

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on March 9, 1999 in Room 254-E of the Capitol.

All members were present except: Senator Nancey Harrington

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Bob Burke, Shawnee Co. D.A.
Rita Cline, Shawnee Co. Treasurer
Anthony Fadale, State ADA Coordinator
Josie Torrez, Ks Council on Developmental Disabilities
Stacey Cooper, Topeka Indep. Living Resource Ctr.
Lou Ann Kibbee, Living Independently in NW KS
Troy Horton, Ctr. For Indep. Living
Jim Magee, LINK
Greg Jones, SE KS Independent Living Ctr.

Others attending: See attached sheet

HB-2035: Persons with disabilities, accessible parking

Staff Revisor Kinzie explained changes made in the House; i.e., changing distance from 200 feet to 100, and some other changes which are generally more restrictive.

Bob Burke, Investigator for the Shawnee County District Attorney, the author of **HB 2035**. He emphasized his reasons for limiting these parking permits to persons with walking mobility impairment. He further stressed that these cards are to be shown to law enforcement personnel only. Personal information will not be available to anyone as a result of these permits. Referred members to last page of (Attachment 1) to see the application. Rita Cline, Shawnee County Treasurer was also present to answer questions. She advised these changes would not add an additional burden to the Treasurer's office to administer. There would be no additional expense to add another line, but they would need a computer "field" added to their current programs. (No written testimony). Anthony Fadale discussed some of the background and advised this bill is an attempt to get a "balanced" bill. They are aware of the fact that it does not make everyone happy, but it causes the least amount of disruption to everyone's life (Attachment 2). It definitely does not allow for the release of any unauthorized medical information. Josie Torrez, Kansas Council on Developmental Disabilities, appeared in support of this bill as they believe it will help eliminate many of the existing abuses (Attachment 3).

Stacey Cooper, managing attorney at Topeka Independent Living Resource Center appeared in opposition to **HB-2035**. In their opinion current law, if properly, enforced is sufficient (Attachment 4). In their opinion this bill would be particularly putative for people with hidden disabilities. She had no communication with anyone on this bill. Lou Ann Kibbee, Systems Change Coordinator, LINK, Inc., voiced complete opposition to the provision in this bill requiring the name, phone number and address of person certifying the card holder's disability. None of the LINK personnel were involved in the drafting of this bill (Attachment 5). Troy Horton, Center for Independent Living for Southwest Kansas, also opposed the requirement for doctor information as this would just add to physician's already overburdened staff (Attachment 6). Jim Magee, Independent Living Specialist, OCK, Inc., Salina added his organization's problems with the privacy issue in the bill (Attachment 7). Greg Jones, Director of Advocacy at Southeast Kansas Independent Living (SKIL), informed members that they object to this invasion of the disabled community and that this bill was not at the request of the informed, Law enforcement, physicians or disabled community of SE Kansas (Attachment 8). Brenda Eldridge, L.B.S.W., Public Policy Advocate for Topeka Independent Living Resource Center submitted written testimony setting forth five specific areas of opposition to the bill (Attachment 9). All of these people were not aware of the House Bill and they contend that enforcement is needed more than change in the current law.

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE, Room 254-E
Statehouse, at 9:05 a.m. on March 9, 1999.

Sharon Huffman, Legislative Liaison, Department of Human Resources, reported on her Departments' involvement with this bill and it was their belief that the passage of this bill would make it easier for law enforcement officers in Kansas to carry out their duties (Attachment 10). They certainly would not be opposed to an amendment to leave information on the card in its current format. Gene Heffaner from Merriam, KS (no written testimony), spoke to the committee regarding matters connected to this issue, such as not driving with the card hanging from the mirror, not having two license plates so that people in front can see that it is being driven by a disabled person. He addressed the matter of cooperation and lack of cooperation by law enforcement. In his opinion it is a waste of time to put the physicians name on the card. It is possible to obtain or place false information in that space.

Chairman Vidricksen appointed a sub-committee to see about working out the differences. Evidently several voices were not heard in the House. Senator Huelskamp will chair the sub-committee, Senators Harrington, and Senator Stephens will complete the sub-committee.

Minutes - approval of

Senator Jordan moved to approve the minutes of February 17, 18, 22, and 23, 1999. Senator Huelskamp seconded the motion. Motion carried.

The meeting adjourned at 10:10 a.m.

The next meeting is scheduled for March 10, 1999.

