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78

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD. 5-7-87 1:30 p.m.

te referred: 4/29/87

FURTHER REFERRALS:

DATE: 5-7-87

e Judiciary Committee has considered CSSB 78(SA)

n Act relating to unauthorized use of handicapped parking."

COMMENTS:

replace with HCS CS SB 78(TJD) [] the same title

[] attached amendment(s) [] a new title

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] additional referral to the _____ Committee

NOTES: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

[] fiscal impact

[] same as previous fiscal note published _____

[] zero fiscal note

[] same as previous zero fiscal note published 1-29-87

[] zero with analysis

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]
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[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Chairman's signature

A M E N D M E N T

Offered in the HOUSE
TO: HCS CS SB78 (HESS)

Page 1, Line 19:

After "AS 28.10.495" Add:

", or a special license plate issued to disabled or handicapped persons
by the department under AS 28.10.181(d),"

Temporary
Permit

Adopted
by
Judiciary



Official Business

Alaska State Legislature

Senate

P.O. BOX V
State Capitol
Juneau, Alaska 99811

April 1, 1987

CSSB 78

An Act relating to unauthorized use of handicapped parking.

Sponsor Synopsis

This bill will give the state troopers the authority to give tickets and the court system the jurisdiction to collect fines in areas where there is not a municipal ordinance covering handicapped parking.

There are now areas where there are no ordinances. CSSB-56 will allow for state enforcement in those areas, thus closing a loophole in present law.

The bill also sets up a statutory fine schedule. An offender will be fined no less than \$100.00 for parking in a handicapped parking place (since this is an infraction the maximum fine will be \$300.00).

The Department of Motor Vehicles supports this legislation as necessary for enforcing unauthorized use of handicapped parking. The State Troopers also support the bill.

This bill is a step toward making life a bit simpler and easier for the handicapped by enacting a deterrent to unlawfully parking in handicapped spaces.

STATE OF ALASKA
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M

April 28, 1987

SUBJECT: Sectional analysis - HCSCSSB 78(HESS)
TO: Representative Niilo Koponen
FROM: Michael F. Ford *m.f.*
Legislative Counsel

The following is a section by section analysis of HCSCSSB 78(HESS):

Section 1 - Prohibits a person from using a handicapped parking permit except when transporting the disabled or handicapped person. Requires the permit be returned to the department upon death of the disabled or handicapped person.

Section 2 - Prohibits parking in a space reserved for the handicapped or disabled unless the person has special permit or license plate issued by the department or by another state, province, territory, or country. Establishes a penalty of not less than \$100 for each violation.

MFF:mkr
m11/080

BILL NO: HCS CSSB 78 (HESS)

DATE: 5/5/87

TITLE: "An Act relating to
unauthorized use of
handicapped parking."

CONTACT: Maj. Walter J. Gilmour
Acting Director
Alaska State Troopers

DEPARTMENT OF
PUBLIC SAFETY
PERMISSION

To provide a section in the Alaska statute making illegal parking in a handicapped parking space an infraction and setting forth a minimum fine. Also, to provide for return of permits upon death of the permittee.

This proposed legislation provides a separate section for unauthorized parking in a handicapped parking space and provides a minimum \$100.00 fine. This legislation will greatly discourage those who have a tendency to utilize these reserved parking places and hopefully reduce the growing number of infractions presently taking place statewide.

Perhaps consideration should be given to including provisions to impound the vehicle in violation at the expense of the owner.

The Department of Public Safety supports passage of this legislation.


ARTHUR ENGLISH
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HCSCSSB78(HESS)

REQUEST

Revision Date: _____
Title: "An Act relating to unauthorized use of handicapped parking."
Sponsor: Sen. Kerttula
Requestor: House Judiciary

Publish Date: _____

Agency Affected: Public Safety
BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 5/5/87

Approved by Commissioner: Arthur English *[Signature]*
Agency: Public Safety

Date: 5/7/87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

page ____ of ____

JNR
5/6/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

SENATE
BILL VERSION: CSSE 78(SA)
PUBLISH DATE: 3/16/87

REQUEST: _____

Revision Date:
Title: An Act Relating to
Handicap Parking
Sponsor: Kerttula
Requestor: Senate Judiciary

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL
REVENUE

FUNDING: (Thousands of Dollars)						
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: _____

No fiscal impact.

