. The severely disabled persons have their physician sign the form, stating they are disabled. Some, I have been told, who don't have a mobility impairment, convince their physician of many years, that they really need to park close to their office, other non-disabled persons use someone elses placard, and the possibility exists there are placards issued to persons making up physicians names.

When a person turns in their application to their county treasure there is no system in place to see if the physician even exists. I have given each of you a disabled placard application form. If everyone filled it out and entered a fictitious physicians name, we could then all walk over to the courthouse and for

\$5.25 receive a permanent parking placard, on the spot, good for free parking nationwide for 3 years. Your chance of getting caught is probably 1/10 of 1%, because it takes a lot of investigative work which the officer on the street doesn't have time to do, let alone even try to get a subpoena.

Everyone in this room have seen people with no apparent disability, and a person doesn't have to have a visible disability to have a placard, jump from their cars a run into the store, and you find yourself wondering whats wrong with that person, they don't look disabled.

I am trying to implement a verification procedure so when a complaint is turned into law enforcement, about a possible fraudulent user, we only need to talk to the office manager to find out, if indeed the placard user is really their patient, and if they still believe the person is qualified under todays requirements. The current procedure, if the person in question, refuses to answer who their physician is, would be to subpoena the physician to court. We certainly don't want to do this, and I am sure the physicians have better things to do with their time.

I have enclosed a list of approximately 121 disabled parking placards and disabled license plates, supplied to me by the city meter control people, which are in use within three blocks of this building. This is quite a list! I have personally observed many of these people, and I must say maybe 10% show a visible disability. Remember, of the seven requirements on the application form, they all require the person to be SEVERELY DISABLED.

Probably most of you have seen the specials on TV's Dateline, 60 Minutes, and 20-20 about the abuse of disabled placards. Kansas has a good law now, however, law enforcement needs you to make these changes so Kansas can improve their chances of staying ahead of the violators.

I will now review with you the changes and some amendments I have made on Senate Bill 29:

a. Page 1, Line 34

This needs to be increased to \$300, because of the financial gain the violator has saved, by not paying parking fees. By setting the fine at this amount, I would recommend removing the "mandatory court" requirement I had inserted a couple of years ago.

b. Page 5, Line 5

This change duplicates the TEMPORARY Placard return policy. The Department of Revenue very seldom has a temporary placard returned, and I expect the same to be true with the permanent placard return. Many times other family members keep the deceased persons placard and use it for personal gain. If revenue had a large number of permanent placards returned, I would ask next year that this be changed back, however, I don't think this will be the case.

c. Page 5, Line 15

This fine brings this violation into line with other disabled parking violations.

d. Page 5, Line 20

This change was made to coincide with the Americans with Disabilities Act, so when disabled vehicles pulled into a large lot,

like a shopping center, they can see the disabled parking stall at a distance.

e. Page 5, Line 24

At the end of this line, the addition of "However, an existing upright sign, at any height, shall be enforceable, for violators not displaying a state issued disabled placard.

f. Page 5, Line 34

This is more clean-up and follows the requirements of carrying valid disabled parking identification.

g. Page 6, Line 1

After the word snow, add "merchandise, materials", because some business's put items for sale in these stalls to get rid of disabled parking. Topeka adopted the snow requirement a couple of years ago. It can take weeks for a 10 foot mound of snow to melt.

h. Page 6, Line 4

Disabled parking has always been enforced 24 hours, just like stop signs, however, some persons think that just because the store next to the 24 hour store is closed, so is it's parking stall. This language cleans up the statute.

i. Page 6, Line 11

This was left out last time.

j. Page 6, Line 17

After the word WHO add "displays or utilizes at any time". This will enable law enforcement to get these illegal placards off the street at any time, instead of waiting for the vehicle to park.

k. Page 6, Line 22

After \$600 add "and all state disabled identification shall be

seized".

l. Page 6, Line 29

Again this is to stop financial incentive.

m. Page 6, line 31

Again this is to stop financial incentive.

n. Page 6, Lines 37 through Page 7 Lines 5.

Add at the end of line 5, "Release of the name of any licensee of the healing arts, optometrists or Christian Science practitioner under subsection (b) of K.S.A. 74-2012, and amendments thereto, does not terminate any privilege that may have existed between the patient and such licensee of the healing arts, optometrists or Christian Science practitioner"

This addition lets law enforcement agencies find out the physicians name. They can then verify with the office manager if this person is really their patient, and with changes in disabled placard requirements maybe this person is no longer eligible, and the physicians office can cancel the placard.

Thank you for listening to these important changes. I have Topeka Police Officer Jerry Stanley and Shawnee County Sheriff Deputy Mike O'Shay, who have considerable field experience, as well as myself to answer any questions. Thank you!

