



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
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February 9, 2018

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

House Bill 1788 – Relating to Identification Cards for Persons with Disabilities

The Disability and Communication Access Board does not support House Bill 1788 in its current form which allows drivers licenses, state identification cards and a new disability card to indicate that a person has a disability (both unspecified and self-declared). Our Board has discussed this concept over several years. Our concerns are:

- The introduction states two conflicting reasons. Page 1, lines 6-9 reads "...the disclosure of a disability on a driver's license or identification card can assist first responders in determining the best way to treat, assist, or communication with the person" (i.e., Would Smart 911 suffice for first responders information?). Page 1, line 11 states "...indicating a person's disability will allow the person access to certain services such as special seating on public transit or at public events." These two statements are not consistent. The former is reflective of a need for a communication card or a medical card for first responders while the latter is related to accessing certain services. This is confusing.
- This designation will mistakenly be used as evidence of eligibility for services. We are concerned that people will assume that a self-designation will automatically offer them some service benefit (i.e., airline seating, use of an assistance animal in housing, accessible parking) when other documentation is required.
- Will the Department of Transportation and the County issuing agencies draft rules to determine what type of medical documentation is necessary? Is a fee permitted for this new card? Which agency is responsible for the database for new identification cards? An effective date of January 1, 2019 is not realistic, nor is there an appropriation for implementation.
- The bill states that the only wording on the front of the driver's license or state identification card is the word "disabled." If no other information is provided, the broad term would appear to be useless to anyone who sees it.
- The definition of disability includes anyone with any ailment, temporary or permanent. It is not clear how the duration of a temporary disability would work with a driver's license or identification card of a longer duration (i.e., If a person breaks his/her leg for six months and has a driver's license for six years, what happens?).
- Could a person seek a separate disability identification card in addition to a driver's license or civil identification card or are these mutually exclusive options?

Thank you for the opportunity to express our concerns.

Respectfully submitted,

FRANCINE WAI
Executive Director



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 Richards Street, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

February 9, 2018

The Honorable Henry J.C. Aquino, Chair
House Committee on Transportation
Twenty-Ninth Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Aquino and Members of the Committees:

SUBJECT: HB1788 – Relating to Identification Cards for Persons with Disabilities.

The State Council on Developmental Disabilities (DD) appreciates the intent of HB 1788. This bill allows identification cards to indicate a person's disability, to allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of an emergency.

The Council understands having such a card may be helpful for an individual with a disability in communicating their special needs or to first responders during an emergency; however, we feel there may be unintended consequences with the language of the bills:

1. There may be potential for individuals to use their identification card to receive preferential treatment at community events. Since it is voluntary to include such a notation or statement on a driver's license, those who choose to do so can obtain access to certain public services such as special transportation and seating for persons with disabilities, while those who choose not to would not have access those special services.
2. The use of a medical alert bracelet, medical alert necklace, or a medical alert card can and has been used to alert first responders on the best way to assist an individual in need.
3. Page 1, Section 1, line 14 is unclear to what the "disabled" notation is? Is it like the accessible-parking symbol? We question the appropriateness of the symbol to designate a disability, as we understand it to be related to accessibility for a person who uses a wheelchair and not to identify a person with a disability.

The Honorable Henry J.C. Aquino
Page 2
February 9, 2018

4. There may be misinterpretation or misunderstanding that the designation of the disability determines eligibility for services and by having the designation means the individual may automatically qualify for services.

The Council respectfully suggests that the Disability and Communication Access Board as the state ADA coordinator be consulted regarding the "disabled" notation and definition of disability for the appropriate language to address in these bills.

Thank you for the opportunity to submit comments for **HB 1788**

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive, flowing style.

Daintry Bartoldus
Executive Administrator

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

74-5044 Aiea Kauhakalo Highway, Bldg A, Kailua-Kona, HI 96740



February 7, 2018

TESTIMONY OF DRU KANUHA
HSAC PRESIDENT
ON HB 1788, RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH
DISABILITIES

Committee on Transportation

Friday, February 9, 2018

10:00 a.m.

Conference Room 423

Aloha Chair Aquino and Members of the Committee:

I thank you for the opportunity to testify on behalf of the Hawai'i State Association of Counties in **support** of House Bill 1788, relating to identification cards for persons with disabilities which is included in the 2018 HSAC Legislative Package.

