



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

January 30, 2009

### TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH

#### House Bill 230 – Relating to Parking for Persons with Disabilities

The Disability and Communication Access Board is a statewide Board with seventeen (17) members appointed by the Governor, thirteen (13) of whom are persons with disabilities or family members. The Board's mission is to advocate and promote full inclusion, independence, equal access, and quality of life for persons with disabilities in society. This testimony represents a position voted upon by the Legislative Committee of the Board.

The Disability and Communication Access Board does not support House Bill 230 which would expand the eligibility of the parking placard to nursing facilities. Our Board opposes the expansion to non-individuals. Our position paper on this issue is attached.

Furthermore, because the State is required to reimburse the counties for each placard issued, any increase in eligibility will also require an appropriation.

We ask that you hold this bill in Committee.

Thank you for the opportunity to provide testimony on this important matter.

Respectfully submitted,

CHARLES W. FLEMING  
Chairperson

FRANCINE WAI  
Executive Director

Attachment



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### **POLICY STATEMENT ON ELIGIBILITY FOR PARKING PERMITS FOR PERSONS WITH DISABILITIES**

The Disability and Communication Access Board (DCAB) supports the current eligibility criteria for parking for persons with disabilities, and does not support the expansion of eligibility to include other entities involved in transporting or assisting the current eligible population.

#### **STATUTORY BASIS FOR PROGRAM**

The laws governing the "Parking Program" for persons with disabilities are:

- \* The Uniform System of Parking for Persons with Disabilities,
- \* Hawaii Revised Statutes, Chapter 291, Part III, and
- \* Hawaii Administrative Rules, Title 11, Chapter 219

#### **ELIGIBILITY**

State law and administrative rules provide five (5) categories of individuals who qualify for a permit. A person is qualified if he or she meets at least one (1) of the criterion:

- \* A person who cannot walk two hundred (200) feet without stopping to rest due to a diagnosed arthritic, neurological, orthopedic, renal, vascular, or oncological condition;
- \* A person who cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- \* A person who uses portable oxygen;
- \* A person who is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; and
- \* A person has a cardiac condition to the extent that the person's function limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association.

#### **RATIONALE FOR ELIGIBILITY**

The current eligibility is based on federal guidelines adopted by all states. Although some states have broadened their definition to include other individuals with disabilities and in some cases private operators of residential and transportation providers, Hawaii's island environment does not support the land area necessary to create more accessible parking spaces to accommodate a broader definition of eligibility. Without expanding the number of accessible parking spaces, fewer spaces will be available for use by qualified individuals with the greatest mobility needs.

Expansion of eligibility will also have a negative impact on enforcement efforts. The county police departments have authority to ticket violators relating to parking for persons with disabilities. The effort to consistently enforce accessible parking violations continues to be a low priority among all police departments. Lack of timely enforcement is the number one complaint among persons with disabilities who benefit from this program. Enforcement personnel must make themselves familiar with forty nine (49) other states permits in addition to many foreign countries that have reciprocity agreements for their citizens to use accessible parking spaces in Hawaii. This privilege often confounds enforcement authorities, and decreases the number of accessible parking spaces in high tourist use areas. Potential problems created by issuing vehicle permits increase the burden of enforcement.

It is unnecessary to issue disabled parking permits to vehicles owned by long term care facilities, disability organizations, or businesses related to transportation of disabled individuals who may use the issued placards of their passenger, as placards are not limited to specific vehicles.

### **COST FACTORS**

There is a cost associated with expanding eligibility. State law requires the State to reimburse the counties \$12 per placard issued. Any increase in eligibility would require additional state appropriation.

There are approximately one thousand eight hundred (1,800) care facilities in the state of Hawaii that provide residential services for persons who have some type of disability. A conservative estimate for expanding eligibility to this category alone would exceed \$21,000 annually, and this is unnecessary.

The State of Hawaii currently has one thousand four hundred eighty four (1,484) registered taxi drivers with the Division of Motor Vehicles with the addition of the city owned fleet of one hundred fifty (150) HandiVan vehicles; an additional one thousand six hundred thirty four (1,634) placards would have to be issued. Using these figures, the estimate in expanding eligibility to taxi and other transportation entities would require the state to reimburse the county \$19,608 annually.