Sincerely,



Bob Burke

Investigator, Shawnee County District Attorney



CITY OF TOPEKA

DEPARTMENT OF POLICE
320 S. Kansas Ave., Suite 100
Topeka, Kansas 66603-3619
Phone 913-368-9551

January 27, 1997

Senate Federal and State Committee
Lana Oleen, Madam Chairman

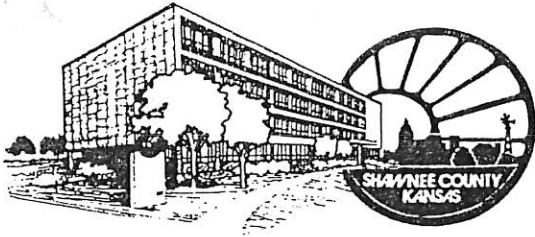
Dear Madam Chairman:

After reviewing Senate Bill No. 29, and seeing the support it gives law enforcement, this bill has the endorsement of the Topeka Police Department.

Sincerely,

Capt. Jesse J. Torrez
Assist. Division Commander

F. Dean Forster
Chief of Police



Shawnee County
Sheriff's Department
Sheriff Dave Meneley

200 EAST 7TH STREET
TOPEKA, KANSAS 66603-3932
COURTHOUSE ROOM B-16 913-233-8200 EXT. 4044

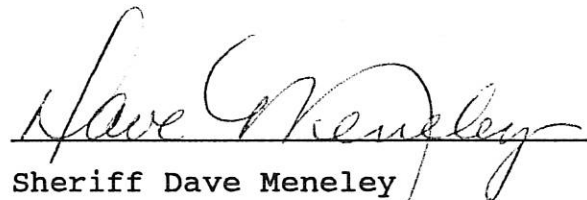
January 23, 1997

District Attorney's Office
Bob Burke
200 S.E. 7th Street
Topeka, Kansas 66603

To Whom This May Concern:

I have reviewed Senate Bill No. 29 and agree with its content. I am in full support of Senate Bill No. 29 implementation.

Sincerely,


Sheriff Dave Meneley

DM/bmt

9 J

DISABLED TAGS FROM TOPEKA IN DOWNTOWN

Sn	INI 489	Olds 4dr Tan	Blue	102222	SEPT. 97
Sn	IOJ 059	Ford 4dr white	Blue	127343	APR 1998 1999 C
Sn	JGB 285	Ply van red	Blue	127023	June 99
Sn	INR 576	ACURA 4 dr gray	Blue	159280	MAR 99
Sn	J&R 215	DOD 4dr SLV	Blue	102252	JUL 98
Sn	JQD 280	DOD 4dr maroon	Blue	126173	AUG 98
Sn	JQH 166	NIS 4dr Black	Blue	127088	SEPT. 99
Sn	INT 560	DOD van blue	Blue	111354	MAR 98
Sn	KIR 432	MAZDA 4dr blue	Blue	127078	NOV. 98
Sn	KIY 514	Honda 2dr blue	Blue	111545	NOV. 98
Sn	KJI 562	Ply van maroon	Blue	159273	MAR 99
Sn	LHD 751	Honda 2dr gray	Blue	126424	MAR 99
Sn	LHO 384	Ford 2dr blue	Red	27176	NOV. 96
?	D 602 BC	Pont 2dr.	Blue	127353	MAY 99
-MO-	3 P 8 94 K	Chew 4dr.	Blue	127353	MAY 99
-OK-	137 C KC	Cont 4dr white	Blue	161887	APR 00

9 JW

Sn	INT 584	Chev van white	Blue	102339	APR 98
Sn	JGR 668	Chev 4dr white	Red	27172	NOV. 9
Sn	JGW 014	GMC truck blue	Blue	127549	JUL 9
Sn	JQB 849	Ply van blue	Blue	126343	AUG 9
Sn	JQJ 511	merc 4dr green	Red	27291	JAN 9

1 W 9

JF	HMC 063	Ford 2dr brown	Blue	073916	NOV. 9
DE	IUX 508	DOD 4dr maroon	Red	25493	Dec 91
Sn	JFO 957	Buick 4dr red	Blue	110717	MAY 9
Sn	JGI 845	Chev 2dr blue	Blue	111033	June 9
Sn	KIN 245	NIS 4dr blue	Red	27261	Oct 96
Sn	KIS 872	Buick 4dr gray	Red	27261	Oct 9
Sn	KJA 296	Chev 2dr SLV.	Blue	111274	NOV. 9
Sn	LGS 992	Olds 2dr.	Blue	089082	FEB 9
Sn	LHO 384	Ford 4dr blue	Red	27167	NOV. 9
An	KSW 845	Olds 4dr gray	Blue	066244	SEPT. 9

