

S B

78

January 26, 1987

Senate Bill No. 78

An Act relating to unauthorized use of handicapped parking.

This is a bill simply to make unauthorized use of handicapped parking an infraction. This makes it possible to set a fine and to take action when a car without a permit parks in the handicapped parking areas around a Shopping Mall or other areas in a Borough or City.

It is extremely unhandy for a person in a wheelchair to go from his/her car into a store if they have to park even two cars away from the ramp and door of a facility.

In sunny nice weather there aren't many problems but let it rain or snow or sleet and then others use the parking places designated for the handicapped because, frankly, it is simply handier or you stay drier using these spaces. This bill makes it illegal and allows a penalty.

I was assured by Mr. Brown at the Department of Motor Vehicles that this bill was important and that it was a necessary bill for enforcing unauthorized use of handicapped parking.

He also assured me that although they now have a regulation, there are also limitations that make it less than satisfactory in particular situations.

This is a step toward making life a bit simpler and easier for the handicapped and I ask that the bill be moved out of committee.

Prepared by Sen. Corttola's office.

BILL NO: SB 78

DATE: 1/26/87

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

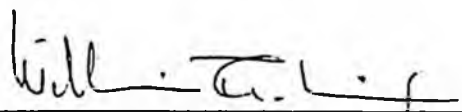
CONTACT: Maj. Walter J. Gilmour
Acting Director

DEPARTMENT OF PUBLIC SAFETY
PROPERTY

The Division of Alaska State Troopers supports passage of this legislation.

Too often citizens ignore the necessity of handicapped parking restrictions. No state statute has previously existed to enforce handicapped parking, only municipal ordinances in certain jurisdictions.

Passage of this bill will provide statutory authority to state and local law enforcement agencies to enforce handicapped parking restrictions.


WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 78
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act relating to unauthorized use of handicapped parking."
Sponsor: Sen. Kerttula
Requestor: Senate State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & C.I.B.

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JNR
1/26/87 Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 1/26/87

Approved by Commissioner: William R. Nix *W. Nix*
Agency: Public Safety

Date: 1/26/87

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 78
Publish Date:

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	
<hr/>							
CAPITAL	
<hr/>							
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:		(Thousands of Dollars)					
Full-time	
Part-time	
Temporary	

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Robert G. Fisher, Fiscal Officer
Division: Alaska Court System

Phone: 264-8215
Date: 1-28-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 1-28-87

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

PUBLIC OPINION MESSAGE

DEAR: SENATOR ABOOD

NAME: BOB NESTEL
TITLE:
ADDRESS: 16810 EASY ST., #2
CITY: EAGLE RIVER
PHONE: 694-4372
BILL NO: SB 78
ZIP: 99577

SUBJECT: MOTOR VEHICLES; HANDICAPPED PARKING
MESSAGE: THIS IS TESTIMONY FOR THE STATE AFFAIRS MEETING, 1/26/87. I HAVE BEEN HANDICAPPED FOR TEN YEARS. M OF A HANDICAPPED PARKING ORDINANCE SHOULD BE A MODEL. SUGGEST A CHANGE SO VIOLATORS' ON PUBLIC OR PRIVATE PROPERTY ARE SUBJECT TO A FINE NOT EXCEEDING \$100 OR TWO DAYS OF COMMUNITY SERVICE WORK.