**SENATE TRANSPORTATION & TOURISM COMMITTEE
GUEST LIST**

DATE: March 9, 1999

NAME	REPRESENTING
Sharon Hoffmar	KCDC - KDHR
Lew Ann Kilibee	LINK, Inc.
Stacyd Cooper	TILRC
Brenda Eldridge	TILRC (Independent Living)
Wendy Gant	LINK, INC.
Josie Torres - Ks Council on Developmental Disabilities	
Maria Valdevinos	Intern DD Council
Robin Tropper	LINK Inc.
Dany Bates	LINK Inc.
Cecilia Mariani	TILRC Inc.
Mistino Humyler	LINK INC.
Debbie Howard	LINK
Gene Hockman	MYSELF
Rick Scheibe	KDOR Vehicles
Troy Hoston	CIL SWKS
Bryan M. Atwell	LINK Inc.
Greg Jones	SEK Independent Living.
Barack Packlan	Ottawa County Farm Bureau Test #1
Nicole Humpert	" " " " "

**SENATE TRANSPORTATION & TOURISM COMMITTEE
GUEST LIST**

DATE: March 9, 1999

NAME	REPRESENTING
Michele Woody	Ottawa County Farm Bureau, Tesco #
Debbie Potes IIS	LINK, Hays KS
Julie Rogers	Link, Hays KS
Lisa Scott	LINK, Hays KS
Jim Magee	LINK Hays KS
Jim Magee	Independent Connection / oack Inc.
Mark Horyny	Moscow Schools
Kelly Bieberle	Salina, Ks.
Anthony A. Fedale	State AOA Coord/dept of Admin
Bita Lini	Shawnee County Treasurer
BOB BURKE	Sw Co. DA
Janacio Franco	SE. Kansas SKFL
Kindy Jackson	Parsons, Ks.
Shannon Jones	SICR

First Assistant District Attorney
Joel W. Weinecke

Assistant District Attorneys

Brett W. Berry
James A. Brown
Nancy S. Brumbeloe
Edward M. Collazo
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

Joan M. Hamilton
District Attorney
Kansas Third Judicial District

Suite 214 • Shawnee County Courthouse • Topeka, Kansas 66603-3922
Telephone: (785) 233-8200 Ext. 4330 • Fax: (785) 291-4909

Director of Victim Services
Suzanne H.

Investigators
Donald M. Murphy
Ken Hendrix
Mick Meyer
Bob Burke

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

Investigator
Bob Burke
Americans with Disabilities Act
Enforcement Office

Joan M. Hamilton
District Attorney
Shawnee County Courthouse
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Topeka, Kansas 66603-3922
(785) 233-8200 Ext. 4330



March 9, 1999

SENATE COMMITTEE ON TRANSPORTATION

Dear Chairman Vidricksen and members of the Senate 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

SENATE TRANSPORTATION & TOURISM COMMITTEE

March 9, 1999

Attachment #1

Justice for All

manner, and remember, all of us will have some sort of disability sometime.

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. Currently, I believe the current fine schedule is sufficient when we apprehend these fraudulent users.

Since disabled parking is designed for the "truly disabled", this bill also attempts to help those persons responsible for signing the application form, a little clearer definition of "severe". Persons who "struggle" to walk 100 feet, before stopping to rest are much worse off than people who walk 200 feet. Of course the same case can be made for making it 300 feet, 400 feet or greater. Remember, these disabled parking places are for "severely mobility impaired persons", therefore I believe the 100 feet is best distance in this statute, and other states are already changing to this distance.

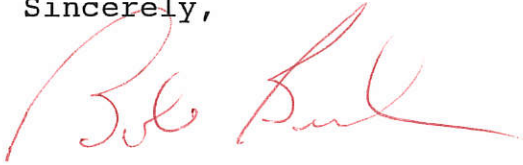
I totally disagree with HB 2454, which is attempting to add to the definition of a "person with a disability", has lost an arm or has lost a hand. This totally gets away from the "walking mobility impairment" reasoning!

