



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 14, 2009

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

House Bill 230, House Draft 1 – Relating to Parking for Persons with Disabilities

The Disability and Communication Access Board is a statewide Board with seventeen (17) members appointed by the Governor, thirteen (13) of whom are persons with disabilities or family members. The Board's mission is to advocate and promote full inclusion, independence, equal access, and quality of life for persons with disabilities in society. This testimony represents a position voted upon by the Legislative Committee of the Board.

The Disability and Communication Access strongly opposes House Bill 230, House Draft 1 which would expand the eligibility of the parking placard for persons with disabilities to nursing facilities. Our Board opposes the expansion of eligibility of placards to non-individuals. People have disabilities, while agencies do not. A person need not have a driver's license to obtain a placard. Any resident of a nursing home is likely to qualify and can be transported in the nursing home's vehicle with his or her placard. This bill is only a convenience for staff. Our position paper on this issue is attached.

Furthermore, House Draft 1 is worse than the original bill, as it requires putting the vehicle license number on the placard. This is time consuming and not possible via our process of pre-numbered placards.

Also, because the State is required to reimburse the counties for each placard issued, any increase in eligibility will also require an appropriation.

We ask that you hold this bill in Committee.

Thank you for the opportunity to provide testimony on this important matter.

Respectfully submitted,

CHARLES W. FLEMING
Chairperson

FRANCINE WAI
Executive Director

Attachment



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POLICY STATEMENT ON ELIGIBILITY FOR PARKING PERMITS FOR PERSONS WITH DISABILITIES

The Disability and Communication Access Board (DCAB) supports the current eligibility criteria for parking for persons with disabilities, and does not support the expansion of eligibility to include other entities involved in transporting or assisting the current eligible population.

STATUTORY BASIS FOR PROGRAM

The laws governing the "Parking Program" for persons with disabilities are:

- * The Uniform System of Parking for Persons with Disabilities,
- * Hawaii Revised Statutes, Chapter 291, Part III, and
- * Hawaii Administrative Rules, Title 11, Chapter 219

ELIGIBILITY

State law and administrative rules provide five (5) categories of individuals who qualify for a permit. A person is qualified if he or she meets at least one (1) of the criterion:

- * A person who cannot walk two hundred (200) feet without stopping to rest due to a diagnosed arthritic, neurological, orthopedic, renal, vascular, or oncological condition;
- * A person who cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- * A person who uses portable oxygen;
- * A person who 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 arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; and
- * A person has a cardiac condition to the extent that the person's function limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association.

RATIONALE FOR ELIGIBILITY

The current eligibility is based on federal guidelines adopted by all states. Although some states have broadened their definition to include other individuals with disabilities and in some cases private operators of residential and transportation providers, Hawaii's island environment does not support the land area necessary to create more accessible parking spaces to accommodate a broader definition of eligibility. Without expanding the number of accessible parking spaces, fewer spaces will be available for use by qualified individuals with the greatest mobility needs.

Expansion of eligibility will also have a negative impact on enforcement efforts. The county police departments have authority to ticket violators relating to parking for persons with disabilities. The effort to consistently enforce accessible parking violations continues to be a low priority among all police departments. Lack of timely enforcement is the number one complaint among persons with disabilities who benefit from this program. Enforcement personnel must make themselves familiar with forty nine (49) other states permits in addition to many foreign countries that have reciprocity agreements for their citizens to use accessible parking spaces in Hawaii. This privilege often confounds enforcement authorities, and decreases the number of accessible parking spaces in high tourist use areas. Potential problems created by issuing vehicle permits increase the burden of enforcement.

It is unnecessary to issue disabled parking permits to vehicles owned by long term care facilities, disability organizations, or businesses related to transportation of disabled individuals who may use the issued placards of their passenger, as placards are not limited to specific vehicles.

COST FACTORS

There is a cost associated with expanding eligibility. State law requires the State to reimburse the counties \$12 per placard issued. Any increase in eligibility would require additional state appropriation.

There are approximately one thousand eight hundred (1,800) care facilities in the state of Hawaii that provide residential services for persons who have some type of disability. A conservative estimate for expanding eligibility to this category alone would exceed \$21,000 annually, and this is unnecessary.

The State of Hawaii currently has one thousand four hundred eighty four (1,484) registered taxi drivers with the Division of Motor Vehicles with the addition of the city owned fleet of one hundred fifty (150) HandiVan vehicles; an additional one thousand six hundred thirty four (1,634) placards would have to be issued. Using these figures, the estimate in expanding eligibility to taxi and other transportation entities would require the state to reimburse the county \$19,608 annually.