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DATE: 01/23/87
TIME: 08:13:03
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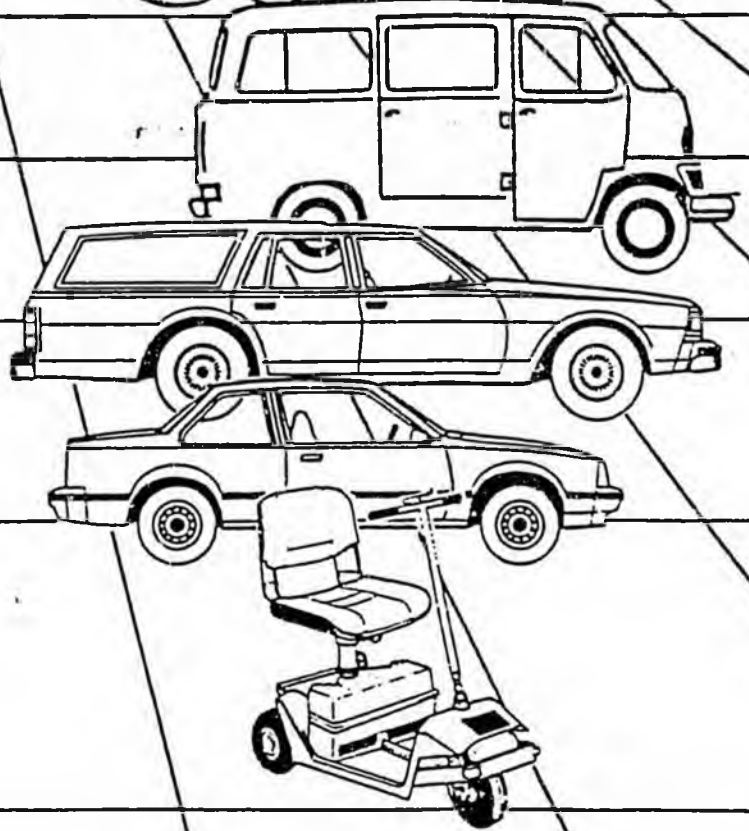
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COTTEN
PHILLIPS

UEHLING
FAIKS
HENSLEY
JOSEPHSON
KELLY
HALFORD
KERTTULA

the handicapped driver's

Mobility Guide



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LICENSE PLATE—BLUE CURB LAW SURVEY

State	Special Designations	Blue Curb Laws ¹	States with Parking Reciprocity ²	Disabled Vet Tags
AL	YES	•	✓	YES
AK	YES	BCL	▲	YES
AZ	YES	BCL	▲	NO
AR	YES	BCL	DNR	YES
CA	YES	BCL	✓	YES
CO	YES	BCL	✓	NO
CT	YES	BCL	✓	YES
DE	YES	NO BCL		NO
DC	YES	BCL		YES
FL	YES	BCL	▲	YES
GA	YES	NO BCL	▲	YES
HI	NO	NO BCL	▲	NO
ID	YES	NO BCL	▲	NO
IA	YES	BCL	✓	YES
IL	YES	BCL	✓	YES
IN	YES	BCL	✓	YES
KS	YES	BCL	▲	YES
KY	YES	BCL	✓	YES
LA	YES	BCL	DNR	YES
ME	YES	BCL	✓	YES
MT	YES	BCL	✓	YES
MA	YES	NO BCL	✓	YES
MI	YES	BCL	▲	NO
MN	YES	BCL	✓	YES
MS	YES	NO BCL	✓	YES
MO	YES	BCL	▲	YES
MT	YES	BCL	▲	YES
NE	YES	NO BCL	▲	NO
NV	YES	BCL	▲	NO
NH	YES	BCL	✓	YES
NJ	YES	BCL	✓	YES
NM	YES	BCL	▲	YES
NY	YES	BCL	✓	YES
NC	YES	BCL	✓	YES
ND	YES	BCL	▲	YES
OH	YES	BCL	▲	YES
OK	YES	BCL	▲	YES
OR	YES	BCL	✓	NO
PA	YES	BCL	✓	YES
RI	YES	BCL	DNR	YES
SC	YES	BCL	DNR	YES
SD	YES	BCL	▲	YES
TN	YES	•	DNR	YES
TX	YES	•	DNR	YES
UT	YES	BCL	✓	YES
VT	YES	BCL	✓	NO
VA	YES	BCL	✓	YES
WA	YES	BCL	✓	YES
WV	YES	BCL	✓	YES
WI	YES	BCL	DNR	YES
WY	YES	BCL	✓	YES

¹BCL — has Blue Curb Laws• — considering BCL
• — Establishing BCL²▲ — no reciprocityX — limited reciprocity
✓ — total reciprocity

DNR — did not respond



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PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS:
A COMPARISON OF MODEL REGULATIONS AND OTHER EXISTING STANDARDS

Nancy Lee Jones
Legislative Attorney
American Law Division
April 5, 1985

EXECUTIVE SUMMARY

The Paralyzed Veterans of America (PVA) have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons in an attempt to encourage uniformity among the states and to encourage agreements of reciprocity. These regulations have been compared with standards issued by the American National Standards Institute (ANSI), with regulations promulgated pursuant to the Architectural Barriers Act (referred to as the UFAS regulations) and with the Illinois State statutes.