Prepared by: Robert G. Fisher, Fiscal Officer Phone: 264-8215
 Division: Alaska Court System Date: 1-28-87
 Approved by: *Stephanie J. Cole*
 Stephanie J. Cole, Deputy Director Date: 1-28-87
 Agency: Alaska Court System

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)
 Senate Secretary



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

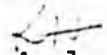
P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

February 11, 1987

MEMORANDUM

TO: Representative Niilo Koponen

ATTN: Lisa McLaren

FROM: Karla Hart 
Legislative Analyst

RE: Handicapped Parking for Interstate Visitors
Research Request 87.103

You requested information regarding parking permits for handicapped visitors to Alaska and for handicapped Alaskans visiting other states. For handicapped visitors to obtain an Alaska permit for handicapped parking, they must have an Alaska-licensed physician complete an Affidavit of Handicap or Disability (Form 12-861) and return it to the Division of Motor Vehicles within the Department of Public Safety. The permit will then be issued immediately.

At this time, there is no Alaska statute requiring a handicapped license or permit to park in handicapped parking spaces. Most local governments have ordinances governing handicapped parking. The Alaska State Troopers currently cite vehicles wrongly parked in handicapped spaces outside of local jurisdictions. The violation carries a five to ten dollar fine. Committee Substitute for Senate Bill 78 (State Affairs) would restrict the use of handicapped parking places to those persons holding an Alaska permit or license plate and impose a fine of not less than \$100 for violations.

Interstate Agreements

Many states have reciprocity agreements for handicapped parking (see Attachment A). Washington State's statute reads:

46.16.390 Special plate, card, or decal issued by another jurisdiction. A special license plate, card, or decal issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons.

Oregon has individual reciprocity agreements with 13 other states at this time. They are sending information on how Alaska can enter into an agreement with them. Several states recognize any permit that displays the international symbol of access (wheelchair logo). Although Alaska does not have any reciprocity agreements, the Division of Motor Vehicles said any state or country's permit displaying the international symbol is currently honored by the Troopers and local police.

Types of Permits

Several states offer various forms of placards and stickers which individuals can take with them as they travel. Nevada offers residents a choice of a license plate (permanently attached to a single vehicle) or a plastic or metal permit which is transferable between vehicles and allows a person to use handicapped parking privileges regardless of what vehicle they are using (including a rental).

Texas handicapped permits are issued by the counties. Individuals may purchase their choice of stickers, cardboard tags (to be used in any vehicle and in other states with reciprocity agreements) or disabled plates from the State Motor Vehicle Division. Texas honors any other state or country's permits.

Federal Recommendations

Public Law 98-78, Title III, Section 321, August 15, 1983 addresses handicapped parking and states that Congress encourages each of the several states to:

- 1) adopt the International Symbol of Access as the only recognized and adopted symbol to be used to identify vehicles carrying those citizens with acknowledged physical impairments;
- 2) grant to vehicles displaying this symbol the special parking privileges which a State may provide; and
- 3) permit the International Symbol of Access to appear either on a specialized license plate, or on a specialized placard.

The statute also encouraged States to enter into agreements of reciprocity relating to special parking privileges for handicapped people so as to:

- 1) facilitate the free and unencumbered use between the several States, of the special parking privileges afforded those people with acknowledged handicapped conditions, without regard to the State of residence of the handicapped person utilizing such privilege;
- 2) improve the ease of law enforcement in each State of its special parking privileges and to facilitate the handling of violators; and

- Representative Koponen
February 11, 1987
Page 3

- 3) ensure that motor vehicles carrying individuals with acknowledged handicapped conditions be given fair and predictable treatment throughout the Nation.