ADOPTED: JANUARY 15, 2009



A non-profit organization run by and for persons with disabilities

Hawaii Centers for Independent Living
414 Kuwili Street, Suite 102
Honolulu, Hawaii 96817
Phone: (808) 522-5400
Fax: (808) 522-5427
TTY/TDD: (808) 536-3739
Website: <http://www.hawaii-cil.org>

Representative Joseph M. Souki, Chair
Representative Karen Leinani Awana, Vice-chair
Committee on Transportation

Hawaii Centers for Independent Living
Saturday, February 14, 2009, 9:00 AM

Supporting the intent of HB 230 HD1, Relating to Parking for Persons With Disabilities, and offering amendments

Hawaii Centers for Independent Living is a non-profit organization operated by and for people with disabilities to ensure their rights to live independently and fully integrated in the community of their choice, outside of institutional care settings. As a non-profit, statewide resource, HCIL serves people of any age with any type of disability. HCIL was founded on the historical constitutional beliefs of civil rights and the empowerment of people with disabilities to have equal access, opportunities, and choices in life, no matter how severe their disability.

We support the intent of HB230 HD1, Relating to Parking for Persons With Disabilities, and wish to offer an amendment.

We feel that agencies that transport the elderly and people with disabilities should be granted accessible parking privileges regardless of whether the services they provide are residential in nature. Therefore, we ask that the phrase “nursing facility” be replaced with the phrase “qualifying agency”, defined as “an agency whose functions include transporting persons with a disability”.

We urge the committee to pass HB230 HD1, amended as specified. Thank you for this opportunity to testify.

Sincerely,

Mark F. Romoser
Policy and Program Analyst

Attention: COMMITTEE ON TRANSPORTATION
Rep. Joseph M. Souki, Chair
Rep. Karen Leinani Awana, Vice Chair

Testimony by: Linda Elento, Board director, Hawaii Down Syndrome Congress

Hearing: February 14, 2009, 9:00am

HB230 HD1 RELATING TO PARKING FOR PERSONS WITH DISABILITIES.

I am in support of this bill to extend eligibility for handicapped parking permits to certain nursing and residential facilities. I ask the Committee on Transportation to consider expanding the eligibility to include other organizations, such as the organizations eligible in Washington State.

A sample of the application form which includes a listing of eligible organizations in Washington State is attached.

Reference: <http://www.dol.wa.gov/vehicleregistration/parking.html>

“Organizational: If your organization has vehicles that are used to transport any person with a disability, you may complete a Disabled Parking Application for Organizations to receive disabled parking privileges. Your organization will receive either:

up to 99 placards, which hang from the rear-view mirror and can be used by any vehicle that provides regular transportation for an individual with a disability.

OR

disabled parking license plates issued to vehicles registered to the organization that regularly transport individuals with disabilities.”

Thank you for the opportunity to present testimony and your further consideration of this request.

Instructions for completing the Disabled Parking Application For Organizations

- Fill in the ORGANIZATION information blocks. (Name, Address, etc.)
- Check the box that describes your type of organization.
- Fill in AND SIGN the ORGANIZATION OFFICIAL information blocks. By signing the application you are stating that you have reviewed the types of disabilities set forth below and your organization regularly transports individuals with such disabilities. (Physician certification is not necessary for an organization.)
- Your organization will be held responsible for all fines and penalties imposed for improper use of the placards and/or license plates, as provided by RCW 46.16.381.
- If requesting LICENSE PLATES, please contact your local vehicle licensing agent for fee information. Vehicles must be registered in the organization's name and you must attach a copy of your current vehicle registration and any required documentation.
- If requesting PERMANENT placard(s), complete the application, attach any required documentation and return to your nearest vehicle licensing agent.

TYPE OF DISABILITY

Disabled parking privileges may be granted to any person that has a disability that limits or impairs their ability to walk or involves acute sensitivity to light and meets one of the following criteria as determined by a licensed physician, physician's assistant, or advanced registered nurse practitioner.

