

# SB 1119

Measure Title: RELATING TO PARKING FOR DISABLED PERSONS.  
Report Title: Parking for Disabled Persons  
Description: Allows qualified applicants to receive a second removable windshield placard upon request and verification of the applicant's disability.  
Companion:  
Package: None  
Current Referral: HMS  
Introducer(s): SHIMABUKURO



## DISABILITY AND COMMUNICATION ACCESS BOARD

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

February 14, 2012

### TESTIMONY TO THE SENATE COMMITTEE ON HUMAN SERVICES

#### Senate Bill 1119 - Relating to Parking for Persons with Disabilities

The Disability and Communication Access Board opposes Senate Bill 1119 Relating to Parking for Persons with Disabilities. This bill would allow qualified placard holders to receive a second removable windshield placard, upon request with re-verification of disability status.

Act 141 of the 2010 Legislature limited the number of removable windshield placards issued to qualified persons with disabilities to one placard and extended the validity of the placard to six (6) years. The rationale was twofold: (1) the parking program's general funds were reduced \$100,000 due to budgetary constraints; and (2) to reduce the number of placards in the community to curb abuse by persons other than the designated permit holder.

We believe that the provisions of Act 141-2010 need to continue unamended in order to ensure a viable program. On average there are 9,000 first-time placards and 12,000 renewals issued per year. This measure would cost an additional \$108,000 to reimburse the counties, plus approximately \$15,000 for the additional purchase of placards, and \$6,000 additional for postage on the renewals for an estimated total of \$129,000.

We ask that this bill be held in Committee.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson

FRANCINE WAI  
Executive Director

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2012 7:53 PM  
**To:** HMS Testimony  
**Cc:** wailua@aya.yale.edu  
**Subject:** Testimony for SB1119 on 2/14/2012 1:25:00 PM

Testimony for HMS 2/14/2012 1:25:00 PM SB1119

Conference room: 016

Testifier position: Comments Only

Testifier will be present: No

Submitted by: Wailua Brandman APRN-Rx BC FAANP

Organization: Hawaii Association of Professional Nurses

E-mail: [wailua@aya.yale.edu](mailto:wailua@aya.yale.edu)

Submitted on: 2/11/2012

Comments:

Honorable Senator Suzanne Chun Oakland, Chair, Honorable Senator Les Ihara, Jr., Vice Chair and Honorable member Senators of the Senate Committee on Human Services,

Mahalo for the opportunity to provide comments on SB1119, which would allow disabled persons to receive two handicapped parking placards. The Hawai'i Association of Professional Nurses (HAPN) takes no position on Section 1 of this bill. We do, however, propose a SD1, which is attached.

As the leaders of the nursing profession move to bring our state into alignment with the recommendations of the Institute of Medicine's Report on the Future of Nursing, permitting nurses to practice to the full extent of their education and scope of practice, as well as the National Council on the State Boards of Nursing's (NCSBN) Model Nurse Practice Act and Regulatory Rules (which Hawai'i adopted in the 2010 Regular Session), in addition to the NCSBN's Consensus Model for APRN Practice (which outlines regulatory requirements in licensure, accreditation, certification, and education that should be adopted by every state), we are systematically addressing the current statutory and regulatory barriers that still exist in Hawai'i. HAPN is working with the Hawai'i State Center For Nursing, the Board of Nursing, graduate nursing educational programs and other nursing organizations to prepare for the implementation of the consensus model and the Affordable Care Act. Implementing these progressive measures will help not only the citizens of our state to access cost-effective quality care, but all of the citizens of all of the states which form the participating body of the consensus model. This, in turn, will support unimpeded practice of advance practice nurses to provide that care.

We respectfully request that you adopt our proposed SD1 and pass this measure out of committee. We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify

Sincerely, and with Warmest Aloha,  
Wailua Brandman APRN-Rx BC, Immediate Past President/Legislative Committee Chair Hawai'i  
Association of Professional Nurses

# S.B. NO.119

Proposed SD1

THE SENATE  
STATE OF HAWAII  
TWENTY-SIXTH LEGISLATURE, 2012

## A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 291-52, Hawaii Revised Statutes,  
is amended to read as follows:

**"§291-52 Issuance of removable windshield placard.** The  
issuing agency shall issue one removable windshield placard  
to each applicant who presents a certificate of disability  
that verifies that the applicant's disability is expected to  
last for at least six years. The removable windshield placard  
shall expire six years after the date of its issuance. Upon  
request of an applicant who was previously issued one  
removable windshield placard, a second removable windshield  
placard shall be issued to that applicant upon verification  
of the applicant's disability.