HB 2035 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. You see, all persons in this room could fill out an application, they could even put in a fictitious name and a fictitious doctors name, pay their \$5.25 fee and walk out the door with a valid permanent disabled parking permit, good for 3 years. The state/county has no personnel or funding for checking each application for confirmation. Very, very, seldom is a disabled person ever checked by a law enforcement officer for their disabled ID Card. Under this system, if a law enforcement officer had a reason to inquire from a disabled person to see their ID Card, and IF the person was still in question, the law enforcement officer could then contact the OFFICE NURSE TO INQUIRE IF THIS PERSON WAS REALLY THEIR PATIENT, if so, that would satisfy the inquiry of a fraudulent signature. REMEMBER, THE INFORMATION ON THIS ID CARD (which is normally kept in a purse or billfold) IS ONLY TO BE SHOWN TO A LAW ENFORCEMENT OFFICER, AND ALSO DOESN'T PERMIT THE DOCTOR TO TELL THE LAW ENFORCEMENT OFFICER ANY MEDICAL INFORMATION ABOUT THE PATIENT. THE PATIENTS CHART FOR MEDICAL INFORMATION COULD ONLY BE VIEWED AFTER A SUBPOENA FROM THE COURT IS ISSUED, A VERY UNLIKELY SITUATION.

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,

A handwritten signature in red ink, appearing to read "Bob Burke". The signature is fluid and cursive, with the first name "Bob" and last name "Burke" clearly distinguishable.

Bob Burke, Investigator

Shawnee County District Attorney

Kansas
Medical Clinic
PROFESSIONAL ASSOCIATION
www.kmcpa.com

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2200 SW 6th
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MAHENDRA PATEL, MD
INTERNAL MEDICINE

DAVID WARRICK, MD
INTERNAL MEDICINE

CHARLES WURM, RPA-C
PHYSICIAN ASSISTANT

ADMINISTRATION
MICHELLE MEIER, BSN/MHA
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



**Kansas
Orthopedics &
Sports Medicine PA**

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 windshield, issued when--death of disabled person, effect--lost or stolen placard, replace fee--recertification and review by director, when.--

1. As used in this section the term "physically disabled" means a natural person who is a person as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair 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 person, 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

(6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or other 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 is inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material and 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 occupant 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 the 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 plates.

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

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

TRC §681.008. PARKING PRIVILEGES: VEHICLES WITH DISABILITIES; COLOSSAL HONOR RECIPIENTS. A vehicle may be exempt from the payment of a fee or penalty collected through a parking meter or parking authority other than a parking meter, when being operated:

(1) the person who is operating the vehicle is a Colossal Honor recipient under Section 502.254(a) or 502.254(b); or

(2) a person described in Section 502.254(c) whose vehicle is registered under the title of a disabled person.

TRC §681.009. DESIGNATION OF PARKING SPACE BY POLITICAL SUBDIVISION OR PROPERTY OWNER. (a) A political subdivision or property owner who owns or controls property may designate one or more parking spaces for the exclusive use of vehicles operated by persons with physical disabilities.

(b) A political subdivision or property owner who owns or controls private property may designate a parking space or area for the exclusive use of vehicles operated by persons with physical disabilities if those standards and specifications for the space or area conform by law.

(c) A political subdivision or property owner or a person who controls property may:

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

(2) to conform to the standards and specifications referred to in Subsection (b) for the space or area for persons with disabilities.

(d) The department shall issue a stencil for use by a political subdivision or property owner

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 54, PART II.

NON-TRANSFERABLE

License Plate No.: _____
 Placard No.: _____
 IDENTIFICATION

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 54, PART II.

NON-TRANSFERABLE

License Plate No.: _____
 Placard No.: _____
 IDENTIFICATION

NAME: _____
 SOCIAL SECURITY NO.: _____
 EXPIRATION DATE: _____
 SIGNATURE: _____

1-9



Actual Sizes 12" x 6"



Motorcycle License Plate

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

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

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

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

A	DRIVER'S LICENSE NUMBER	EXPIRES	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		ZIP CODE		CITY		STATE	ZIP CODE
APPLICANT'S SIGNATURE			DATE	PHONE NUMBER	MEDICAL LICENSE NUMBER	STATE ISSUED	EXP. DATE
C	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"

1-10

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 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 _____ K S 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 _____

Testimony by
Anthony Fadale
Statewide ADA Coordinator before
Senate Transportation and Tourism Committee
March 9, 1999, 9:00 a.m.

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 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 (785) 296-2608, FAX (785) 296-2861

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

HOUSE TRANSPORTATION COMMITTEE

March 9, 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 amendment in this bill in regard to the walking distance from 200 feet to 100 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



Offices located in
the Historic Crawford Building

Topeka Independent Living Resource Center

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TESTIMONY TO THE
SENATE TRANSPORTATION & TOURISM COMMITTEE
REGARDING:
HOUSE BILL 2035

BY:
STACEY L. COOPER
TOPEKA INDEPENDENT LIVING RESOURCE CENTER
March 9, 1999

Thank You Chairman and Committee members.

