

TO: House Committee on Transportation
Saturday, Feb. 14, 2009 at 9:00 a.m.
Conference Room 309

LATE TESTIMONY

FROM: Kirby L. Shaw
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SUBJ: HB 230, HD1 - RELATING TO PARKING FOR PERSONS
WITH DISABILITIES

Rep. Joseph M. Souki, Chair
Rep. Karen Leinani Awana, Vice-Chair
Members of the House Committee on Transportation
Kirby L. Shaw – Individual with a disability, parking placard holder
Saturday, February 14, 2009

Opposition to HB 230, HD1 - Relating to Parking for Persons with Disabilities

Dear Transportation Committee,

I am writing to express strong opposition to HB 230, HD1. The bill would allow nursing facilities to obtain special license plates or parking placards (permits) for their vehicles to use accessible parking spaces reserved for individuals with disabilities. On its face, it seems like a good idea. However, the effect would be severe for individuals who qualify for a permit who already have trouble finding an open accessible parking space for two reasons.

First, allowing nursing facilities licensed under HRS §§ 321-15.6, 321-15.62, or any other facility that provides residential care for persons with a disability would automatically broaden eligibility to obtain a permit. That is, nursing facilities (adult residential care homes (ARCH) or expanded ARCHs) provide residential accommodations for individuals who are developmentally disabled, elderly, or mentally ill. Bless these folks. However, such individuals cannot qualify for a permit based solely on their status under the State's current eligibility criteria, which are based on the limited ability of an individual to move from one point to another under his or her own power. Consider the purpose of accessible parking spaces: (1) close proximity to an accessible entrance for those who have a mobility impairment (arthritis, multiple sclerosis, severe pulmonary or cardiac conditions, etc.) and (2) a wide access aisle to load/unload a mobility device such as a walker or a wheelchair. **Therefore, the bill would remove any control over the range of individuals with disabilities who could make use of accessible parking, render the State's permit eligibility criteria meaningless, and greatly reduce the already limited amount of accessible parking available for those who truly need it.**

Second, allowing nursing facility vehicles to use accessible parking spaces would create a great potential for abuse by nursing facility personnel who have access to a facility's vehicle. Abuse is already great among (1) those who illegally use a family member's parking permit, (2) those who obtain a permit fraudulently, and (3) those who illegally use accessible parking without a permit. In short, there is already a large abuse problem. **HB 230, HD1 would make the abuse problem even greater and reduce the availability of accessible parking for persons with legitimate mobility impairments.** This will be the result if the measure becomes law.

I use a motorized wheelchair and own a modified van with an automatic ramp. Without accessible parking, it would be very difficult to get in and out of my van. While there are many considerate and conscientious citizens who scorn the idea of abusing accessible parking, there are still many others I often witness who violate the law and park in such spaces without a second thought.

The better way to assure that nursing facilities are able to make use of accessible parking and to minimize the potential for abuse is to leave the statute unchanged. That is, if a nursing facility resident has a parking placard, the statute already allows a nursing facility vehicle to use accessible parking whenever it transports that resident – the placard holder. Obtaining a parking placard for a nursing facility resident is relatively easy in that once a physician certifies that the resident qualifies, the application can be conducted by mail. This is a small inconvenient step, but it ensures that permits will be issued only to individuals who qualify as opposed to a nursing facility with the great potential for abuse at any time without scrutiny.

In essence, **HB 230, HD1 would not be good for individuals with disabilities** who qualify for a parking permit because of the abuse that will take away necessary parking spaces. Therefore, **I urge the committee to oppose this bill.** Please contact me at the address above if you have any questions. Mahalo nui.

Sincerely,

/s/
KIRBY L. SHAW