9 H

JF	HMF 403	chev Black pu.	Red	018863	Feb 97	
Sn	INE 148	port red 4dr.	Red	27068	Sep. 96	
Sn	INF 396	Toy gray 4dr.	Blue	056115	Jul 98	
Sn	IOA 848	Ford gray truck	Blue	159247	May 98	
Sn	IOG 830	Honda gray 2dr	Red	27063	Sep 96	
Sn	IOH 182	Toy gray 4dr	Blue	088883	Jan 97	
Sn	IOH 721	Dod blue van	Blue	159541	Apr. 99	
Dg	IVE 898	Sub black 4dr	Blue	127104	Jul 99	
Sn	JFM 662	Dod white van	Blue	159434	Apr. 99	
Sn	JFS 696	Ford red 4dr.	Blue	111575	May 98	
Sn	JGD 361	port green 4dr	Red	27093	Sept 96	
Sn	JGL 529	Chev silver 4dr	Red	27187	Dec 96	
Sn	JGP 988	Line. gray 4dr	Blue	064867	Jul 00	
Sn	JPL 717	Olds blue 2dr	Blue	089093	Feb 97	
Sn	JQI 775	Chry red 4dr	Red	27083	Sep. 96	
Sn	JQS 385	Ford brown pu.	Red	30853	Feb 97	
Sn	JTG 456	Toy gray truck	Blue	127299	Nov. 9	
JF	KCH 630	ply blue van	Blue	073950	Feb 97	
Sn	KIL 591	chev sev. SW	Blue	174350	Nov. 97	
Sn	KIP 812	Port. blue 2dr	Red	27287	Oct 96	
?	Sn	LGJ 507	Ford gray 4dr.	Blue	088884	June 97
	Sn	LHJ 082	Nis red 4dr	Blue	159369	Jul 96
EXP. →	Dg	LHZ 095	Ford gray 4dr.	Red	29962	Aug 97
	JA	TRIC	Ford maroon pu.	Blue	148472	Apr. 01
		WAØBVS	Ford white 4dr.	Blue	125611	Oct. 98

HC Licenses: 56330 604110 463 63756 ~~43477~~ 63463 1-11

8 H

Sn	JGI	954	Olds white 4dr.	Blue	174353	June 0
Sn	JTG	456	Toy gray truck	Blue	127299	^{ALTERED} X NOV. 98
Sn	KRC	636	cad yellow 4dr	Blue	126399	Aug. 98

30 day tag →	469996	cad red 4dr.	Blue	068316	Nov. 9
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4 W 9

WB	IRK	540	buick blue 4 dr.	Blue	044031	Jun 98
Sn	JGE	625	merc black 4dr.	Blue	111467	May 98
Sn	JGM	258	buick black 2dr.	Blue	127264	Jul 98
Sn	JGR	926	Olds blue 4 dr.	Blue	125638	Jun 98
Sn	JQL	542	Dod blue 2dr.	Blue	044005	Sep. 9
Sn	JQY	405	buick red 4dr.	Blue	054525	Apr. 9
Sn	KIT	851	pont blue 2dr.	Blue	102002	Aug. 9
JA	LBV	175	Ford blue van	Blue	142112	Aug. 9

	Sn JPLW 456	Ford van blue	Blue 125617	Aug. 98
9K-	Sn JLN 946	Dod van black	Blue 063786	Feb 99
	Sn KIW 441	Geo 2dr blue	Blue 126318	Nov. 98
	Sn KIX 303	Merz. 4dr white	Red 30921	Dec. 96
	OS LGA 287	Merz. 4dr. black	Blue 05782	Nov.
	Sn LTV 633	Wids. 2dr maroon	Blue 089032	Feb. 97
HE	64184	Ford truck blue	Blue 161820	Jun 00

8K-	Sn KINO08			
	Sn JGR134	Dod 4dr white	Blue 126477	June 99

1 E 9

Sn LGR 592 Chev 2dr gray Red 27213 Dec 96

8 Q

Sn INN 091 merc 4dr blue Blue 102362 Oct 9'

PT ICP 138 Ford 2dr gray Blue 159714 Nov. 9'

9 Q KQX 745 Gmc black pu

Blue 126480 Aug 98

Sn JGD 058 merc 4dr black Blue 126465 Jul 9

Sn JGJ 260 Ford 4dr red Red 27118 Oct 9

INS 912 Gmc gray van Blue 102065 Aug 9

1 E 10

Sn JGG 282 Ford 2dr white Blue 126072 June

Sn JQO 588 CAD 2dr blue Blue 126277 Oct 9

Sn KIN 628 nis van gray Blue 127627 Oct 9

Sn LGP 470 Chev 4dr blue Blue 088713 Nov

9Q- JOE 815 Ford blue 4dr Blue 161508 Apr 0

90 LHD346 Dats 4dr white Blue 161645 MARC

10 K W

JF HMT 451 Chev 4dr black Blue 113533 JUL 9

Sn JGC 240 Dod 4dr blue Blue 100288 AUG 9

Sn INY 517 Honda 4dr gray Blue 159451 MAR 9

JGS 300 cad 4dr red Blue 126533 JUL 9

Reg ? KQZ 506 Ford van blue Blue 159150 May 9

90

BLUE CALIFORNIA HAUNTAG

HE 64058

mitsuo red truck

K097020

June 30, '97

10 K E

Sn	JQU	609	Ply Sw white	BLUE	127313	OCT. 99
Sn	LGV	050	olds sw maroon	BLUE	063169	NOV. 98
Sn	JPL	622	Buick 4dr gray	Blue	111034	Aug. 98
Sn	IND	446	Ford Pu white	Blue	161781	MAR. 00
Sn	KRH	244	Ford 4dr blue	Blue	159291	MAR. 90
Sn	JPQ	993	Ply 4dr maroon	Blue	127601	Aug. 99

