

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 2:10 p.m. on February 3, 1999 in Room 519-S of the Capitol.

All members were present except

Representative John Ballou, excused  
Representative Vaughn Flora, excused  
Representative Cindy Hermes, excused  
Representative Doug Johnston, excused  
Rep. Dennis McKinney, excused  
Representative Gerry Ray, excused

Committee staff present:

Bruce Kinzie, Revisor  
Hank Avila, Research  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Lynn Stennett, Executive Director, Kansas Children's Trust Fund  
Sharon Huffman, Department of Human Resources  
Josie Torrez, Kansas Council on Developmental Disabilities  
Bob Burke, Americans with Disabilities Act Enforcement Office  
Anthony Fadale - Statewide ADA Coordinator

Others attending:

No attendance taken

The Chair called on Lynn Stennett who asked for introduction of a bill regarding a specialty license plate designed to combat child abuse stating proceeds from the sale of the plate would be invested in the Kansas Children's Trust Fund to help access programs to prevent child abuse. Representative Larkin made a motion to introduce this bill, seconded by Representative Grant and the motion carried.

Representative Kathe Lloyd asked for introduction of the sub-committee bill which addressed age restriction on drivers' licenses. Representative Humerickhouse made a motion to introduce this bill, seconded by Representative Krehbiel and the motion carried.

Representative Hayzlett requested introduction of a bill which would address auxillary lighting on cars. Representative Larkin made a motion to introduce this bill, seconded by Representative Huff and the motion carried.

Representative Loyd made a motion to introduce a bill which would carry restriction on a license for students who are truant, seconded by Representative Powers and the motion carried.

**HB 2035 - Persons with disabilities, accessible parking.**

The Chair called on Bob Burke to present testimony in support of this bill. He told the committee **HB 2035** was primarily a clean up bill. He stated disabled parking is designed for the "truly disabled" and this bill would give those persons responsible for signing the application form a clearer definition of "severe". It would also allow law enforcement to contact the person certifying the form to inquire if the person is really their patient. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 2:10 p.m. on February 3, 1999.

Josie Torrez stated the Kansas Council on Developmental Disabilities supports the change in this bill in regard to the walking distance as well as the identification cards for the person to whom the card is issued. (Attachment 2)

Sharon Huffman urged support of **HB 2035**, stating the changes would make it easier to enforce the accessible parking law. (Attachment 3)

Anthony Fadale, Statewide ADA Coordinator, stated the changes to the bill were designed to accomplish four goals: 1) cut down on fraudulent use of placards, 2) modify some sections of the statute to allow a physician to be more confident of following the guidelines, 3) reduce the number of parking complaints from citizens and 4) makes parking accessible to those who need it. (Attachment 4)

Sherry Diel, Deputy Director of the Kansas Advocacy and Protective Services, presented written testimony but did not appear before the committee. (Attachment 5)

Following discussion from the committee, the Chair closed hearings on **HB 2035**.

Chairman Hayzlett adjourned the meeting at 2:50 p.m. The next meeting of the House Transportation Committee is scheduled for Monday, February 8, at 2:00 p.m.

Assistant District Attorney  
W. Meinecke

Joan M. Hamilton

Director of Victim Services  
Suzanne H. Jan

28

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Bobby J. Hiebert, Jr.  
E. Bernard Hurd  
Lisa C. Kelly  
Katherine Von Kliem  
Cynthia J. Long  
Brenda Taylor Mader  
Alexandra T. Nguyen  
Tony W. Rues  
Cheryl L. Whelan  
John W. Withee

February 3, 1999

HOUSE COMMITTEE ON TRANSPORTATION

Dear Chairman Hazlett and members of the House Transportation Committee, I am Bob Burke, Investigator for the Shawnee County District Attorney. I have appeared before your committee approximately every 2-3 years to clean up and offer changes in the State of Kansas disabled parking regulations. I started doing this back in the early 80's so law enforcement could try to keep a step ahead of the abuser.

I put together House Bill No. 2035 to help law enforcement better enforce federal and state laws that have been on the books for twenty years. Over 200,000 permanent disabled placards, 48,000 temporary disabled placards and thousands of disabled license tags have been issued, just by the State of Kansas. Since July 1, 1979 there has always been a disabled parking space required for all public business that is conducted. Current state laws help the disabled community get from point A to point B in a reasonable manner, remember, all of us will have some sort of disability sometime.