The purpose of this measure allows identification cards to indicate a person's disability, to allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of an emergency.

As not all disabilities are readily apparent, such as those related to mental health, this measure would allow a person with a disability to nonverbally communicate any special needs to police and other public-safety personnel, which would be of particular help during an emergency. An identification card that clearly indicates a person's disability would allow the person better access to certain eligible public services, such as special transportation and seating for persons with disabilities at public events.

HSAC supports this measure for the reasons stated above and we urge the Committee on Transportation to support this measure as well. Should you have any questions, please feel free to call me at (808) 323-4267.

Mahalo for your consideration.

DRU KANUHA
HSAC PRESIDENT

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 7, 2018

**TESTIMONY OF DEREK S.K. KAWAKAMI
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**HB 1788, RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH
DISABILITIES**

House Committee on Transportation

Friday, February 9, 2018

10:00 a.m.

Conference Room 423

Dear Chair Aquino and Members of the Committee:

Thank you for this opportunity to provide testimony in strong support of HB 1788, Relating to Identification Cards for Persons with Disabilities. My testimony is submitted as Vice President of the Hawai'i State Association of Counties, and in my individual capacity as a member of the Kaua'i County Council and Chair of the Council's Economic Development & Intergovernmental Relations Committee.

HB 1788, Relating to Identification Cards for Persons with Disabilities is included in the 2018 Hawai'i State Association of Counties Legislative Package. Allowing a person to include information about their disability on their identification cards can assist first responders in determining the best treatment options in times of emergencies. Also, medical documentation will be a requirement to support a person's request for indication of a disability on that person's identification card to mitigate potential abuse.

For the reasons stated above, I urge the House Committee on Transportation to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

DEREK S.K. KAWAKAMI
Councilmember, Kaua'i County Council

AMK:lc

VALERIE T. POINDEXTER
Council Chairwoman & Presiding Officer
Council District 1



Phone: (808) 961-8828
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HAWAI'I COUNTY COUNCIL

County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720

February 8, 2018

House Committee on Transportation
Henry J.C. Aquino, Chair
Sean Quinlan, Vice Chair

Email: repaquino@Capitol.hawaii.gov
Email: repquinlan@Capitol.hawaii.gov

Subject: Testimony Supporting HB1788, Related to Identification Cards for Persons with Disabilities
Hearing: February 9, 2018, 10:00 a.m., Room 423

Dear Representatives:

On behalf of myself and the constituents of Council District 1 in Hāmākua, County of Hawai'i, I would like to express our support of HB1788, and submit a brief testimony as follows:

This bill allows identification cards to indicate a person's disability, to allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of an emergency. Effective 1/2/2019.

I strongly support and urge the enactment of HB1788. Thank you for your time and consideration.

Sincerely,

Valerie T. Poindexter
Hawai'i County Council Chairwoman
District 1, Hāmākua

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 7, 2018

TO: The Honorable Henry J. C. Aquino, Chair
House Committee on Transportation

FROM: Stacy Crivello, Secretary
Hawaii State Association of Counties

A handwritten signature in cursive script, appearing to read "Stacy Crivello", is written over the printed name and title.

SUBJECT: **HEARING OF FEBRUARY 9, 2018; TESTIMONY IN SUPPORT OF HB 1788, RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to allow identification cards to indicate a person's disability, to allow the person access to certain eligible public services, and help identify the disability to public safety personnel in case of an emergency.

This measure is included in the Hawaii State Association of Counties' ("HSAC") Legislative Package; therefore, I offer this testimony as HSAC's Secretary.

I am aware that the President of HSAC has submitted testimony, on behalf of HSAC, in support of this measure. As Secretary, I concur with the testimony submitted by the President, and urge you to **support** this measure.

ocs:proj:legis:18legis:18testimony:hb1788_paf18-053_jgk

HB-1788

Submitted on: 2/7/2018 5:06:30 PM

Testimony for TRN on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

We STRONGLY OPPOSE this bill as it arbitrarily selects who qualifies to be disabled, in violation of the Americans with Disabilities Act, which sets forth the definition of disabilities:

"As used in this chapter:

(1) Disability The term "[disability](#)" means, with respect to an individual—(A)

a [physical or mental impairment](#) that [substantially limits](#) one or more major life activities of such individual;

(B)

a record of such an impairment; or

(C)

being regarded as having such an impairment (as described in paragraph (3)).