The PVA model regulations are very similar to the ANSI and UFAS standards in several respects although there are significant differences due to the differences intended in coverage. For example, the ANSI and UFAS standards cover all types of accessibility, including accessibility to telephones, so their definition of handicapped person will of necessity be broader than that of the PVA model regulations which only cover parking. Several of the differences between the PVA model regulations and the ANSI and UFAS standards are not explicable for this reason, however. For example, all three standards discuss the size of parking spaces but the UFAS regulations contain a requirement not found in the PVA or ANSI standards that parking spaces and access aisle shall be level with surface slopes not to exceed 1:50.

Since many of the provisions of the PVA model regulations were not directly comparable to the ANSI or UFAS standards, a state statute was selected to compare to the PVA model regulations. This comparison indicated that the Illinois State statutes contain some of the same provisions, i.e., providing parking spaces for handicapped persons, penalties of their misuse, etc., but the Illinois statutes are generally not as detailed. It should be noted, however, that there may be state regulations which provide more detail.

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PARKING AND LICENSING OF MOTOR VEHICLES USED BY HANDICAPPED PERSONS:
A COMPARISON OF MODEL REGULATIONS AND OTHER EXISTING STANDARDS

I. INTRODUCTION

P.L. 98-78, 23 U.S.C §402 note, discussed the importance of special parking privileges for handicapped persons. In this statute, Congress made several findings, including the need for such parking privileges, and the fact that such parking privileges vary from state to state. The statute then stated 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." In addition, the statute provided that "[i]t is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States...."^{1/}

In an attempt to encourage agreements of reciprocity, the Paralyzed Veterans of America (PVA) have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons. This report

^{1/} The complete language of the statute is reproduced as Appendix A.

will compare these model regulations with two other standards, those promulgated by the American National Standards Institute (ANSI), and those promulgated pursuant to the Architectural Barriers Act, 42 U.S.C. §§4151-4157, by the General Services Administration, the Department of Defense, the Department of Housing and Urban Development, and the United States Postal Service. This latter standard is generally referred to as the Uniform Federal Accessibility Standard (UFAS). Many of the distinctions between the PVA model regulations and the ANSI and UFAS standards can be traced to their different purposes. The PVA model regulations are provided as a model for state statutes; the ANSI and UFAS standards were intended to provide certain general accessibility standards, they do not attempt to cover subjects such as license requirements. However, the three standards do contain sufficient similar coverage to provide a meaningful comparison in several areas. The portions of the PVA model regulations which do not have parallel sections in either of these two standards may well have parallel sections in state statutes. One state statute will be compared with the PVA model regulations as an example in these areas.

II. COMPARISON OF PVA MODEL REGULATIONS WITH ANSI STANDARDS AND REGULATIONS ISSUED PURSUANT TO THE ARCHITECTURAL BARRIERS ACT

A. Definition of Handicapped Person

The PVA model regulations define handicapped or disabled person as an individual "with a severe visual, audio, or physical impairment including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism or other debilitating condition which limits one's personal mobility and results in an inability to travel, unassisted more than 200 feet, without the use of a wheelchair, crutch,

walker, prosthetic, orthotic or other assistive device." Both the ANSI and the UFAS standards contain definitions of handicapped person but these definitions differ from the PVA regulations. The ANSI standards define both disability and handicapped. Disability is defined as "[a] limitation or loss of use of physical, mental, or sensory body part or function"^{2/} and handicapped is defined as "[t]hose with significant limitations in using specific parts of the environment."^{3/} The UFAS regulations define physically handicapped as "[a]n individual who has a physical impairment, including impaired sensory, manual, or speaking abilities, which results in a functional limitation in access to and use of a building or facility."^{4/}

The ANSI and UFAS definitions of handicapped persons differ from the PVA definition in that the PVA definition is limited to disabilities relating solely to mobility while the other definitions are broader. This distinction is probably due in large part to the fact that the ANSI and UFAS standards cover access generally, including access to such materials as telephones, while the PVA model regulations are limited to the parking and licensing of motor vehicles.