The Congressional Research Service report Parking and Licensing of Motor Vehicles Used by Handicapped Persons: A Comparison of Model Regulations and Other Existing Standards (Attachment B) provides more information and a copy of the public law. Abuse of handicapped parking privileges, is addressed in Attachment C which is an article from a Kansas newspaper.

If you have further questions, please call.

KH

Attachments



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

April 14, 1987

MEMORANDUM

TO: Representative Niilo Koponen
ATTN: Lisa McLaren
FROM: Karla Hart *KH*
Legislative Analyst
RE: Handicapped Parking Regulations
Research Request 87.260

You requested information to be used in preparing legislation on handicapped parking. Each of your questions is addressed below.

Handicapped Parking Permits Currently Issued in Alaska

Handicapped permits are currently issued in Alaska by the Division of Motor Vehicles (DMV), Department of Public Safety. Applicants must present a statement by an Alaska-licensed physician stating the need for handicapped parking privileges. Applicants then receive their choice of a license plate or a heavy paper permit, both with the international symbol of access (wheelchair logo). The paper permit is assigned to an individual rather than a vehicle. Unless the doctor specifies that the handicap is of a temporary nature, the permit is issued for an indefinite period of time. There is no charge for the permit, and the license plate fee is the same as for a standard plate.

The Juneau Police Department issues permits that are valid only within the Juneau city and borough. A physician's statement of need is required and the permit is issued for a set period of time, requiring regular renewals. The permit is the same as that issued for legislators, delivery vans, and others who are allowed special parking privileges; it does not display the wheelchair logo. The Chief of Police stated that he would be glad to have the State handle the issuance of all handicapped permits. Police departments in Anchorage, Fairbanks and Ketchikan were also contacted. None of these communities issue any sort of handicapped permit, they refer all inquiries for permits to DMV.

The Division of Vocational Rehabilitation, in the Department of Education, has also been giving handicapped parking decals--wheelchair logo stickers to affix to a car bumper or window--to their clients who they believe are in need of handicapped parking privileges. This

distribution is apparently handled differently at each vocational rehabilitation office in the state. Pat Young, Deputy Director of Vocational Rehabilitation, was unaware that permits were available free of charge at DMV. He indicated that he would have no objection to letting DMV handle the distribution of all handicapped parking permits.

Permit Styles

Handicapped permit styles used in various states include: license plates; plastic, metal or cardboard permits to place in the dash; metal "taglets" affixed to license plates; stickers placed in specified car windows; and annual validation stickers which include the wheelchair logo. Glenn Turner, Chairman of the American Association of Motor Vehicle Administrators' Ad Hoc Committee on Handicapped Reciprocity, felt the ideal permit may be one similar to that used in Louisiana--a laminated cardboard permit approximately twice as large as a driver's license which is hung from the rear view mirror. This permit is visible from the back of the vehicle or the front, making enforcement easier. The size is such that it is easily transferred from vehicle to vehicle. Louisiana requires that permit holders also carry an identification card with them to prevent abuse of permit privileges.

Permit Fees and Renewals

Mr. Turner said that fees for handicapped parking permits generally range from one to five dollars. For example, Florida's permits are five dollars, with two dollars going to county tag agents for issuing permits and three dollars to the state. No serious complaints have been made regarding the fee in Florida. Mr. Young foresaw no problem with charging a nominal fee to cover the cost of issuing handicapped parking permits in Alaska, as long as the fee was set to cover costs and not to generate revenue for the State.

Florida found that permits issued indefinitely were subject to a great deal of abuse. A person purchasing a car with a handicapped sticker in place could park in handicapped spaces, or the family of a deceased handicapped permit holder could continue to use the permit. Florida currently requires an annual renewal, although Mr. Turner said legislation has been introduced to renew permits biennially. A doctor's authorization is required only with the initial application.

Penalties for Handicapped Parking Violations

Handicapped parking violations generally result in the issuance of a uniform traffic citation and fines range from \$15 to \$50 according to Mr. Turner. In Florida, the counties elected to add a fee of \$100 as an extra deterrent to individuals who may be willing to risk getting a small parking fine.