(2) Major life activities (A) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the [operation](#) of a major bodily function, including but not limited to, functions of the immune system,

normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) Regarded as having such an impairment For purposes of paragraph (1)(C):(A)

An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived [physical or mental impairment](#) whether or not the impairment limits or is perceived to limit a major life activity.

(B)

Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(4) Rules of construction regarding the definition of disability The definition of “[disability](#)” in paragraph (1) shall be construed in accordance with the following:(A)

The definition of [disability](#) in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

(B)

The term “[substantially limits](#)” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C)

An impairment that [substantially limits](#) one major life activity need not limit other major life activities in order to be considered a disability.

(D)

An impairment that is episodic or in remission is a [disability](#) if it would substantially limit a major life activity when active.

(E)(i) The determination of whether an impairment [substantially limits](#) a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—(l)

[medication](#), medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and

devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II)

use of assistive technology;

(III)

[reasonable accommodations](#) or auxiliary aids or services; or

(IV)

learned behavioral or adaptive neurological modifications.

(ii)

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment [substantially limits](#) a major life activity.

(iii)As used in this subparagraph—(I)

the term “ordinary eyeglasses or contact lenses” [means](#) lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II)

the term “low-vision [devices](#)” means [devices](#)that magnify, enhance, or otherwise augment a visual image.

([Pub. L. 101–336](#), §³, July 26, 1990, [104 Stat. 329](#); [Pub. L. 110–325](#), §^{4(a)}, Sept. 25, 2008, [122 Stat. 3555](#).)”.

This bill creates two (2) classes of persons with disabilities. Mahalo.

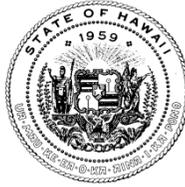
HB-1788

Submitted on: 2/7/2018 10:16:19 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Maui Police Department	Support	No

Comments:



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 9, 2018
10:00 a.m.
State Capitol, Room 423

H.B. 1788
RELATING TO IDENTIFICATION CARDS FOR PERSONS WITH DISABILITIES

House Committees on Transportation

The Department of Transportation (DOT) is submitting comments regarding H.B. 1788. The DOT has strong concerns as the bill authorizes driver's licenses and civil identification cards to display a "disabled" notation on the front of the card and identify a person's disability on the reverse side of the card.

The Hawaii driver's license and civil identification card has very limited space on the credentials. Placing the "disabled" notation in addition to the currently authorized "veteran" designation on the front of the driver's license or civil identification card will begin to create a "cluttered" effect. On the driver's license on the reverse side, there is very limited space to provide the issuing agency the ability to "enter disability information the applicant may request." Space on the reverse side of the driver's license is limited due to the use of available space for such things as: the 3D bar code, required REAL ID elements, class of driver's license description, any driver's restrictions, and any driver's endorsements.

The county driver license locations issue REAL ID compliant driver's licenses that include provisional driver's licenses and instructional permits, REAL ID compliant civil identification cards, and non-compliant Limited Purpose driver's licenses that also include provisional driver's licenses and instructional permits. Because the transactions to obtain these credentials include reviewing and scanning required documents into the applicant's file, applicants at these locations have experienced protracted "wait times" due to long lines. If the county driver license locations will now be required to review and scan documentation of an applicant's disability into their file and issue civil identification cards indication permanent and temporary disabilities of one year, this will create longer "wait times" for customers utilizing the driver license locations' services.

The Disability and Communication Access Board establishes rules relating to persons with disabilities. The rules allow special parking privileges for individuals with temporary mobility disabilities a placard and accompanying disability card from one to six months and long-term disabilities up to six years. The disabilities as defined in the bill would

allow persons with a disability a minimum of one-year term regardless of the length of the disability. A major concern is that the disability, whether temporary or long-term, in most cases may not align with the normal maximum term of the driver's license or civil identification card. As an illustration, instead of an eight-year driver's license, a one-month disability will require an issuance of a one-year driver's license for this temporary disability. This would be inconvenient and costly to the person with the disability as well as increasing to the lines and wait times at the driver licensing locations.

Finally, the driver's license and civil identification card database do not have provisions to store, process or maintain disability information. Other agencies may be already tracking and maintaining such a database. These agencies would be better equipped to work with the medical community, understand the disability, and correctly issue an official and more medically comprehensive card for first responders and to identify persons requiring special services.

Thank you for the opportunity to provide testimony.