House Transportation Committee  
February 3, 1999  
Attachment 1

*Justice for All*

All of you have seen persons jump out of their vehicles and run into the store, wondering how they got that disabled permit? These permits usually belong to a family member. Fraudulent use of other persons disabled placards is on the rise, however, I believe the current fine schedule is sufficient.

Since disabled parking is designed for the "truly disabled", this bill attempts to help those persons responsible for signing the application form, a little clearer definition of "severe".

This bill will also allow law enforcement to contact the person certifying the form to inquire if the person is really their patient. Other states have done this to stop fraudulent applications, and, at the same time, this is not releasing medical information about the persons medical condition.

The remaining changes are mainly relocating existing laws in a different statute location to remove some gray areas, for the courts and law enforcement.

Thank you for considering these important changes!

Sincerely,



Bob Burke, Investigator

Shawnee County District Attorney

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MAHENDRA PATEL, MD  
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DAVID WARRICK, MD  
INTERNAL MEDICINE

CHARLES WURM, RPA-C  
PHYSICIAN ASSISTANT

**ADMINISTRATION**  
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ADMINISTRATOR

LILLIE BAUMANN  
ASSOCIATE ADMINISTRATOR

PAM MEHRHOF  
ASSOCIATE ADMINISTRATOR

February 1, 1999

To Whom It May Concern:

I was asked to write this letter by Mr. Bob Burk who is an investigator for Americans with Disabilities Act Enforcement office. He showed me the new recommendations and I completely agree with the new recommendations that a doctor's name should be on the disability card. Having such a card with a doctor's name on it will certainly cut down the misuse of handicap placards.

Sincerely,



Vijay R. Mhatre, M.D.

VRM/tls

cc: Mr. Bob Burk



Total Joint Replacement    Sports Medicine  
Arthroscopy                    Hand and Upper Extremity  
Foot Surgery                    Workers Compensation Injuries  
Fracture Care                    Second Opinion/Impairment Rating  
Spine Surgery

Board Certified in Orthopedic Surgery 909 SW Mulvane Topeka, Kansas 66606 785-357-0301 800-332-0016

Fellowship trained in: Sports Medicine — Total Joint Replacement — Spine Surgery  
Hand and Upper Extremity — Disability Medicine

Phillip L. Baker, MD

Richard E. Polly, MD

Peter S. Lapse, MD

Brett E. Wallace, MD

Joseph E. Mumford, MD

Michael L. Smith, MD

David M. Beard, MD  
*Board Eligible*

John A. Lynch, MD

Donald D. Hobbs, MD

*Physician Assistant*

Ronald E. McEwen, RPA

*Physical Therapy*

Kathy Selig, RPT

Steve Englander, RPT

Teresa Skoch, CPTA

Linda Smith, CPTA

Janelle Schultz, CPTA

*Athletic Trainers*

Brad Parry, MSATC

Michael Longhofer, MSATC

*Office Manager*

Lavina Wall, RN

February 1, 1999

Dear Mr. Burke:

In reference to our discussion previously I would agree with your point of view that having the doctor's name on the handicapped identification card would be an additional safeguard to assure that fraud was not being perpetrated.

In particular, I think that these identification cards are occasionally used by people who are not the patient of the doctor giving the identification card. The ability to check and see whether the doctor on the identification card is the doctor for the person driving the car may be a benefit to law enforcement.

Sincerely,

Richard E. Polly, M.D.

**301.142 Physically disabled, temporarily disabled, defined--plates for disabled and placard for disabled person, effect--lost or stolen placard, replacement fee--recertification and review by director, when.--**

1. As used in this section the term "physically disabled" means a natural person who is a disabled person as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the person's ability to walk, as determined by a licensed physician as follows:

- (1) The person cannot walk fifty feet without stopping to rest; or
- (2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, a prosthetic device, wheelchair, or other assistive device; or
- (3) 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 saturation is less than sixty mm/hg on room air at rest; or
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified as class III or class IV according to standards set by the American Heart Association; or
- (6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Temporarily disabled person" means a physically disabled person whose disability or condition can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to the combination of letters and numbers. Such license plates shall be made with fully reflective material in a common color scheme and design, shall be clearly visible at night, and shall be aesthetically pleasing as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled person is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of a physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license plate or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4. No additional fee shall be paid to the director of revenue for the issuance of the special license plates provided in this section, except for special personalized license plates and other license

## 234 TRC §681.005.

son to whom the initial card was issued without presentation of evidence of eligibility.

(d) A disabled parking placard issued to a person with a temporary disability expires after the period set by the department and may be renewed at the end of that period if the disability remains as evidenced by a physician's statement or prescription submitted as required for a first application under Section 681.003(c).