B. Designated Handicapped Parking Spaces

Section 3 of the PVA model regulations define designated handicapped parking spaces as "a parking space reserved for use by a motor vehicle

^{2/} American National Standards Institute, Inc., American National Standard — Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People (ANSI A117.1-1980) 11 (1950). (Hereafter cited as ANSI standard).

^{3/} Id. 12.

^{4/} 49 Fed. Reg. 31536 (1984).

which is owned and/or operated by or for a handicapped person." The section also discusses placement, marking, size, and number of such spaces.

The PVA model regulations provide that designated parking spaces shall be placed as near as practicable to building entrances, elevators or walkways which have curb cuts and appropriately designed ramps. In addition, the model regulations require the space to be clearly marked. The ANSI and UFAS standards are very similar to one another but they vary from the PVA standards. The UFAS standards provide that parking spaces for disabled persons shall be "the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility."^{5/} The UFAS and the ANSI standards, like the PVA model regulations, also contain signage requirements.^{6/}

Requirements for the size of the parking spaces are also provided in each of the three standards. The PVA model regulations require that parallel curb side parking for handicapped persons be separated from adjacent spaces by a minimum of five feet of a striped no parking area. Perpendicular parking spaces are to be at least eight feet wide and free of obstruction if at the end of a line of parking spaces and all adjacent spaces are to be at least eight feet wide with an additional five feet of a striped no parking area between each such space.

^{5/} 49 Fed. Reg. 31562 (1984). See also ANSI standard at 22.

^{6/} 49 Fed. Reg. 31563 (1984); ANSI standard at 22.

The ANSI and UFAS standards for the size of parking spaces are basically the same: both require that parking spaces shall be at least eight feet wide with an access aisle of five feet, that parking access aisles shall be part of an accessible route to the building to facility entrance, that two accessible parking spaces may share a common access aisle, and that parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.^{7/} The UFAS standard has an additional requirement that parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 and contains an exception relating to space for vans.^{8/}

The PVA model regulations contain a chart providing the number of spaces to be designated for use by handicapped persons in lots or facilities with various numbers of parking spaces. The UFAS regulations contain the same chart but also have several exceptions. These exceptions provide: (1) that the total number of accessible parking spaces may be distributed among parking lots, and (2) that the chart does not apply to parking provided for official government vehicles. In addition, the UFAS regulations specifically discuss passenger loading zones, parking spaces for side lift vans, parking spaces at accessible housing, and parking spaces at health care facilities.^{9/} The ANSI standards are much more general than either the PVA model regulations or the UFAS regulations; they simply provide that "[i]f parking spaces are provided, a reasonable number, but always at least

^{7/} 49 Fed. Reg. 31562-31563 (1984); ANSI Standard at 22.

^{8/} 49 Fed. Reg. 31563 (1984).

^{9/} 49 Fed. Reg. 31538 (1984).

one, of accessible spaces shall comply with 4.6.2 through 4.6.4" (the accessibility requirements). ^{10/}

III. COMPARISON OF PVA MODEL REGULATIONS TO A STATE STATUTE

A. Motor Vehicle Identification

The PVA model regulations specify that only motor vehicles bearing the proper identification shall be allowed to park in spaces designated for use by handicapped persons. Proper identification was described as a license plate with the international symbol of access or a placard with the international symbol of access.

Motor vehicle identification is a subject most often dealt with in state statutes. For example, Illinois State law provides that a motor vehicle which bears registration plates or a special decal may park in places specially designated for handicapped persons parking. ^{11/} The statute describes the special license plate as one easily recognizable through the use of the international accessibility symbol. ^{12/}

B. Parking Privileges for Handicapped Persons

The PVA model regulations provide that the designated handicapped parking space is reserved for the exclusive use of a motor vehicle owned and/or operated by a handicapped persons which carries a valid license plate or placard. Any vehicle displaying the proper identification is to be granted

^{10/} ANSI Standard at 22.

