

SB

2006

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FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 206
 (S) Publish Date: 2/19/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Disabled Parking and Registration BRU AST Detachments
Plates Component AST Detachments
 Sponsor Senator Donley
 Requester Senate Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes
 Division: Division of Alaska State Troopers
 Approved by: Commissioner Glenn Godfrey
 Agency: Department of Public Safety

Phone 269 4532
 Date/Time 2/23/02 2:39 PM
 Date 2/8/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSSB 206(TRA)
 (H) Publish Date: 4/1/02

Revision Date/Time (Note if correction): (Corrected) Dept. Affected: Administration
 Title An Act relating to registration plates BRU Motor Vehicles
and parking permits for persons with disabilities Component _____
 Sponsor Senator Donley
 Requester House (STA) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1005)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS SB 206(TRA) has no fiscal impact on DMV. DMV already issues plates and parking permits to persons with disabilities. This bill clarifies and limits the use of specially designated parking spaces for persons with disabilities.

Prepared by: Charles R. Hosack
 Division: Motor Vehicles
 Approved by: Jim Duncan, Commissioner
 Agency: Department of Administration

Phone 269-5559
 Date/Time March 28, 2002
 Date 3/28/2002

amended (F94)

CS FOR SENATE BILL NO. 206(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 2/19/02
Referred: Finance

Sponsor(s): SENATOR DONLEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration plates and parking permits for persons with disabilities
2 and to illegal use of parking spaces for persons with disabilities."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of this Act that local law enforcement agencies should use
7 volunteer citizens or volunteer citizen patrol groups to enforce the provisions of this Act
8 whenever possible.

9 * Sec. 2. AS 28.10.181(d) is amended to read:

10 (d) Vehicles owned by [DISABLED] veterans with disabilities, including
11 persons disabled in the line of duty while serving in the Alaska Territorial Guard, or
12 other persons with disabilities. Upon the request of a person with a disability that
13 limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department
14 shall (1) register one passenger vehicle in the name of the person without charge; and

1 (2) issue a specially designed registration plate that displays (A) recognition of the
 2 disabled veteran if the applicant's disability originated from the applicant's service
 3 with the Alaska Territorial Guard or the armed forces of the United States; and (B) the
 4 international [STANDARD] symbol of accessibility [DISABILITY] (the wheelchair
 5 logo). A disabled veteran who is not otherwise qualified under this subsection, but
 6 who presents to the department written proof that the person has [IS] at least a 70
 7 percent disability [DISABLED OR MEDICALLY HANDICAPPED] as a
 8 consequence of service in the Alaska Territorial Guard or the armed forces of the
 9 United States, may register one passenger vehicle without charge, and the department
 10 shall issue a specially designed registration plate that displays recognition of the
 11 disabled veteran that does not display the international [STANDARD HANDICAP]
 12 symbol of accessibility and does not carry with it special parking privileges. For
 13 purposes of this subsection, proof of disability may be provided by a person licensed
 14 as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

15 * Sec. 3. AS 28.10.421(d)(3) is amended to read:

16 (3) a vehicle owned by a [DISABLED VETERAN OR OTHER
 17 HANDICAPPED] person with a disability [,] and registered under AS 28.10.181, or
 18 by a resident 65 years of age or older who files a written application for an exemption
 19 on a form prescribed by the department none;

20 * Sec. 4. AS 28.10.441 is amended to read:

21 **Sec. 28.10.441. Schedule of other fees and charges.** The following fees and
 22 charges are imposed by the department for the stated services which it provides:

- 23 (1) title fee, including transfer of title \$ 5;
- 24 (2) lien filing fee \$ 5;
- 25 (3) replacement of any registration plate set, including special request
 26 plates \$ 5;
- 27 (4) duplicate of original certificate of title \$ 5;
- 28 (5) duplicate of certificate of registration \$ 2;
- 29 (6) temporary preregistration permit issued under AS 28.10.031 .. none;
- 30 (7) special transport permit issued under AS 28.10.151 \$ 5;
- 31 (8) special permit for vehicle used for transport of a [DISABLED OR

1 HANDICAPPED] person with a disability issued under AS 28.10.495 none.

2 * Sec. 5. AS 28.10.495 is amended to read:

3 Sec. 28.10.495. Parking permit for vehicle transporting a [DISABLED]
4 person with a disability. (a) Upon application by a [DISABLED OR MEDICALLY
5 HANDICAPPED] person with a disability, or by an organization that transports
6 [DISABLED OR MEDICALLY HANDICAPPED] persons with disabilities, the
7 department or a person authorized by the department shall issue to the applicant,
8 without charge, a special permit bearing the control number of the applicant. The
9 permit issued under this section, when displayed in the front windshield of a parked or
10 standing vehicle, shall provide for special consideration by the public with respect to
11 the parking or standing in designated spaces of a vehicle that is being used for the
12 transportation of a [DISABLED OR MEDICALLY HANDICAPPED] person with a
13 disability.