**TRC §681.005. DUTIES OF COUNTY ASSESSOR COLLECTOR.** Each county assessor-collector shall send to the department:

(1) each fee collected under Section 681.003, to be deposited in the state highway fund to defray the cost of providing the disabled parking placard; and

(2) a copy of each application for a disabled parking placard.

**TRC §681.006. PARKING PRIVILEGES: PERSONS WITH DISABILITIES.** (a) A vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(b) The owner of a vehicle is exempt from the payment of a fee or penalty imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space with a limitation on the length of time for parking if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(c) The exemption provided by Subsection (b) does not apply to a fee or penalty:

(1) imposed by a branch of the United States government; or

(2) imposed by a governmental unit for parking at a

(2) is issued by a state or foreign country to the owner of the transportation of a person.

**TRC §681.008. PARKING PRIVILEGES: PERSONS WITH DISABILITIES; COOPERATION BY HONOR RECIPIENTS.** A vehicle is exempt from the payment of a fee or penalty collected through a parking meter or other governmental authority other than a parking meter, when being operated:

(1) the person who is the owner of the vehicle is a person described in Section 502.254(a) or 502.254(b); or

(2) a person described in Section 502.254(c) and the vehicle is registered under the

**TRC §681.009. DESIGNATION OF PARKING SPACES BY POLITICAL SUBDIVISIONS FOR PERSONS WITH DISABILITIES.** (a) A political subdivision who owns or controls property may designate one or more parking spaces for the exclusive use of persons with physical disabilities.

(b) A political subdivision may designate a parking space or area by conforming with the regulations adopted by the department under Section 502.253, relating to the identification of parking spaces for persons with disabilities, who owns or controls private property may designate a parking space or area by conforming with those standards and specifications that may be adopted by law.

(c) A political subdivision who owns or controls property may:

(1) to designate one or more parking areas for the exclusive use of persons with disabilities; or

(2) to conform to the standards and specifications referred to in Subsection (b) for the identification of parking spaces or areas for persons with disabilities.

(d) The department shall develop a standard stencil for use by a political subdivision who owns or controls property to



# HAWAII

Permanent  
Actual Size  
3" x 9 1/2"



Temporary  
Actual Size  
3" x 9 1/2"



## Hawaii I.D. Cards

DATE OF BIRTH      HEIGHT      WEIGHT

ISSUING AGENCY

This certifies that the person named and described is entitled to certain privileges in the parking of motor vehicles as provided for under HRS 291-51 to 56, PART II.

NON-TRANSFERABLE

License Plate No.: \_\_\_\_\_  
 Record No.: \_\_\_\_\_  
 EXPIRATION DATE: \_\_\_\_\_

NAME \_\_\_\_\_  
 SOCIAL SECURITY NO. \_\_\_\_\_  
 EXPIRATION DATE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

DATE OF BIRTH      HEIGHT      WEIGHT

ISSUING AGENCY

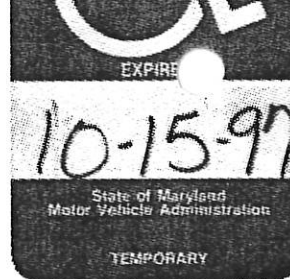
This certifies that the person named and described is entitled to certain privileges in the parking of motor vehicles as provided for under HRS 291-51 to 56, PART II.

NON-TRANSFERABLE

License Plate No.: \_\_\_\_\_  
 Record No.: \_\_\_\_\_  
 EXPIRATION DATE: \_\_\_\_\_

NAME \_\_\_\_\_  
 SOCIAL SECURITY NO. \_\_\_\_\_  
 EXPIRATION DATE \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

Per  
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expi  
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Actual Sizes 12" x 6"



Motorcycle  
License Plate

**MVA** 6601 Ritchie Highway, N.E.  
Glen Burnie, MD 21062  
Motor Vehicle Administration

**APPLICATION FOR PARKING PERMIT/LICENSE PLATES FOR INDIVIDUALS WITH A DISABILITY**

PERMIT NO CHARGE  
 TEMPORARY PERMIT NO CHARGE  
 LICENSE PLATES - \$10.00

Follow instructions on back of form **PHYSICIAN PLEASE NOTE: DISABILITY CODES ON BACK OF FORM.**