^{11/} Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.

^{12/} Ill. Ann. Stat. ch. 95 1/2 §§3-611, 11-1301.2.

the use of the spaces regardless of the state in which the vehicle is registered.

The Illinois statutes prohibit parking in a space designated for handicapped persons except where the proper registration plates or decals are exhibited.^{13/} Since these plates or decals are to be those issued by the State of Illinois, the Illinois statutes apparently do not explicitly provide for the recognition of the license plates of other states as does the PVA model regulation.

C. Parking Privileges for Temporarily Handicapped Persons

The PVA model regulations provide for a special color-coded placard to be issued to a person who is temporarily disabled. This placard shall be valid only for a period of 180 days but may be renewed for an additional 180 days. The Illinois statutes do not contain a specific section on parking privileges for temporarily handicapped persons but it is possible that the general Illinois statutes on parking privileges for handicapped persons may cover persons temporarily handicapped as well.

D. Rules and Regulations for Issuance

The PVA model regulations provide that the Commissioner of Motor Vehicles or other state official shall make rules as necessary pertaining to parking for handicapped persons and that in formulating such rules consideration shall be given to the uniformity and conformity of the laws with those of other states. In order to obtain the special handicapped license plate, each state is to require a written medical statement that the applicant is in fact disabled; this medical verification shall be one time

^{13/} Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.

only for permanently disabled persons. The use of placards which can be more easily transferred than license plates is also encouraged as is the centralization of the process and procedure for the issuance of handicapped parking placards and license plates. Finally, the PVA model regulations require that the the Commissioner of Motor Vehicles or designated official of each state shall compile and maintain a registry of the names, addresses and license numbers of all handicapped persons who obtain special plates or placards in order to help insure that an adequate number of spaces are available.

Many of these PVA model regulation provisions have no parallel in the Illinois statutes. The Illinois statutes provide that the Secretary of State has the authority to promulgate rules concerning special decals for handicapped parking ^{14/} and to make special designations so that automobiles using plates for handicapped persons are easily recognizable. ^{15/} This authority does not appear to be as broad as that in the PVA model regulations. The Illinois statutes also contain a provision requiring a statement certified by a physician that the person seeking registration is a physically handicapped person ^{16/} and a provision relating to special decals. ^{17/} The other provisions of the PVA model regulations have no parallel in the Illinois statutes.

^{14/} Ill. Ann. Stat. 95 1/2 §11-1301.2.

^{15/} Ill. Ann. Stat. 95 1/2 §3-611.

^{16/} Ill. Ann. Stat. 95 1/2 §3-616.

^{17/} Ill. Ann. Stat. 95 1/2 §11-1301.2.

E. Penalty Provisions

The PVA model regulations provide that parking in a space marked for a handicapped person without the proper license plate or placard is a traffic offense punishable by a minimum \$50.00 fine and towing. This penalty is to be enforced by the local police. In addition, the PVA model regulations provide that any person who willfully and falsely represents himself as a handicapped person in order to obtain a special licence plate or placard is guilty of a misdemeanor and subject to a minimum fine of \$500.00. The Illinois statute provides that vehicles parking in a space marked for handicapped persons who do not display an appropriate license plate or decal are subject to towing.^{18/}

IV. SUMMARY

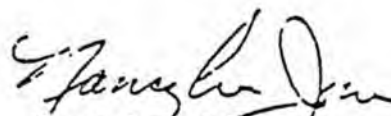
The Paralyzed Veterans of America have drafted model regulations for the parking and licensing of motor vehicles used by handicapped persons in an attempt to encourage uniformity among the states and to encourage agreements of reciprocity. These regulations have been compared with standards issued by the American National Standards Institute (ANSI), with regulations promulgated pursuant to the Architectural Barriers Act (referred to as the UFAS regulations) and with the Illinois State statutes.