7 K-

	Sn	IND	091	Post 4dr. blue	Blue	111601	Blue MAR
	Sn	INP	114	olds 2dr red	Blue	110778	Apr. 98
1W7-	Sn	JGO	700	Nis 2dr brown	Blue	125742	June 90
	Sn	KIU	541	Chev 4dr yellow	blue	174404	Nov. 0
7J-	Sn	KIQ	682	Chry 4dr white	Blue	080844	Nov. 9
1W8-	WB	IRH	998	Chev 2dr black	Blue	099868	May 0
6J-	Sn	SO FINE		Chev 2dr pink	Blue	100201	Jul 9
1E5-	Sn	VANSRUS		Chev? blue Van	Blue	174387	Sept 9
1W6-	Sn	KIL	574	CAD 4dr blue	Blue	126351	NOV. 9



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 _____

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.

Henry H. Blase, Member
COMMISSION ON THE STATUS OF PEOPLE WITH DISABILITIES
City of Wichita, Kansas
2302 North Hood, Wichita, Kansas 67204
(316) 838-7733

RECOMMENDATIONS PERTAINING TO SENATE BILL NO. 29

SECTION 3 - K.S.A. 8-1,128:

Original language of last sentence:

"Such signs shall be located so they cannot be obscured by a vehicle parked in the space."

Proposed additions to language:

"Such signs shall be located so they reasonably cannot be obscured from a passing vehicle by a car or van parked in the space."

Rationale for proposed additions:

1. "Reasonably" - This word is added to allow for the occasional obstruction of a sign, such as by a large school bus or truck, without that fact of occasional obstruction invalidating the sign from further enforcement.
2. "From a passing vehicle" - These words are added to identify the class of persons intended to benefit from clearly visible signs. The purpose in keeping the sign unobstructed is to allow those looking for a parking space to easily find it, not benefit someone already parked in another space, or someone walking on the sidewalk between the space and the sign, for example.
3. "Car or van" - These words are added to identify specific kinds of vehicles that must not obstruct the sign rather than require that no vehicle at all can obstruct the sign. Otherwise, when the sign is obstructed by a large truck once, the sign is no longer able to be enforced.

SECTION 4 - K.S.A. 8-1,129:

I. Subsection (a)(2) should be amended to delete the word, "entrance", and replace it with the word, "ramp".

II. **Original language of Subsection (a)(4):**

"deposit snow or debris in a disabled parking space or aisle."

Proposed additions and deletion to language:

"deposit snow, debris or any other property in a designated accessible parking space or aisle that obstructs or eliminates the use of such space."

Rationale for proposed additions and deletion:

1. "Or any other property" - These words are added to include a myriad of possible obstructions from shopping carts, Christmas tree sales, nursery stock, hotdog vendors, craft booths, dumpsters, etc.

2. "Designated accessible" - These words should replace the word "disabled" to conform to the nomenclature used to identify the particular parking spaces that are the subject of these statutes.

3. "That obstructs or eliminates the use of such space" - These words are added to identify the fact that the obstruction should be more than incidental.

III. Subsection (b) should be amended to change the maximum fine from \$100 to \$300. This change would more closely conform to the changes in fine amount made in Section 6.

IV. Subsection (c) should be amended to add the words, "or other duly authorized municipal officers" following the words, "law enforcement officers". This addition would then include other enforcement possibilities such as the Patrol Checkers (sometimes called meter maids) utilized by the Wichita Police Department.

SECTION 6 - K.S.A. 8-1,130a:

Subsection (a) should be amended by adding the words, "is altered," after the words, "which has expired". The addition would include the status of being altered as a prohibited use status in conformance with K.S.A. 8-142, Second.

NEW SECTION TO BE ADDED:

FAILURE TO PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

Failure to designate, and maintain the designation of, proper accessible parking spaces or access aisles, or provide proper accessible parking signs or access ramps as required by K.S.A. 58-1301 is a misdemeanor for which a fine of \$100 shall be imposed for each violation.

Rationale:

In Kansas, the requirement to designate and maintain accessible parking is found in K.S.A. 58-1301. That statute adopts the requirements of Title II and Title III of the Code of Federal Regulations. Enforcement of these provisions is left to local building inspectors of the locality in which the subject facility is located. As a practical matter, enforcement is practically non-existent. Local governments need a plain and simple method to enforce the requirements for accessible parking. Quite often, a new business will install the requisite signage and make the requisite designations in order to receive a building and occupancy permit, but once the permits have been issued, remove the signs to avoid what they perceive to be the hassle of handicapped parking enforcement. Many businesses in Wichita have no handicapped parking spaces at all since there is no convenient means to enforce compliance with K.S.A. 58-1301.

This proposed statute would provide a means that a law enforcement agency could merely write the offending business a ticket requiring a court appearance, and through that process encourage the business to comply with the law. Most prosecutors would dismiss the ticket when the offending business produced evidence of compliance through making the proper designations and placing the proper signage.