<b>A</b>	DRIVER'S LICENSE NUMBER	EXPIRES	<b>B</b> (PHYSICIAN'S CERTIFICATION): I CERTIFY: NAME OF APPLICANT			
APPLICANT'S NAME			DISABILITY CODE	PHYSICIAN'S PRINTED NAME		
TELEPHONE NUMBER		DATE OF BIRTH	SIGNATURE	DATE		
STREET ADDRESS			OFFICE ADDRESS			
CITY		STATE	ZIP CODE	CITY		STATE
CITY		STATE	ZIP CODE	CITY		
APPLICANT'S SIGNATURE			DATE	PHONE NUMBER	MEDICAL LICENSE NUMBER	STATE ISSUED
EXP. DATE						
<b>C</b>	NAME OF OWNER OR TRANSPORTER		NAME OF CO-OWNER			
OWNER'S DRIVER'S LICENSE NUMBER		DATE OF BIRTH	CO-OWNER'S DRIVER'S LICENSE NUMBER		DATE OF BIRTH	
OWNER'S ADDRESS			CITY			
STATE			ZIP CODE			
YEAR	MAKE	VEHICLE IDENTIFICATION NUMBER		MARYLAND TAG NUMBER		TITLE NUMBER
INSURANCE COMPANY			POLICY NUMBER			
SIGNATURE OF OWNER			SIGNATURE OF CO-OWNER			

APPLICANT COPY MUST BE IN THE POSSESSION OF THE PERSON USING THE PERMIT AND/OR PLATES ISSUED.  
DO NOT SEPARATE THIS APPLICATION.

VR-210 (5-98)

Applicant must keep a copy in possession while using the permit and/or plates issued.

Actual Size - 8" x 4 1/4"

**DISABLED IDENTIFICATION CARD**

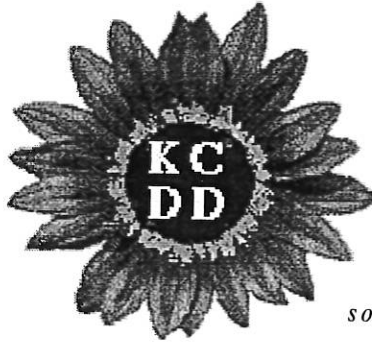
KANSAS DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES  
TOPEKA, KS 66626-0001

208078  
ISSUE: 04/02/1998 EXP: 03/31/2002  
BURKE ROBERT H  
4220 SE MINNESOTA  
TOPEKA KS 66609

BY



DIRECTOR OF VEHICLES



# ***Kansas Council on Developmental Disabilities***

BILL GRAVES, Governor  
TOM ROSE, Chairperson  
JANERHYS, Ph. D., Executive Director

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

## **HOUSE TRANSPORTATION COMMITTEE**

**February 3, 1999**

Testimony in Regard to HB 2035

AN ACT RELATING TO persons with disabilities, accessible parking.

*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 in support of HB 2035, providing accessible parking to persons with disabilities.

The Kansas Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor, include representatives of the major agencies who provide services for individuals with developmental disabilities, and at least half of the membership is composed of individuals who are persons with developmental disabilities or their immediate relatives. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices in life about where they wish to live, work, and what leisure activities they wish to participate in.

We support the change in this bill in regard to the walking distance from 200 feet to 50 feet. We also support the idea of identification cards with the date of birth and sex of the person to whom the card is issued along with having the name and address of the person certifying the cardholder's disability. We feel this will eliminate many abuses that occur in the majority of communities in Kansas. The passage of this bill will benefit people with disabilities, their families and overall, the entire State.

Josie Torrez

Partners in Policymaking Coordinator

House Transportation Committee  
February 3, 1999  
Attachment 2

STATE OF KANSAS  
DEPARTMENT OF HUMAN RESOURCES



Bill Graves, Governor

Wayne L. Franklin, Secretary

**COMMISSION ON DISABILITY CONCERNS**

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February 3, 1999

TO: House Committee on Transportation

FROM: Sharon Huffman  
Legislative Liaison

SUBJECT: House Bill 2035

Mr. Chair, members of the Committee, thank you for providing this opportunity for us to present our views regarding a very important issue in the State of Kansas.

The Kansas Commission on Disability Concerns (KCDC) was established by law nearly 50 years ago to carry on a continuing program to promote a higher quality of life for people with disabilities. One of our responsibilities is to submit recommendations to the legislature believed necessary to promote the independence of people with disabilities.

KCDC urges your support of House Bill 2035. It has been brought to our attention by Mr. Bob Burke, Assistant District Attorney for Shawnee County, that the changes in this bill will make it easier to enforce the accessible parking law. KCDC has been told throughout the years by our constituency that they don't think the accessible parking laws are being enforced as they should be. Passage of HB 2035 will make it easier for law enforcement officers in Kansas to carry out their responsibilities.