- Cannot walk two hundred feet without stopping to rest.
- Is severely limited in ability to walk due to arthritic, neurological, or other orthopedic condition.
- Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assisting device.
- Uses portable oxygen.
- Is legally blind with limited mobility
- Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest.
- Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as Class III or Class IV under standards accepted by the American Heart Association.
CLASS III ---- Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary activity causes fatigue, palpitation, dyspnea, or anginal pain.
CLASS IV ---- Patients with cardiac disease resulting in an inability to carry on any physical activity without discomfort. Symptoms of heart failure or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.
- Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal medical practitioner of the applicant shall document that the disability is comparable in severity to the other conditions listed above.
- Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

Disabled Parking Application For Organizations

Issue Date	Expiration Date
Vehicle Licensing Agent	
D O L U S E O N L Y	

Please type or print clearly (See important instructions on the reverse side)

Organization name	
Mailing address	
City	ZIP Code

Requested # of	
Placards	Plate sets

The placards are issued for a period of five (5) years. Renewal reminders are mailed prior to expiration. To have disabled parking license plate(s) issued, the vehicle(s) must be registered in the name of the organization. The plates are renewed with the vehicle registration.

The plates and/or placards are to be used only while transporting persons with qualifying disabilities. See other side for a complete list. The placard must be displayed from the rearview mirror when parked in a disabled parking space. To insure that your view is not obstructed, remove the placard from the rearview mirror prior to operating the vehicle.

Organizations must report the status of each disabled parking placard or license plate to the department by April 30th each year. Failure to submit this report will result in the cancellation of the plate(s) and placard(s).

APPLICATION IS SUBMITTED BY: (Please mark one of the categories below and attach requested documentation. Additional documents must reflect the same name as the organization designated above.)

- NURSING HOME OR ADULT FAMILY HOME - Copy of the current license issued through the Department of Social and Health Services (DSHS).
- BOARDING HOME - Copy of the current license issued through the DSHS.
- SENIOR CITIZEN CENTER - Written verification from the Bureau of Aging and Adult Services, or the city or county in which you operate, stating you are a bona fide senior citizen center.
- PRIVATE NON-PROFIT AGENCY - Copy of the certificate of non-profit status, issued by the Washington Secretary of State.
- PRIVATE CARRIER CONTRACTING WITH A PUBLIC TRANSPORTATION AUTHORITY - A copy of the current contract, documenting the relationship between the private carrier and the public transportation authority.
- CABULANCE - A copy of the current For Hire certificate issued by the Department of Licensing.
- PUBLIC TRANSPORTATION AUTHORITY - (A town, city or county municipality or metropolitan or municipal corporation, U.S. Government facility or Indian Nation, within the State of Washington, or Washington State.)

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and that I have the authority to sign this application. I understand that unauthorized use of the placard(s) or license plate(s) is a traffic infraction with a monetary penalty.		
Official's name (Typed or printed)	Title	
Signature of organization official	Telephone number ()	Date

A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both.

awana3-Elenoa

From: Chris Ridley [ridley@hawaii.rr.com]
Sent: Wednesday, February 11, 2009 6:29 PM
To: TRNtestimony
Subject: Testimony HB230 HD1

Representative Joseph M. Souki, Chair
Representative Karen Leinani Awana, Vice-Chair Transportation Committee February 10, 2009

Chris Ridley, LCSW, DCSW
National Association of Social Workers, Hawaii Director of Social Services, Life Care Center of Hilo, 808-959-9151

Hearing 2-14-09, 9:00 am, Room 309

HB230 *HD1 *Relating to Parking for Persons with Disabilities- *SUPPORT INTENT*

Chair Joseph M. Souki and members of the Transportation Committee, I am Chris Ridley, East Hawaii Board representative of the National Association of Social Workers, Hawaii Chapter (NASW). I am also the Director of Social Services at Life Care Center of Hilo (a nursing facility). I am testifying in SUPPORT of the intent of HB230.

Presently nursing facilities on neighbor islands have their own vans to transport the Residents to their various appointments. We apply for a disabled placard for the Resident but this takes much paper work. Sometimes family members have applied and they do not want to give their placard to the nursing facility.

Most other states allow the nursing facility van that transports Residents to have a permanent disabled license plate. This would simplify the situation for clerical purposes for the state as well as for the nursing facilities. This would also minimize the chance that placards would be used for other vehicles.

I believe that we should be allowing nursing facility vehicles to park in disabled parking areas. This will allow our vulnerable population to remain in close contact with their worker and help them maintain some sense of dignity.

I strongly support HB 230 HD1 relating to parking for disabled persons and urge your favorable support of this bill. Thank you for the opportunity to testify on this measure.