ADDITIONAL RECOMMENDATION:

K.S.A. 8-1,124.

The title of this statute in the statute book should be amended to delete the words, "Accessible parking", and replace them with the words, "Person with a disability". The definition in this statute pertains to a person with a disability and has nothing to do with a definition of accessible parking.

January 28, 1997

Madam Chair, Members of the Committee:

My name is Shirley D. Yonce. I am the Coordinator of the Snap It Program for the City of Wichita. I am the mother of a physically and mentally handicapped daughter. I am the daughter of 87 and 85 year old parents who are totally disabled. My husband recently had quadruple heart bypass surgery. I myself am in the beginning stages of osteoarthritis. I know what physical and emotional pain and suffering is all about. As a volunteer, I have fought for the rights of people with disabilities for over 30 years.

I am here today to support the changes in the law contained in Senate Bill No. 29. In 1993, the Wichita City Council authorized the use of citizen volunteers specially trained to know the details of the law, to observe violations of the handicapped parking ordinance, and to record those violations in photographs for use in the prosecution of the violators. The Snap It Program thus developed as an efficient, economical means to meet the need for available parking spaces for disabled persons using the business and services offered to the public in the city of Wichita.

The Wichita city ordinance regarding handicapped parking relies on state statutes as its basis. Any problem with a state statute is reflected as a problem in our city ordinance. The changes being proposed in Senate Bill No. 29 will enhance the ability of the Snap It program to be effective in enforcing the handicapped parking ordinance in Wichita as well as in every other community in our state.

Sen. Federal & State Affairs Comm.
Date: 01-28-97
Attachment: #3

I have reviewed the changes being proposed by the Wichita Commission on the Status of People with Disabilities through Mr. Blase here today, and I support those recommendations. There may be some here today that disagree. The opinions of all persons are valued in the process of administering the complex rules and regulations of our state that affect the lives of all our citizens every day. While we may not always agree with the results or conclusions, it is my hope that our concern for the common good will override individual circumstance and emotion.

The goal of the Wichita Snap It Program is very specific: to maintain availability of handicapped parking spaces for those who are qualified to exercise the privilege of parking in the handicapped parking spaces. Through the efforts of this Senate committee, the entire Kansas Legislature, law enforcement officers all across Kansas, and even our Snap It volunteers, this goal is being reached for the benefit of all persons with disabilities.

I urge you to make the changes recommended by the Wichita Commission on the Status of People with Disabilities, and then favorably recommend Senate Bill No. 29.

Thank you.

SHIRLEY D. YONCE
9300 Harvest Lane
Wichita, Kansas 67212
(316) 722-5625



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor

TOM ROSE, Chairperson

JANE RHYS, Ph. D., 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"

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

January 28, 1997

Testimony in Regard to S.B. 29, AN ACT RELATING TO ACCESSIBLE PARKING; PERSONS WITH A DISABILITY.

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

Madame Chairperson, Members of the Committee, my name is Jane Rhys and I am the Executive Director of the Kansas Council on Developmental Disabilities. I am here today to testify in favor of Senate Bill 29. The Kansas Council is a federally mandated, federally funded council composed of fifteen individuals who are appointed by the Governor. At least half of the membership 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 of all ages, to see that they have choices regarding their participation in society as well as adequate funding for programs that serve them.

We support S.B. 29 because it will assist individuals who have physical disabilities in obtaining access to handicapped parking. It will do this through increasing fines significantly to discourage those who misuse handicapped parking permits and by making it illegal to dump snow or other debris in handicapped parking spaces. We also support the change from specific numerical requirements for placement of accessible parking signs to one which requires that the sign not be obscured by the vehicle parked in the space. I appreciate the time provided for testimony and would be happy to answer any questions you might have.

Jane Rhys, Executive Director

Kansas Council on Developmental Disabilities

Docking State Office Building, Room 141

915 SW Harrison

Topeka, KS 66612-1570

913 296-2608

Sen. Federal & State Affairs Comm.

Date: **01-28-97**

Attachment: # **4**

WICHITA INDUSTRIES & SERVICES FOR THE BLIND, INC.

PLEASE REPLY TO: Michael Byington
WISB Governmental Affairs Office
P. O. Box 1063
Topeka, Kansas 66601
(913) 575-7477 (office and voice mail)
(913) 233-2539 (FAX)

January 28, 1997

TO: Senate Committee on Federal and State Affairs
FROM: Michael Byington, Director of Governmental Affairs
SUBJECT: Senate Bill 29 - SUPPORT WITH AMENDMENTS

We have no problem with the substance of this bill, but we wish to propose an amendment. Add to line 8 of page seven between the words "licenses" and "except" the words, "and non-driving Kansas identification cards". Also, on page seven, line 10, add the words "and non-driving Kansas identification cards" between the words "licenses" and "shall."

Beginning in the mid-1970s, Kansas has had and implemented legal provisions to provide a State identification card to persons who can not obtain a drivers' license due to disabilities, or who choose not to drive a motor vehicle. It has been legislative intent that this non-driving identification card have the same force as a drivers' license for purposes of identification. All 50 States now have similar non-driving identification provisions.