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^{18/} Ill. Ann. Stat. ch. 95 1/2 §11-1301.3.

their definition of handicapped person will of necessity be broader than that of the FVA model regulations which only cover parking. Several of the differences between the FVA model regulations and the ANSI and UFAS standards are not explicable for this reason, however. For example, all three standards discuss the size of parking spaces but the UFAS regulations contain a requirement not found in the FVA or ANSI standards that parking spaces and access aisle shall be level with surface slopes not to exceed 1:50.

Since many of the provisions of the FVA model regulations were not directly comparable to the ANSI or UFAS standards, a state statute was selected to compare to the FVA model regulations. This comparison indicated that the Illinois State statutes contain some of the same provisions, i.e., providing parking spaces for handicapped persons, penalties of their misuse, etc., but the Illinois statutes are generally not as detailed. It should be noted, however, that there may be state regulations which provide more detail.


Nancy Lee Jones
Legislative Attorney

APPENDIX A

Special Parking Privileges for Handicapped Persons. Pub. L. 93-78, Title III, § 321, Aug. 15, 1973, 97 Stat. 473, provided that:

"(a) The Congress finds that—

"(1) in this Nation there exist millions of handicapped people with severe physical impairments including partial paralysis, limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, and other debilitating conditions which greatly limit their personal mobility;

"(2) these people reside in each of the several States and have need and reason to travel from one State to another for business and recreational purposes;

"(3) each State maintains the right to establish and enforce its own code of regulations regarding the appropriate use of motor vehicles operating within its jurisdiction;

"(4) within a given State handicapped individuals are oftentimes granted special parking privileges to help offset the limitations imposed by their physical impairment;

"(5) these special parking privileges vary from State to State as do the methods and means of identifying vehicles used by disabled individuals, all of which serve to impede both the enforcement of special parking privileges and the handicapped individual's freedom to properly utilize such privileges;

"(6) there are many efforts currently underway to help alleviate these problems through public awareness and administrative change as encouraged by concerned individuals and national associations directly involved in matters relating to the issue of special parking privileges for disabled individuals; and

"(7) despite these efforts the fact remains that many States may need to give the matter legislative consideration to ensure a proper reso-

lution of this issue, especially as it relates to law enforcement and placard responsibility.

"(b) The Congress encourages each of the several States working through the National Governors Conference to—

"(1) adopt the International Symbol of Access as the only recognized and authorized 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 placed in the vehicles so as to be clearly visible through the front windshield, or on both such places.

"(c) It is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States 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

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

"(d) as used in this section the term 'State' means the several States and the District of Columbia.

"(e) The Secretary of Transportation shall provide a copy of this section to the Governor of each State and the Mayor of the District of Columbia."

Special ID cards to help identify abusers of handicapped parking privileges

By BILL BLANKENSHIP
Capital-Journal law enforcement writer

It's infuriating

You and what seems like a thousand other would-be shoppers circle the supermarket parking lot in a seemingly futile search for a parking space within hiking distance of the front door. As you pass the store's entrance for the umpteenth time, you see a car slip easily into a parking stall reserved for the handicapped.

You think how nice it would be to find a parking place so close as you wait behind a car whose driver is carefully tracking the path of a cripple leaving the store with a small child, a packed grocery cart and a barred sacker in tow.

Then you see it, and it makes your blood boil.

Out of the car that parked in the handicapped stall bounds a seemingly able-bodied young woman. She

strides into the store displaying no apparent malady. Your first thought is that she has parked illegally, and your instinct is to call the police. But then you notice that from her car's rearview mirror hangs a valid, state-issued handicapped-parking placard.

Moments later, the same young woman walks out the exit toting a 50-pound sack of dog food. She easily hauls it to her car, opens the door, tosses it on the passenger seat, gets in and drives off.

You say to yourself, "There ought to be a law to prevent such abuse." Effective Tuesday, there is.

More than likely, says Topekan Bob Burke, a longtime advocate of parking privileges for the handicapped, the young woman has a family member who is handicapped and truly deserves the parking privileges extended by state law.

However, the young woman either through ignorance or willful disregard is violating handicapped-

parking statutes.

"People forget that handicapped-parking permits are issued to people, not cars. And if the handicapped person is not in the car, the driver should not park in a handicapped stall," said Burke, who suffers from muscular dystrophy and wears braces on both legs.