My name is Stacey L. Cooper. I am the managing attorney at Topeka Independent Living Resource Center and I have a hidden disability. I have both a disabled plate and placard issued to me in 1995 by the state of Kansas after completing the necessary paperwork and submitting the form completed by my physician. I am speaking here today on behalf of myself and Topeka Independent Living Resource Center. The proponents of HB 2035 state that the changes are needed to combat the "rise" of fraudulent use of disabled placards or plates, yet they offer no evidence that the fraudulent use of placards/plates is severe enough to warrant the proposed changes. Regardless of the amount of abuse, the proposed changes in HB 2035 are unnecessary for several reasons, the main one being that the current law is sufficient to address abusive use of disabled placards if it were being enforced, and HB 2035 will not aid in the enforcement of the abuse.

Under the current law, a disabled person must submit a statement from a "person licensed to practice healing arts in this state, a licensed optometrist, or Christian Science practitioner...certifying that such person is a person with a disability." The form is provided by the director of vehicles and completed by one of the above. HB 2035 does not address the issuance of fraudulent placards. The form provided by the director requires the appropriate licensed professional to fill in the name of the patient, the reason for the disability in an Alpha code (which list is provided with the form), the professional's signature, printed name, address and telephone number. This is ample information for the issuance of a disabled placard or plate. If the director believes there is sufficient fraud in the original application process to warrant verification, the clerk processing the application could call the signing professional to verify their signature. HB 2035 does nothing to address this issue.

The director issues an ID card with the placard and/or plate that contains the ID number

Advocacy and services provided by and for people with disabilities.

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of the placard/plate, the name and address of the person to which they were issued. HB 2035 proposes to add the date of birth and the sex of the holder and the name and address of the person certifying the holder's disability. For what purpose? Is a police officer going to ask for the ID card and call the certifying professional then and there to see if he or she can verify the holder's disability and if they certified the original form? The police officer can ask the holder for the ID card, match it up with the placard/plate, ask to see the person's driver's license or Kansas ID card to match the name, address and a photo of the holder.

Mr. Burke's proposed changes target those with "hidden" disabilities. It affects every disabled Kansan who is not in a wheelchair. There is little chance that a police officer would ask a person in a wheelchair to produce the ID card to prove they are disabled. I, on the other hand, would expect to be asked at some point in time to produce my ID card because I have a "hidden" disability. Yet in the four years I have had my "Disabled ID", I have never been asked to produce my ID card. Mr. Burke wants to shorten the walking distance from 200 feet to 100 feet. Yet it is easier for a person in a wheelchair to roll 5000 feet than it is for me and others to walk 200 feet. Also, most disabled parking spaces are further than 200 feet from the store entrance. Again, HB 2035 does nothing to change the enforcement of fraudulent use of the disabled placard/plate.

I am tired of receiving the nasty looks and at times, notes from people that do not think I should have a placard or plate. I had a total knee replacement at the age of 30, which is extremely young for such a procedure. This was done after 18 major reconstructive surgeries and I have scars that cover both legs from upper thigh to the knees, and a deformed left knee due to all of the surgeries. I also have arthritis in both hips. If I walk any distance greater than 100 to 200 feet I either use my husband's arm, my cane, or hold onto a shopping cart or stroller. If I use my cane, I do not get the nasty looks, nor do I get them in the summer when I wear shorts and my knee is visible. I should not be made to feel guilty because I have not lost all ability to walk on my own, yet that is what HB 2035 and Mr. Burke attempts to do. I thank God that I can "jump" out of my vehicle and while I can't "run", I can walk into the store. I am also aware of the fact that any day I may not be able to ~~to~~ walk without complete assistance.

Mr. Burke doesn't want to raise the fine for fraudulent use of a placard/plate because he feels the current fines are sufficient. I agree; however, greater enforcement and publicity will curb the fraudulent use, not changing the current law where there is no evidence offered that the proposed changes will make a bit of difference in reducing abuse. All of this is irrelevant when there are so many barriers to the disabled in gaining entrance to a building. You can have all of the disabled parking and restrictions you want. None of it does any good if a person in a wheelchair can not get into the buildings. Our efforts would be better spent in enforcing removal of architectural barriers.

Thank you.