ADOPTED: JANUARY 15, 2009



A non-profit organization run by and for persons with disabilities

Hawaii Centers for Independent Living  
414 Kuwili Street, Suite 102  
Honolulu, Hawaii 96817  
Phone: (808) 522-5400  
Fax: (808) 522-5427  
TTY/TDD: (808) 536-3739  
Website: <http://www.hawaii-cil.org>

Representative Ryan I. Yamane, Chair  
Representative Scott Y. Nishimoto, Vice-chair  
Committee on Health  
Hawaii Centers for Independent Living  
Friday, January 30, 2009, 8:30 AM

**Supporting the intent of HB 230, Relating to Parking for Persons With Disabilities, and offering amendments**

Hawaii Centers for Independent Living is a non-profit organization operated by and for people with disabilities to ensure their rights to live independently and fully integrated in the community of their choice, outside of institutional care settings. As a non-profit, statewide resource, HCIL serves people of any age with any type of disability. HCIL was founded on the historical constitutional beliefs of civil rights and the empowerment of people with disabilities to have equal access, opportunities, and choices in life, no matter how severe their disability.

We support the intent of HB230, Relating to Parking for Persons With Disabilities, and wish to offer an amendment.

We feel that agencies that transport the elderly and people with disabilities should be granted accessible parking privileges regardless of whether the services they provide are residential in nature. Therefore, we ask that the phrase "nursing facility" be replaced with the phrase "qualifying agency", defined as "an agency whose functions include transporting persons with a disability".

We urge the committee to pass HB230, amended as specified. Thank you for this opportunity to testify.

Sincerely,

Mark F. Romoser  
Policy and Program Analyst

**TO:** COMMITTEE ON HEALTH  
Representative Ryan I. Yamane, Chair  
Representative Scott Y. Nishimoto, Vice Chair

**FROM:** Eudice R. Schick  
PABEA (Policy Advisory Board for Elder Affairs)

**SUBJECT:** HB 230 RELATING TO PARKING FOR  
PERSONS WITH DISABILITIES

**HEARING:** Friday, January 30, 2009 8:30 a.m. Room 329

**POSITION:** Support of HB 230

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed Board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.

HB 230 will serve a great need for those that have to transport residents that are nearly 100% in wheel chairs, using assisted walking devices or even, at times, on gurneys. The ability to be able to park close and use the lift with the access aisle available certainly makes a great deal of difference in the safety of the resident being transported. I myself am handicapped and use a walking device. I too use a lift when entering and exiting a vehicle so I greatly appreciate the need, and the value, of the disability parking permit.

Thank you for your support of this bill and its value to the disabled.

Eudice R. Schick, Chair PABEA Legislative Committee

**nishimoto2-Bryce**

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**From:** Candace Van Buren on behalf of Rep. Scott Nishimoto  
**Sent:** Thursday, January 29, 2009 8:17 AM  
**To:** HLTtestimony  
**Subject:** FW: HB230 Testimony

Candace Van Buren  
Office Manager  
Representative Scott Y. Nishimoto  
District 21 Kaimuki, Kapahulu, Waikiki, Ala Wai, Diamond Head  
Phone: 586-8515 Fax: 586-8519  
State Capitol, Room 441, Honolulu, HI 96813  
E-Mail: [vanburen@capitol.hawaii.gov](mailto:vanburen@capitol.hawaii.gov)

-----Original Message-----

**From:** Chris Ridley [mailto:[ridley@hawaii.rr.com](mailto:ridley@hawaii.rr.com)]  
**Sent:** Wednesday, January 28, 2009 8:36 PM  
**To:** Rep. Scott Nishimoto  
**Subject:** HB230 Testimony

January 28,  
2009  
For Friday, 1/30/09

8:30 am, 30 copies

Room 329

**TO:** Representative Ryan Yamane, Chair  
And members of the House Health Committee

**FROM:** Chris Ridley, LCSW, DCSW  
National Association of Social Workers, Hawaii  
Director of Social Services, Life Care Center of Hilo, 808-959-9151

**RE:** HB230 Relating to Parking for Persons with Disabilities-  
SUPPORT INTENT

Chair Ryan Yamane and members of the House Health Committee, I am Chris Ridley, East Hawaii Board representative of the National Association of Social Workers, Hawaii Chapter (NASW). I am also the Director of Social Services at Life Care Center of Hilo (a nursing facility). I am testifying in SUPPORT of the intent of HB230. \_\_

Presently nursing facilities on neighbor islands have their own vans to transport the Residents to their various appointments. We apply for a disabled placard for the Resident but this takes much paper work. Sometimes family members have applied and they do not want to give their placard to the nursing facility.

Most other states allow the nursing facility van that transports Residents to have a permanent disabled license plate. This would simplify the situation for clerical purposes for the state as well as for the nursing facilities. This would also minimize the chance that placards would be used for other vehicles.

I believe that we should be allowing nursing facility vehicles to park in disabled parking areas. This will allow our vulnerable population to remain in close contact with their worker and help them maintain some sense of dignity.

I strongly support HB 230 relating to parking for disabled persons and urge your favorable support of this bill. Thank you for the opportunity to testify on this measure.