To aid law enforcement officers in catching abusers like the young woman, new handicapped parking statutes effective Tuesday require the state Department of Revenue to issue special identification cards to holders of handicapped or disabled-veteran license plates and handicapped-parking placards.

Ken Clark, a spokesman for the Division of Motor Vehicles, said his agency will begin sending letters this week to the more than 36,000 Kansans who hold permanent special-parking privileges for disabled people, as well as about 4,000 others

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who currently have temporary placards for such ailments as broken limbs

Clark said those receiving the letters will have 30 days to return a form certifying their need for the parking privileges along with \$1 for the new billfold ID card. Disabled veterans will be exempt from paying the card fee but will have to return the form, he said.

If holders of the handicapped license plates and placards fail to return the forms within 30 days, Clark said, the division will mail them another letter in early August, saying they must respond within 30 days or their handicapped privileges will be canceled.

Numbers on the identification cards will correspond to numbers on disabled people's license plates or placards to ensure that parking privileges are used only by the handicapped person to whom the plate or placard is issued, or by people transporting the holder of the placard, Clark said.

After the ID cards are issued, police seeing an apparently able-bodied person park in a handicapped parking stall may ask the person to produce the ID card and driver's license to compare names. If the names don't match, an officer can issue the person a ticket for illegally parking in a handicapped stall, which in Topeka carries a fine of \$10 to \$100 and, in places without a local ordinance, a fine of up to \$25.

In addition, the person can be cited for falsely using a handicapped-parking privilege and be subject to a



fine of up to \$250, according to the new statute.

Burke said another important change, which current handicapped license plate and placard holders should keep in mind when asked to recertify their need for parking privileges, is a new definition of a "handicapped person" for purposes of obtaining a parking permit.

It provides a more specific mobility standard than current law, Burke said.

The law specifies that to be considered handicapped for the purpose of getting a state-issued handicapped license or placard, a person must have a debilitating physical condition that limits unassisted walking to less than 200 feet.

The definition also includes severely visually impaired people. Burke said this was necessary because of instances in which a blind passenger has been nudged or has fallen after being dropped off at curb side by a driver unable to find a close parking place.

The purpose of the definition, according to Burke, is to limit the

Although he has no more than his own personal experience in dealing with handicapped parking for several years, Burke estimates 30 percent to 40 percent of current holders of handicapped-parking permits do not meet the new requirements.

One of the reasons for such abuse, according to Burke, is the absence of any sanction in current law against physicians who knowingly certify a healthy person's request for a handicapped parking permit.

Very often, family members of an elderly person seek a permit simply because their otherwise healthy relative is getting old, Burke said.

"And age alone is not a handicap," he said. "But doctors have told me that they have had family members of patients threaten to change doctors unless they sign the application form for a handicapped-parking placard."

To correct that situation, the new law says a physician who willfully and falsely certifies that a person is qualified for handicapped-parking privileges would be guilty of a class C misdemeanor. A class C misdemeanor carries a fine of up to \$500 or a jail term of up to 10 days.

The law provides identical penalties for the applicant who misrepresents himself for the purpose of obtaining a handicapped-parking permit.

Clark said the recertification forms being distributed to issue the ID cards do not require any medical review. However, a new provision requires all handicapped placard

ning July 1, 1989.

Clark said his agency has not yet decided whether the three-year recertification form will require a medical statement. Also, beginning July 1, 1989, the placards' color will be changed every three years as a means of better enforcing the recertification process.

The new law also requires the return of placards to the Department of Revenue upon the death of the handicapped person. Similarly, special license plates must be returned to the county treasurer for exchange. Temporary placards must be returned upon expiration.

Burke said he has been told of instances in which a handicapped person's survivors continue to use the deceased's parking placard to park in handicapped stalls.

Burke and Clark agree that these provisions and others Burke will seek during the next legislative session will go a long way in reducing abuse of handicapped-parking privileges.

And if abuse is reduced, Burke said both handicapped and non-handicapped motorists will benefit. Handicapped parkers will stand a better chance of finding an available parking space. And non-handicapped drivers will know that attractive space near the front door of a business is reserved for and will be used by someone who truly needs it.