In Kansas and other states over the past few years, however, there have been several disability related civil rights actions filed by individuals who could not obtain a state drivers' license, and who had the non-driving identification for their State, but who were nonetheless refused check-cashing or other identification requiring privileges from a public business based on the fact that the individual had no valid driver's license. Rulings on such cases, including a case which occurred in Kansas, have been that it is indeed discriminatory to refuse to accept a state non-driving identification card in leu of a drivers' license for identification PROVIDED THAT the rules of the state actually do make the non-drivers' identification card an equally effective form of identification as compared to the drivers' license.

Many people who are blind or visually impaired, and who do not drive, therefore want to make sure that each time statutes regarding use of information relevant to the Kansas driver's license are amended, the non-driving identification card is also specifically included in the amended statutes. The amendments I have proposed here will have this purpose with regard to the body of law under discussion.

Currently, the State of Kansas is maintaining the non-drivers' identification records with drivers' license records, and in the same data base. This certainly has not consistently been the case throughout the history of the Kansas non-drivers' identification card, however. There is thus currently no problem with civil rights enforcement with regard to the right of a disabled person to have identification of the same legal force as is available to persons who do not have disabilities. As there have been problems in the past, however, we want to be certain that no avenue exists for them to develop again. The fact that the drivers' license and the non-driving identification card have the same force and are maintained in the same fashion, AND WITH THE SAME RESTRICTIONS AND LIMITATIONS, therefore needs to be clearly visible in State law, not just in operating procedures. This will also make the available legal protections available to businesses and merchants who have frequent occasion to require identification, more clear to Kansans who are engaged in commerce in our State.

Also, now that non-driving identification information and drivers' license information are indeed maintained in the same data base, it is important that the Legislature be extremely careful to make all laws applying to the release or restriction of information from that data base consistent for both drivers' licenses and non-driving identification cards. Otherwise, Kansas could be in the unenviable position of having to use differing release provisions for differing types of information on differing statuses of persons all located in the same data base. This could constitute quite an administrative conundrum.

In closing, I might call the Committee's attention to House Bill 2010. This bill, currently in House Transportation Committee, makes some rather massive changes in the body of law starting with Section 7, line 36 of page six of this bill. If both this bill and House bill 2010 pass, there will need to be considerable

reconciling done. I thus might suggest that further amendments than the ones I have proposed here be added to Senate Bill 29. These would simply attach the 2010 language, my amendments included of course, to the end of 29 starting at line 36 of page six.

Sincerely yours:

Michael Byington
Director of Governmental Affairs

MB/mjb



Senate Committee on
Federal and State Affairs
Testimony regarding Senate Bill 29
January 28, 1997

Gina McDonald
President/CEO

Member Agencies:

**ILC of
Southcentral Kansas**
Wichita, KS
316/942-6300 Voice/TT

Independence, Inc.
Lawrence, KS
913/841-0333 Voice
913/841-1046 TT

Independent Connection
Salina, KS
913/827-9383 Voice/TT

LINK, Inc.
Hays, KS
913/625-6942 Voice/TT

The WHOLE PERSON, Inc.
Kansas City, MO
816/561-0304 Voice
816/531-7749 TT

**Topeka Independent
Living Resource Center**
Topeka, KS
913/233-4572 Voice/TT

**Southeast Kansas
Independent Living, Inc.**
Parsons, KS
316/421-5502 Voice
316/421-6551 TT

**KACIL
Capitol Office**
501 Jackson, Suite 450
Topeka, KS 66603
913/233/4550 Voice/TT
913/233-4231 Fax

Thank you for the opportunity to testify in favor of Senate Bill 29. My name is Gina McDonald and I represent the Kansas Association of Centers for Independent Living (KACIL). KACIL is an association of ten Centers for Independent Living. Our mission is to advocate for the rights of people with disabilities and to provide assistance to individuals with disabilities to live independently.

KACIL supports S.B. 29 because we believe it is important to increase enforcement of accessible parking regulations. There are far too many instances where accessible parking placards are misused. We are very glad to see that this bill would require that placards and license tags be turned in upon expiration. This will reduce their misuse.

We also support the requirement that placards must be displayed. If a person has a placard and does not use it, s/he should be fined as if they didn't have one. We cannot expect law officers to take this law seriously if each time they issue a ticket, it gets thrown out in court because the person had a placard but forgot to display it. We are encouraged by any law that will tighten the enforcement of accessible parking rules. There are far too many people who misuse placards that were issued for their children or spouses. These are people who should know better.

There has been ongoing confusion with regard to the height of accessible signage. We support the language in this law that makes clear the intent of the law, which simply states that the sign can be seen, even when someone is parked in the spot.

We also appreciate the provision that prohibits the deposit of snow or debris in an accessible space or aisle. This seems as though it should be just plain common sense and decency, but as we are all too often reminded, common decency must be legislated. I can't tell you how many times I have been walking with friends who use wheelchairs and they are stopped because the walkway, aisle or space that is accessible is full of snow, or other debris.