SECTION 2. Section 291-51, Hawaii Revised Statutes, is amended by  
amending the definition of "certificate of disability" to read as  
follows:

"Certificate of disability" means a medical statement issued by a licensed practicing physician[~~, which~~] or advanced practice registered nurse registered under chapter 457, that verifies that a person is disabled, limited, or impaired in the ability to walk."

SECTION 3. Section 291-51.4, Hawaii Revised Statutes, is amended to read as follows:

**"[†]§291-51.4[†] Fraudulent verification of an applicant as a person with a disability; penalty.** A physician or advanced practice registered nurse registered under chapter 457 who fraudulently verifies that an applicant is a person with a disability to enable the person to represent to the issuing agency that the person is qualified to obtain a removable windshield placard, temporary removable windshield placard, or special license plates shall be guilty of a petty misdemeanor. Each fraudulent verification shall constitute a separate offense."

SECTION 4. Section 338-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In preparing a certificate of death or fetal death the person in charge of the disposition of the body shall:

(1) Obtain and enter on the certificate the personal data and other information pertaining to the deceased person required by the department from the person best qualified to supply them;

(2) Present the certificate of death to the physician or advanced practice registered nurse registered under chapter 457 last in attendance upon the deceased, or to the coroner's physician, who shall thereupon certify the cause of death to the physician's best knowledge and belief, or present the certificate of fetal death to the physician, advanced practice registered nurse registered under chapter 457, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as can be furnished; provided that fetal deaths of less than twenty-four weeks or intentional terminations of pregnancy performed in accordance with section 453-16 may be certified by a nurse or other employee based upon the physician's records; and

(3) Notify immediately the appropriate local agent, if the death occurred without medical attendance, or if the physician or advanced practice registered nurse registered under chapter 457 last in attendance fails to sign the death certificate. In such event the local agent shall inform the local health officer, and refer the case to the local health officer for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local agent may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local agent shall refer the case to the coroner for investigation and certification."

SECTION 4. Section 457-8.8, Hawaii Revised Statutes, is amended to read as follows:

"~~[f]~~**§457-8.8 Advanced practice registered nurses; global signature authority.** ~~[j—(a)]~~ Notwithstanding any other law to the contrary, advanced practice registered nurses shall be authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients, including workers' compensation verification documents, verification and evaluation forms of the department of human services and department of education, verification and authorization forms of the department of health, and physical examination forms; provided that nothing in this section shall be construed to expand the scope of practice of advanced practice registered nurses.

~~[(b) This section shall not apply to a certificate of disability that may be used to obtain parking privileges for disabled persons pursuant to part III of chapter 291.]~~"

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.





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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2012 11:59 PM  
**To:** HMS Testimony  
**Cc:** nuyolks@gmail.com  
**Subject:** Testimony for SB1119 on 2/14/2012 1:25:00 PM

Testimony for HMS 2/14/2012 1:25:00 PM SB1119

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kathleen Yokouchi  
Organization: Individual  
E-mail: nuyolks@gmail.com  
Submitted on: 2/10/2012

**Comments:**

In strong support of Wailua Brandman's testimony on behalf of HAPN and proposed SD1. S.B. NO.119 which adds 3 new sections to the measure.

Proposed HD1

THE SENATE

STATE OF HAWAII

TWENTY-SIXTH LEGISLATURE, 201 2

A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 291-52, Hawaii Revised Statutes,

is amended to read as follows:

&quot;§291-52 Issuance of removable windshield placard. The issuing agency shall issue one removable windshield placard to each applicant who presents a certificate of disability that verifies that the applicant's disability is expected to last for at least six years. The removable windshield placard shall expire six years after the date of its issuance. Upon request of an applicant who was previously issued one removable windshield placard, a second removable windshield placard shall be issued to that applicant upon verification of the applicant's disability.

SECTION 2. Section 291-51, Hawaii Revised Statutes, is amended by amending the definition of "certificate of disability" to read as follows:

"Certificate of disability" means a medical statement issued by a licensed practicing physician[, which] or advanced practice registered nurse registered under chapter 457, that verifies that a person is disabled, limited, or impaired in the ability to walk." SECTION 3. Section 291-51.4, Hawaii Revised Statutes, is amended to read as follows:

"[§]291-51.4 [§] Fraudulent verification of an applicant as a person with a disability; penalty. A physician or advanced practice registered nurse registered under chapter 457 who fraudulently verifies that an applicant is a person with a disability to enable the person to represent to the issuing agency that the person is qualified to obtain a removable windshield placard, temporary removable windshield placard, or special license plates shall be guilty of a petty misdemeanor. Each fraudulent verification shall constitute a separate offense." SECTION 4. Section 338-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