14 (b) A person is not entitled to use the special permit provided for in (a) of this
15 section except when providing transportation for a [DISABLED OR
16 HANDICAPPED] person with a disability. Upon the death of a [DISABLED OR
17 HANDICAPPED] person with a disability to whom a special permit has been issued,
18 the special permit shall be returned to the department. If an organization to which a
19 special permit has been issued ceases transporting [DISABLED OR HANDICAPPED]
20 persons with disabilities, or ceases operating, it shall return the special permit to the
21 department.

22 (c) Proof of disability [DISABLEMENT OR MEDICAL HANDICAP], for
23 the purpose of this section, shall be the same as that required for the purposes of
24 AS 28.10.181(d).

25 * Sec. 6. AS 28.15.231(b) is amended to read:

26 (b) Except as otherwise provided in AS 28.35.235(b), points [POINTS] may
27 not be assessed for violating a provision of a state law or regulation or a municipal
28 ordinance regulating standing, parking, equipment, size, or weight; nor may points be
29 assessed for violations by pedestrians, passengers, or bicycle riders, or for violations
30 of provisions relating to the preservation of the condition of traffic-control devices on
31 the highways. Points shall be assessed for violations of oversize or overweight

1 permits relating only to restrictions upon speed or hours of operation.

2 * Sec. 7. AS 28.35.235 is amended to read:

3 Sec. 28.35.235. Unauthorized use of parking reserved for persons with
4 disabilities; penalties [HANDICAPPED PARKING; MINIMUM FINE]. (a) A
5 person may not park a motor vehicle in a parking place reserved for a person with a
6 disability [DISABLED OR MEDICALLY HANDICAPPED PERSONS] unless

7 (1) the person operating the vehicle has a special permit issued by the
8 department under AS 28.10.495;

9 (2) the person operating the vehicle has parked the vehicle for the
10 purpose of transporting a person who has a special permit issued by the
11 department under AS 28.10.495 and the person who has the special permit
12 actually exits or enters the vehicle;

13 (3) the motor vehicle displays a special license plate issued to a person
14 with a disability [DISABLED OR HANDICAPPED PERSONS] under
15 AS 28.10.181(d) and is operated by or used for the purpose of transporting a
16 person with a disability; or

17 (4) [(3)] the motor vehicle displays a special license plate or permit
18 issued to [DISABLED OR HANDICAPPED] persons with disabilities by another
19 state, province, territory, or country and is being operated by or used for the
20 purpose of transporting a person with a disability.

21 (b) A person who violates this section is guilty of an infraction. Upon
22 conviction, the court shall impose a fine of not less than ³²⁵⁰ ~~[\$125]~~ and, if the person has
23 been previously convicted under this section, the department shall assess two
24 points against the person's driver's license. However, a person who violates this
25 section and who was, at the time of the violation, operating a vehicle displaying a
26 special license plate issued under AS 28.10.181(d) or a special permit issued
27 under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 and perform
28 eight hours of community service, and ^{2nd offense 3500} ~~the department shall assess two points~~
29 against the person's ~~driver's license~~ or, if the person has been previously
30 convicted under this section, ~~four points against the person's drivers license~~
31 [\$100].

1 * Sec. 8. AS 28.35.235 is amended by adding a new subsection to read:

2 (c) A municipality may enact ordinances necessary to enforce this section.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE FOR SENATE BILL 206(TRA)

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

Section 1. Intent language encouraging local law enforcement to use volunteer citizens and/or groups to insist in enforcement.

Section 2. Amends AS 28.10.181(d) by changing the term "standard handicap symbol" to "international symbol of accessibility."

Section 3. Amends AS 28.10.421(d)(3) to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 4. Amends AS 28.10.441 to reflect a change of wording from "disabled or handicapped person" to "a person with a disability."

Section 5. Amends AS 28.10.495 to reflect a change from "disabled or handicapped person" to "a person with a disability." It also allows the Department of Motor Vehicles to authorize other entities to issue special disabled parking permits.