Sen. Federal & State Affairs Comm.
Date: 1-28-97
Attachment: #6

We are also concerned that "agencies" that provide services to seniors and people with disabilities get accessible license tags for their vehicles. Why do we allow this? They typically drop people off at the front door of a location and then the nondisabled driver parks the van in an accessible space and meets people inside. Why should he/she not be able to walk from a regular space as anyone else does? If by chance the driver happens to be an individual with a mobility disability, they could get a placard and display it in the vehicle.

Thank you for your consideration of this bill. I would be happy to stand for questions.

**SENATE COMMITTEE ON
FEDERAL AND STATE AFFAIRS
ON
SENATE BILL 29**

JANUARY 28, 1997

My name is Shannon Jones and I am the executive director for the Statewide Independent Living Council of Kansas (SILCK). The SILCK is a consumer controlled, governor appointed board mandated by a federal law, the Rehabilitation Act as amended in 1992, to conduct planning, evaluation and other activities which increase advocacy, services and community options for people with disabilities who want to live independently in the community of their choice.

The SILCK supports Senate Bill 29 in order to keep Kansas law consistent with the Federal law, the Americans with Disabilities Act. SB 29 requires all accessible parking spaces to be clearly identified by vertically mounted signs bearing the international symbol of access AND located so they cannot be obscured by a vehicle parked in the space. This requirement makes enforcement by such officers far easier to identify for proper use or in some cases it's misuse.

In addition, we support SB 29 because it addresses the misuse of accessible parking placards. I personally have seen on more than one occasion the misuse or abuse of parking placards. On one such occasion I witnessed a group of individuals at a very crowded outdoor concert use an accessible space and then laughingly pulled out a crumpled parking placard. These individuals appeared to be really proud of themselves for getting such a premium space. I am sure this was not the first time someone has tried to 'outsmart the parking police' and I'm quite certain it probably happens most often at such popular events such as state fairs, concerts, etc.; those places where parking is in high demand. The SILCK most definitely supports the provision of this bill that would increase fines for such abuse.


We appreciate your consideration of this bill and would be happy to stand for questions.



KANSAS MEDICAL SOCIETY

January 28, 1997

To: Senate Federal and State Affairs Committee

From: Meg Henson 
Director of Government Affairs

Subject: SB 29: Accessible Parking

The Kansas Medical Society appreciates the opportunity to appear this morning on Senate Bill 29 regarding accessible parking for individuals with a disability. KMS supports the concept that only people who actually need these permits should use them.

While we strongly believe that only those persons with actual disabilities should have access to these permits, KMS has some questions about whether the proposed amendments contained in this bill would enhance the ability of officials to track down people who are violating the law. Section 7 of the bill would allow the Kansas Department of Revenue, Division of Vehicles to release to any law enforcement agency the name of any physician who has certified that an individual should receive an accessible parking permit. Apparently, the agency official would then contact the named physician to verify that the individual indeed qualified for the permit..

People who falsely obtain and use a permit should be punished under current law. However, many people who obtain devices have a medical condition that may not be apparent to the average person. For example, can the average person tell from just looking that a person has a heart condition which qualifies them to receive a parking permit? Or, can you tell by looking that they have lung disease, which also qualifies them to receive a permit? The point here is that it is difficult to tell, just by looking, that someone may or may not be qualified to receive a parking permit. The only way to really make that determination is to talk to the physician or examine the person's medical record.

KMS has concerns about the potential this bill creates for disclosure of confidential information regarding these people. Inquiries by law enforcement officials could relate to privileged facts; because there is no exception to the privilege law covering these situations, there would be some questions as to whether information would have to be released without the patient's authorization. Additionally, the bill has the potential of creating more hassle for physicians, who would be required to check the medical records to verify that a person has a medical condition that qualifies them to receive a permit.

To make physicians aware that they may be punished by law for falsely certifying that an individual is qualified to receive a permit, KMS suggests that language similar to the following be printed directly over the space where the provider signs his or her name: "Any licensee of the healing arts, optometrist or Christian Science practitioner who willfully and falsely certifies that a

person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a class C misdemeanor." This would put physicians directly on notice that they may be punished for falsely authorizing these permits.

KMS also questions the intent of Section 5, subsection (c). This section could be interpreted to apply to health care providers, although this is probably not the intent of the language.

Again, thank you very much for the opportunity to comment on the provisions of this bill. I would be happy to answer any questions.