(b) In preparing a certificate of death or fetal death the person in charge of the disposition of the body shall:

(1) Obtain and enter on the certificate the personal data and other information pertaining to the deceased person required by the department from the person best qualified to supply them;

(2) Present the certificate of death to the physician or advanced practice registered nurse registered under chapter 457 last in attendance upon the deceased, or to the coroner's physician, who shall thereupon certify the cause of death to the physician's best knowledge and belief, or present the certificate of fetal death to the physician, advanced practice registered nurse registered under chapter 457, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as can be furnished; provided that fetal deaths of less than twenty-four weeks or intentional terminations of pregnancy performed in accordance with section 453-16 may be certified by a nurse or other employee based upon the physician's records; and

(3) Notify immediately the appropriate local agent, if the death occurred without medical attendance, or if the physician or advanced practice registered nurse registered under chapter 457 last in attendance fails to sign the death certificate. In such event the local agent shall inform the local health officer, and refer the case to the local health officer for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local agent may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local agent shall refer the case to the coroner for investigation and certification." SECTION 4. Section 457-8.8, Hawaii Revised Statutes, is amended to read as follows:

"[§]457-8.8 Advanced practice registered nurses; global signature authority. [§]

(a) Notwithstanding any other law to the contrary, advanced practice registered nurses shall be authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients, including workers' compensation verification documents, verification and evaluation forms of the department of human services and department of education, verification and authorization forms of the department of health, and physical examination forms; provided that nothing in this section shall be construed to expand the scope of practice of advanced practice registered nurses.

[(b) This section shall not apply to a certificate of disability that may be used to obtain parking privileges for disabled persons pursuant to part III of chapter 291.]"

SECTION 5. Statutory material to be repealed is bracketed and

stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

R e p o r t T i t l e :  
Parking for Disabled Persons

D e s c r i p t i o n :

Allows qualified applicants to receive a second removable windshield placard upon request and verification of the applicant's disability.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

2011-0815 SB SMA.doc

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2012 9:58 AM  
**To:** HMS Testimony  
**Cc:** geesey@hawaii.edu  
**Subject:** Testimony for SB1119 on 2/14/2012 1:25:00 PM

Testimony for HMS 2/14/2012 1:25:00 PM SB1119

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Yvonne Geesey  
Organization: Individual  
E-mail: [geesey@hawaii.edu](mailto:geesey@hawaii.edu)  
Submitted on: 2/13/2012

**Comments:**

I support adding Advanced Practice Registered Nurses to the health care providers able to complete and sign a certificate of disability as my patients often request this from me and I am unable to help them.  
mahalo for your consideration of Proposed SD1.

Mark T. Obatake  
94-1062 Kahimoe Place  
Waipahu, Hawaii 96797

February 13, 2012

The Honorable Members of the Senate Committee on Human Services  
State Capitol  
Honolulu, Hawaii 96813

Dear Honored Chair Chun-Oakland, Vice-Chair Ihara, and Committee Members:

A strong recommendation is made to oppose the passage of SB 1119 Relating to Parking for Disabled Persons. The bill attempts to create a provision for the sake of convenience and its passage will reverse recent policy changes that reduce the abuse of placard usage.

When the Americans With Disabilities Act was passed in 1990, provisions for accessible parking stalls and policies for their use were developed to enable citizens opportunities to participate in community living activities. Our state law initially permitted a person with a disability to obtain two placards. However, over the course of 16 years, we have seen a pattern of placard abuse. Family members or friends are given the second placard with the intention of helping the person with a disability, only to misuse the placard for the sake of parking in a convenient location. Placard abuse reduces the availability of accessible parking stalls, and placard holders already account for four times more than the amount of total available stalls.

Civil rights are connected to people, not their possessions. A major misconception is that the placard should be associated with a vehicle. In other words, if my family has two cars, I should have two placards to place one in each vehicle. This is false. The placard is linked to the individual with a disability, not the vehicle. When a family member took my father, who had Alzheimer's, to daycare, his placard would be in the car. We transferred the placard with his other belongings when he was dropped off, knowing that another family member was picking him up. There is no reason why he should leave his placard in the first car, since by law the driver cannot use the placard in his absence.

Civil rights address non-discrimination. Every eligible person with a disability can obtain a single parking placard that enables participation in the community. With this baseline access, people now want the convenience of a second placard. Having a second placard will not give a person with a disability more access, but it will give more opportunities for a non-eligible person to abuse the law.

For these reasons, it is my hope that your committee will oppose SB 1119. Thank you for your consideration of this matter.

Respectfully submitted,

Mark T. Obatake