Thank you for supporting the passage of HB 2035.

House Transportation Committee  
February 3, 1999  
Attachment 3

**Testimony by  
Anthony Fadale  
Statewide ADA Coordinator  
before  
House Transportation Committee  
February 3, 1999**

Mr. Chairman and members of the Committee:

My name is Anthony Fadale. I am the State ADA Coordinator and am appearing in support of House Bill 2035. During last year's Legislative Session I was asked to review the state's accessible parking statutes and make recommendations for change.

The changes to the statute are designed to accomplish four goals:

First, cut down on the fraudulent use of placards. By requiring additional information on placard identification cards, the identity of the holder should be easier to ascertain.

Second, by modifying some sections of the statute, a physician can feel confident he/she is following the guidelines when issuing the placard. An example of reducing the walking distance from 200 feet to 50 feet gives the doctor a reasonable distance to observe the patient walking to see if they meet the requirements.

Third, the bill is geared to reduce the number of parking complaints from citizens. By stating that parking shall not exceed 24 hours we send a signal that no space is a private space; but rather a public space for use while doing business.

Finally, HB 2035 seeks to be a fair and balanced piece of legislation. It makes parking accessible to those who need it; while at the same time punishing people who try to cheat the system.



## KANSAS ADVOCACY & PROTECTIVE SERVICES, INC.

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Sherry Diel, Deputy Director

Tim Voth, Attorney

Kari Ramos, Advocate

Scott Letts, Deputy Director

Lori A. Davis, Attorney

Michelle Rola, CFO

Michelle Heydon, Advocate

Memo To: Chairman and Members of the House Transportation Committee  
From: Sherry C. Diel, Deputy Director  
RE: HB-2035--Act Concerning Accessible Parking For Persons With Disabilities  
Date: February 3, 1999

### What is Kansas Advocacy and Protective Services, Inc.?

Kansas Advocacy and Protective Services, Inc. ("KAPS") is a federally funded non-profit corporation. Our agency serves as the designated Protection and Agency for persons with disabilities in the state of Kansas. Each state and territory in the United States has a similar type of organization. Our role is to advocate for legal rights and services for persons with disabilities. Pursuant to federal law, KAPS has authority to pursue resolution of disputes through use of legal, administrative and other appropriate remedies. Because our funding is limited, KAPS utilizes priorities, developed as a result of public input, to advocate for systemic changes in the public and private sector to benefit Kansans with disabilities.

### KAPS Position On HB-2035.

KAPS **supports** the proposed amendments contained in HB-2035, **with one exception and reservations regarding another section.** As a family member of a heart attack and recent stroke victim, I have great concerns regarding the proposal to limit certification to those persons who cannot walk 50 feet without resting. [Page 1, Line 19 and 31]. This limitation seems to be overkill. If improper usage of accessible parking is the issue, it should be addressed through enforcement at the certification stage as well as improper usage of the placard. This provision appears to question whether the person has a disability.

My father, once a building contractor, now cannot walk more than 200 feet without resting. Sometimes, he is forced to use a walker, but not all the time. I'm not sure that he could be certified with the reduction to 50 feet, but there is no question in my mind that his health will not allow the over-exertion of walking significant distances. Moreover, oftentimes the accessible parking space is located more than 50 feet from the front door of the building. Ironically, to my knowledge, there is no specific requirement that the accessible parking spaces be located within a certain distance of the front door; why then would Kansas place such a harsh restriction on persons with disabilities?

Members of the House Transportation Committee

Page 2

February 3, 1999

With reservations, KAPS would support the proposed amendment to subsection (e). [Page 3, Lines 5-9]. However, we believe this will not address family situations where a minor or two adults in the family are certified to use the placard. In other words, the driver may not be the person who is certified. We are also concerned that this will increase administrative time of which no cost should be passed on to the person with a disability.

KAPS fully supports the amendments to K.S.A. 8-1,129 expanding the violations for blocking an accessible space or aisle [Page 4, Lines 26-36].

In summary, KAPS respectfully requests the Committee recommend HB-2035 favorably for passage with the exception of the amendments at Page 1, Line 19 and Line 31. KAPS would also request the Committee explore whether the amendment to subsection (e) [Page 3, Lines 5-9] meet any valid purpose without burdening the system and the person with the disability further. Should you have any questions regarding KAPS' position, please do not hesitate to contact me at (785) 273-9661.