Living Independently in Northwest Kansas

2401 E. 13th Street
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Hays, KS 67601
(785) 625-6137 (FAX)

**Testimony to
Committee on Transportation and Tourism
Senator Ben Vidricksen, Chairman
On HB2035**

**By
Lou Ann Kibbee
LINK, Inc.
March 9, 1999**

Thank you Chairman Vidricksen and Committee members for allowing me to testify today as an opponent of HB2035. My name is Lou Ann Kibbee. I am the Systems Change Coordinator for LINK, Inc, which is an acronym for Living Independently in Northwest Kansas. LINK is a center for independent living assisting people with disabilities to become independent and integrate into society.

As a person with a disability and representing LINK which advocates for the rights of people with disabilities, I am here to voice our complete opposition to requiring the name, phone number, and address of the person certifying the card holder's disability be contained on the individual identification card.

What has happened to people having a certain amount of privacy? I do not believe a police officer has the right to access this information. How many doctors do you know are going to be sitting around waiting for a police officer to call? How can a doctor release any information about an individual's disability? What is happening to medical confidentiality? People with hidden disabilities will constantly be targeted and discriminated against if this becomes law.

I understand the reasoning behind this section of the bill is to eliminate fraudulent use of accessible parking placards. There has got to be another way without violating the privacy of innocent individual with disabilities. A police officer could ask a potential violator for another form of identification to compare, such as a driver's license or Kansas identification card.

There is definitely a problem with people illegally parking in accessible parking spaces. Although fraudulent use of parking placards may occur, there is a bigger problem with people parking illegally in accessible parking with no placard or plate. The lack of enforcement by police officers is what increases this problem tremendously. The lack of knowledge by police officers of what the parking laws stipulate and the willingness to enforce them is where the major problem lies. I have personally reported people parked illegally in accessible parking spaces and access aisles. Some of these police officers will stand there and tell me that there is nothing they can do. I also hear of people who are ticketed and go to court where the judge will let them off



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LINK, Inc. also has offices in Hill City, Colby, Osborne and Great Bend

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because they are elderly or disabled but just have not got a parking placard or plate. This is not right either. These people should have to follow the law just like the rest of us. I would like to suggest these are much more frequently occurring problems that must be taken care of.

Thank you very much for your time. If you have questions, I would be glad to answer them. I may be contacted at 785-625-6942 or 2401 E. 13th, Hays, KS 67601, lkibbee@eaglecom.net.

**Testimony to
Transportation And Tourism,
Senator Ben Vidricksen, Chairperson,
on SB 2035
by
Troy A. Horton
Center for Independent Living for Southwest Kansas
March 9, 1999**

Thank you Chairperson Vidricksen and Committee members for allowing me to testify today to oppose SB 2035. My name is Troy Horton. I am the Executive Director of the Center for Independent Living for Southwest Kansas. I drive a car. I have a placard that hangs below my rear view mirror. It was not too hard to get the placard my Dr. filled out the form and signed it. However, his name, phone number, and address to appear on the I.D. cards, could put me in search of someone who be willing to have this information available for someone to contact them at any time. More work for Dr. and their staff verifying information, that was already verified in order for someone to receive a placard in the first place.

Don't vote for SB 2035. It only makes the process more complicated, providing information that is not needed.

Thank you very much for your time. If you have questions, I would be glad to answer them. I may be contacted at 111 Grant Ave.; Garden City, Kansas 67846; or 316-276-1900.

SENATE COMMITTEE ON TRANSPORTATION
HEARING ON HB2035
MARCH 9, 1999

Thank you for this opportunity to present information the people of our community want you to hear before making your recommendations on this bill.

The addition of the doctor's name, address and telephone number to the information on the identification card violates our right to privacy. When the form is filled out to apply for a placard or license tag, the doctor's information is on the form, and it is filed. When we put eyeglass restrictions on a Kansas drivers license, we do not put the eye doctor's name, address and telephone number on the license.

My understanding of the reason behind this addition is to keep people from abusing this system. If a doctor signs the form, there must be a reason. Rather than violating our right to privacy, maybe we should educate the doctors and the enforcement personnel. If someone abuses the system by using a placard or license tag, then that person should be penalized, not the person with the disability.

We agree that there should be better enforcement of these laws. Please don't let the cost of enforcement be our privacy.

Thank you.

Jim Magee
Independent Living Specialist
Independent Connection/OCCK, Inc.
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Testimony to Senate Transportation & Tourism Committee March 9th 1999.