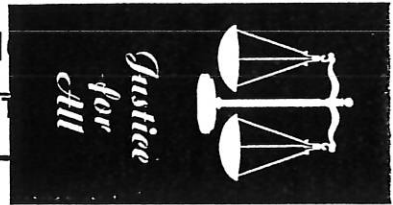


KANSAS DEPARTMENT OF REVENUE
DIVISION OF VEHICLES



DISABLED PLACARD AND/OR PLATE APPLI

**APPLICATION FOR DISABLED PLACARDS, PLATES AND ID CARDS MUST
LOCAL COUNTY TREASURER'S OFFICE**



Name of Disabled Individual, Business or Agency _____

Address _____ City _____ KS Z _____

Applicant Signature _____ Phone No. (____) _____

Joan M. Hamilton
District Attorney
Shawnee County Courthouse
200 Southeast 7th Street, Suite 214
Topeka, Kansas 66603-3922
(913) 233-8200 Ext. 4225

Bob Burke
Investigator

Office of the District Attorney
State of Kansas - Third Judicial District

PLEASE CHECK APPROPRIATE APPLICATION(S):

- 1. **DISABLED IDENTIFICATION PLACARD APPLICATION PERMANENT (\$5.25 fee); TEI**
 Check here only if applying for (lost, stolen) replacement placard.* No Licensed Professional's State replacement placard.
 *If Replacement Placard, Current Disabled ID Card Number _____
- 2. **DISABLED LICENSE PLATE APPLICATION (FEE: \$3.25) plus 50¢ reflectorized plate**
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 _____

TESTIMONY
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
JANUARY 28, 1997

I am Gary Robbins, Executive Director of the Kansas Optometric Association. I appreciate the opportunity to share some comments about Senate Bill 29. We have worked with the Division of Vehicles for many years regarding a number of issues involving the confidentiality of medical records and the reporting forms required by the Division of Vehicles for driver's licenses. We have been very pleased with the cooperation from the Division in resolving these difficult issues. Our concerns with Senate Bill 29 are directed toward Section 7 of this legislation. We want to be sure that the confidentiality of records is maintained. We have no problem with the goal of this legislation. However, we don't want to subject doctors to additional paperwork requirements which would require staff time for retrieval and professional review. In the long run, this could indirectly increase the cost of health care if excessive requests occur. At the least, this bill would create additional cost and paperwork to health providers which could create delays in delivering care and even disrupt the delivery of care in extreme cases. How long does the health provider have to produce this information? Under this legislation, doctors could be required to provide this information without advance notice upon demand. In most instances, the misuse of a disabled parking placard is beyond the control of the doctor.

We would suggest that some appropriate educational information be disseminated about proper usage and penalties for improper usage when disabled parking placards are initially issued. This should also stress the importance of reporting lost or stolen disabled parking placards. Other family members should be educated about appropriate use of disabled parking spaces. Ideally, the parties interested in this legislation should work together to find a solution to this problem.



Betty McBride, Director of Vehicles
Kansas Department of Revenue
Robert B. Docking State Office Building
915 SW Harrison St.
Topeka, KS 66626-0001

(913) 296-3601
FAX (913) 296-3852
TTY (913) 296-3601

Division of Vehicles

To: The Honorable Lana Olean, Chairman
Senate Committee on Federal and State Affairs

From: Betty McBride, Director, Division of Vehicles
Kansas Department of Revenue

Date: January 1997

Subject: Senate Bill 29

Madam Chairman, Members of the Committee:

My name is Betty McBride, Director of the Kansas Division of Vehicles. I want to express my appreciation to this committee for the opportunity to appear before you today, regarding Senate Bill 29.

Senate Bill 29, if adopted, would amend several statutes regarding accessible parking. There are two sections of the bill which are of concern for the division:

Section (e) of K.S.A. 8-1,125, would be amended to require the return of all expired permanent and temporary placards and identification cards to the Division of Vehicles.

Currently, permanent accessible parking placards are renewed every three years. A doctor's certification is required at the time of renewal. Customers are not issued a placard at this time, only a year expiration decal is issued. As a result, there are no expired permanent placards, except in cases where the placard holder is deceased or a temporary placard has been issued. Current statutes require those placards be returned to the Division. Requiring that an expired placard be sent to the Division would require that new placards be issued every three years in lieu of decals. The Division issues 80,000 placards to Kansas citizens. Placards cost the division \$2.98 each and the ID card required to be issued simultaneously costs \$1.25. Therefore, additional costs to the division would be \$338,984.00.

Section (b), subsection (1), of K.S.A. 1996 Supp. 74-2012, would require the physician's name or the name of the healing arts practitioner who certifies that a person has the qualifications to obtain an accessible parking identification device may be disclosed to any law enforcement agency.

The Division's concern in complying with this requirement is that all medical information or reports submitted are considered confidential by the Division. In past years, physicians were reluctant to verify or submit reports concerning their patients. We worked diligently to reach an agreement which would satisfy both the physicians and the Division. There currently are provisions in place which we feel satisfy any need to obtain the release of a name of a health practitioner or physician. A court order may be presented to the Division at the time of the request and a record will be released. This legally protects the Division and prevents physicians from receiving numerous requests or inquires, in their offices, from law enforcement officers and patients.

Sen. Federal & State Affairs Comm.
Date: 1-28-97
Attachment #: 10

We would ask the committee's serious consideration in removing these two provisions from this bill.

Senate bill 29 also provides that a statement from a person licensed to practice the healing arts in any state be accepted by the division as proof of disability. Current statute limits this to an individual practicing the healing arts in this state only. We approve and agree with this proposed change.

Madam Chairperson, I would like to thank the committee again for allowing me the opportunity to present our testimony on this issue, and I would stand for your questions at this time.