Representative Koponen
April 14, 1987
Page 3

An issue related to penalties is the treatment of handicapped permit holders who fail to display the proper permit and are ticketed. Options include: forgiving the entire penalty if proof of a valid permit is submitted to the ticketing agency within a specified period of time; requiring payment of a token fine to encourage individuals to remember to display permits; and, leaving the disposition of the ticket up to the licensing authority.

Posting of Handicapped Parking Spaces

You were concerned that handicapped parking spaces be signed in such a manner that winter conditions would not obscure the sign. The Department of Transportation requires that a handicapped posting be visible when a vehicle is parked in the space. This also assures that under normal snow conditions, a sign would not be snow covered. The City and Borough of Juneau has recently introduced standards for signing handicapped parking spaces (Attachment).

I hope this information is helpful. If you have additional questions, please call.

Attachment

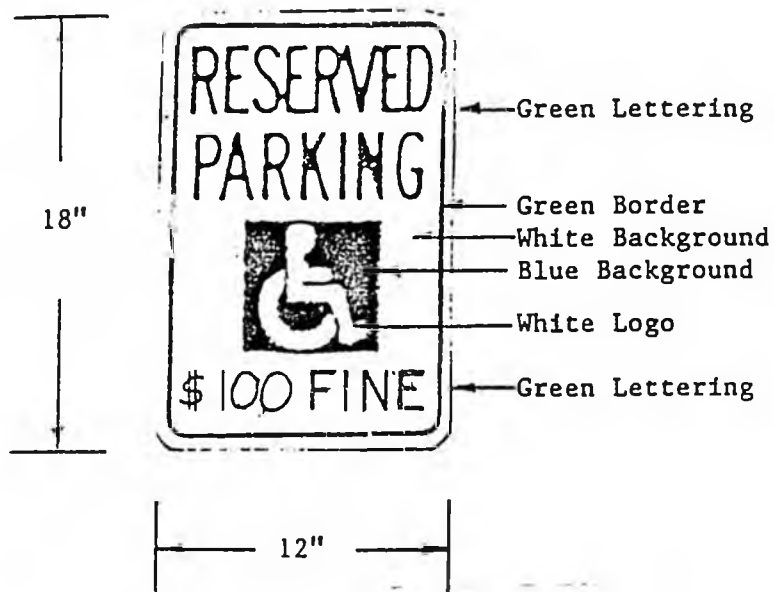


CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

HANDI-CAP PARKING STANDARDS

The owner or his representative in control of private property which is open to the public may establish legally enforceable handi-cap parking zones by placing privately owned traffic control devices in a manner as approved by a municipality, or as outlined in the Manual of Uniform Traffic Control Devices.

The approved signs used for establishing a handi-cap parking zone shall be twelve inches wide by eighteen inches high (12"x 18"). They shall have a white background with green lettering and borders. The handi-cap logo shall be white with a blue background. Wording shall be as shown below.



If the handi-cap parking zone is to be established along a private street or roadway, the zone shall be posted by placing a designated sign at both the beginning and end of the zone. The zone should be a minimum of fifteen feet (15') in length and have the curb painted blue the full length of the zone. In addition to this, a blue thirty-eight inch square (38 x 38") handi-cap logo must be painted on the pavement in the center of the zone.

A handi-cap parking zone established within a parking lot must have the designated sign posted so it is centered at the head of the parking space. Six inch (6") blue lines must be painted on both sides of the space and at the head of the space. If either side or the head of the space is adjacent to the curb this should be painted blue. In addition, the blue thirty-eight inch square (38" x 38") handi-cap logo must be painted on the pavement in the center of the space. The space should be a minimum of ten feet (10') wide to allow proper access.

If the signs are posted on poles or posts where they could interfere with or be a hazard to foot traffic, the bottom of the sign should be placed a minimum of seven feet (7') off of the surface. If the sign is placed flush on a building wall the bottom of the sign should be three feet (3') off of the paved surface.

The C.B.J. Public Works Department will loan out our handi-cap logo stencil for pavement painting provided arrangements are made in advance. We will also supply the required signs at cost beginning May 1, 1987. For further information please contact us at 586-5254.

DN/jlh