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Pittsburg Office

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Chanute Office

1028 S. Santa Fe
Chanute, KS 66720
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Fredonia Office

419 N. 6th
Fredonia, KS 66736
(316) 378-4881

Mr. Chairmen & Committee Members. Thank you for this opportunity to present to you today. My name is Greg Jones Director of Advocacy at Southeast Kansas Independent Living-SKIL. Southeast Kansas Independent Living is a Center for Independent Living or CIL as we call them. CIL's are organizations of people with disabilities working for & with people with disabilities. There are 12 centers for Independent Living Statewide.

I'm here today to express opposition for HB 2035. Please keep in mind, as you consider this bill, that people with disabilities simply want to be treated and respected as others in our society. We desire no more government, no more over regulation, and no more invasion of our private life than other individuals in the State of Kansas. We want equal treatment/not special treatment. We want fair law - not invasive law.

HB 2035 would require that an individual's Social Security Number and sex be placed on the identification card. It would also require the name, address and phone number of their physician. This is unnecessary. It is over regulating. It is an invasion of personal privacy and it is an



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attempt to micromanage the medical community as it participates in the distribution of parking placards for the disabled . It is not a need or a request of the disabled community in SEK or our local Police Departments. As a matter of fact we're still in the process of educating local law enforcement & business about existing disabled parking laws, rules and regulations. Let us teach enforcement of the current law. Lets not confuse them with a new one.

100% of SKIL's Board of Directors are people with disabilities. 70% of our Staff are people with disabilities. SKIL facilitates six self-advocacy groups in S.E.K. made up of people with disabilities. We provide services, of some type, to several hundred people with disabilities in SEK. SKIL is also active in Statewide organizations, committees, etc.. Most of which all twelve Centers for Independent Living in Kansas are a part of. Not once has there been any concern expressed about the current disabled parking or placard laws. Not once has this been an item placed on any legislative agenda, by any disability rights group that I am aware of. This bill is not a request of the disabled community.

Their were two opposing votes to this legislation in the House. I'm proud to say that one of these opposing votes was Representative



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Gatewood from District One. His vote was based upon the voice of his disabled constituents in SEK. It is our intent to contact other legislators from SEK and encourage them to either withdraw their support or vote against it should it reach the Senate floor.

Coffeyville Office

*714 Union
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Mr. Chairman, Committee members, I urge you to stop this bill in Committee. It is not the request of the informed, Law enforcement, physicians or the disabled community of Southeast Kansas. Thank you.

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**Testimony
Senate Transportation & Tourism Committee
Regarding;**

**House Bill 2035
By the Committee on Transportation**

Brenda Eldridge; L.B.S.W.
Public Policy Advocate

I'd like to thank the committee for your time and thought as regards HB 2035 concerning accessible parking for those with disability. Topeka Independent Living Resource Center, TILRC, believes the existing legislation to be adequate and asks the committee to kill this bill for the following reasons;

- 1.) The reduction of walking distance will adversely affect those with invisible disability, and restrict those with disability further in that many of the parking places are already located 50 feet beyond public entrances.
- 2.) The excess requirement of information, i.e. physician's certification and date of birth etc., as the new language will require is intrusive and beyond what the general populace is required to provide for identification purposes.
- 3.) Creates an additional process for physician's for additional verification, which is already utilized as part of the application process.
- 4.) Parking time frame limits restrict those with disability as there aren't many slots available as is and TILRC would ask that the existing language be retained.
- 5.) Does not effectively reduce the fraudulent use of parking placards.

In conclusion, TILRC is in agreement that the issues of fraudulent usage is a continuing problem, however we believe there are a number of creative options out there, such as shorter time frames for re-certification that the state of Nebraska is finding works for this situation. TILRC's suggestion is to kill this particular bill and research policy's which may be more effective. The existing law will be malleable for future amendments if such efficiently becomes clearer in suggested policy.

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Advocacy and services provided by and for people with disabilities.

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STATE OF KANSAS
DEPARTMENT OF HUMAN RESOURCES



Bill Graves, Governor

Wayne L. Franklin, Secretary

COMMISSION ON DISABILITY CONCERNS

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Testimony on HB 2035
Senate Transportation and Tourism Committee
Given by
Sharon Huffman, Legislative Liaison
March 9, 1999

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, Investigator for the 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.

SENATE TRANSPORTATION & TOURISM COMMITTEE

March 9, 1999

Attachment #10

Our Mission: To provide quality employment services in an efficient manner which exceeds customer expectations.

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