Section 6. Amends AS 28.15.231(b) to provide for assessing points when someone is convicted of violating accessible parking laws under AS 28.35.235(b).

Section 7. Amends AS 28.35.235 to specify what constitutes a violation for unauthorized use of disabled parking spaces. It raises the fine to \$125 for misuse of a disabled parking space and adds a two-point assessment against a person's driver's license if they have been previously convicted of a violation. This section adds a penalty of a \$250 fine, 2 points assessed against a person's driver's license and eight hours of community service for those convicted of misusing a disabled parking permit or license plate. Subsequent violations receive a \$250 fine, 4 points assessed against a person's driver's license and eight hours of community service.

Rational. Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. SB 206 clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that in order to park in disabled parking areas, the person issued a special permit must be occupying or

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operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person and the disabled person must actually exit or enter the vehicle.

Section 8. Adds a new subsection to AS 28.35.235 that will allow municipalities to enact ordinances that are needed to enforce disabled parking violations.

DD/kk



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Disabled Parking Permit Criteria

(4/12/02)

The issuance of special parking permits is based on a physician certification and that certification is based upon whether the individual meets certain criteria established by the federal government. Alaska's application for a disability placard mirrors the federal requirements. The applicant must meet one or more of the following:

- applicant cannot walk two hundred feet without stopping to rest
- applicant cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device
- applicant is restricted by lung disease to such an extent that their forced (respiratory) expiration volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest.
- applicant uses portable oxygen
- applicant has a cardiac condition to the extent that their functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- applicant is severely limited in their ability to walk due to an arthritic, neurological or orthopedic condition.

There are disabilities relating to mobility that are not apparent - respiratory problems which prohibit mobility or severely limit it as described above are one example. All are focused, generally speaking, on the limited ability to walk because specially designated parking places one in close proximity to the entrance of an establishment. Distance from entrance is the concern.

DD/kk

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Committee Substitute for Senate Bill 206(TRA) Sponsor Statement

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

Committee Substitute for Senate Bill 206(TRA) helps insure the availability of priority parking for truly disabled Alaskans and is intended to prevent many of the instances of abuse that currently exist in our state's disabled parking system. It accomplishes this by improving the issuing process for disabled parking permits and cracking down on individuals convicted of illegally parking in disabled parking areas or convicted of misusing disabled parking permits.

To provide better access to disabled parking spaces for the truly disabled, the State of Washington toughened its laws to combat widespread abuse of disabled parking placards. Other states, fed up with abuse and fraud in their systems, have also tightened up their disabled parking laws. In 1998 a group of citizens and representatives from several state agencies recommended the need to reform and strengthen Alaska's disabled parking laws. This legislation is consistent with those recommendations.

It is often difficult to identify whether or not individuals who have parked an automobile in a disabled parking space are disabled or not. Working closely with the DMV, it was determined that their computer system indicates whether an individual has been issued a disabled parking placard and/or license plates. The division was able to make this information available to troopers and police officers when they perform a records check on either a license plate or a person's identification. This will allow law enforcement officials to determine if a placard or license plate is being used fraudulently.

Under current law, anybody may park in a disabled parking space as long as their vehicle has a disabled placard or license plate. This legislation clearly defines who may park in a parking place reserved for disabled individuals. A new provision is added specifying that the person issued a special permit must be occupying or operating the vehicle; or the person operating the vehicle is doing so for the purpose of transporting a disabled person and the disabled person must actually exit or enter the vehicle.

This legislation increases the penalties for illegally parking in a disabled parking space and for misusing a disabled permit to park in a disabled parking space. Under existing law, violators are fined \$100 if they are convicted of either of these offenses. Under CSSB 206(TRA) individuals convicted of illegally parking in a disabled parking space will be fined \$125 for the first offense

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and will receive the \$125 fine as well as being assessed two points from their driver's license for subsequent violations.

Individuals convicted of misusing a disabled permit will be fined \$250, assessed two points from their driver's license and be required to perform eight hours of community service for the first offense. Subsequent violations will carry a four point penalty on their driver's license along with the \$250 fine and eight hours of community service.

Committee Substitute for Senate Bill 206(TRA) adds protections for those who truly need to utilize disabled parking spaces and sends a clear message that misuse of disabled permits and the unauthorized use of disabled parking spaces is unacceptable and will no longer be tolerated in Alaska. Accessible parking areas are necessary to provide easier access to services for our disabled population and abusers of the system are hindering that access for those who truly need it.

DD/kk