

☞ **09hr_SC-TTFNR_sb0652_pt01**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism, Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**afr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sfr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 652

Relating to: special identification cards issued by the Department of Transportation providing parking privileges for persons with physical disabilities and providing a penalty.

By Senators Hansen, Darling and Lehman; cosponsored by Representatives Krusick, A. Ott, Berceau, Brooks, Kaufert, Lothian, Mason, Pasch, Petrowski, Pope-Roberts, Steinbrink, Townsend and A. Williams.

March 26, 2010 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

April 1, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Dave Hansen — 30th Senate District
- Steve Pribbenow — Sauk City Disability Parking
- Stefanie Niesen — Madison Police Department

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Jason Chozier — Access to Independence
- Ashley Nedeau-Owen, Lodi
- Jason Beloungy — Access to Independence
- Duane Hinz — City of Madison Parking

Registrations Against

- None.

Registrations for Information Only

- None.

April 8, 2010

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Hansen, seconded by Senator Holperin that **Senate Bill 652** be recommended for passage.

Ayes: (6) Senators Holperin, Sullivan, Plale, Hansen, Leibham and Grothman.

Noes: (1) Senator Kedzie.

PASSAGE RECOMMENDED, Ayes 6, Noes 1

Elizabeth Novak
Committee Clerk





WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

To: Members, Senate Committee on Transportation, Tourism, Forestry & Natural Resources
From: Senator Dave Hansen
Representative Peggy Krusick
Date: April 1, 2010
Subject: Support for SB 652 (Disabled Parking Accessibility Trailer Bill)

We respectfully urge your support for Senate Bill 652, the Disabled Parking Accessibility Trailer Bill.

This trailer legislation addresses an unintended consequence of the Disabled Parking Accessibility Act (2005 Act 455). Among other things, Act 455 strengthened handicap parking permit eligibility standards, increased forfeitures for permit abuse, and made lying on a permit application illegal.

Since the enactment of Act 455, disabled parking enforcement officials have informed us that the new law was written in such a way that actually impedes their ability in some cases to cite a violator who illegally uses a handicap parking permit. See attached article for more information.

The Assembly companion bill (AB 284) to SB 652 has already passed the Assembly Transportation Committee 11-0.

SB 652 has 4 primary provisions

The bill rectifies enforcement difficulties by making the following two changes to the law:

- 1) Restores the ability to cite for **fraudulent use** of a handicap parking permit. The word **use** was deleted from the statute under Act 455, because it was believed that another provision covered this violation. However, now parking enforcement officers say the word **use** needs to be restored for them to cite this violation--which they say is the most common.
- 2) No longer requires someone to **knowingly** display a permit on an unauthorized vehicle to be subject to a citation. DOT already provides information on lawful and unlawful use of handicap parking permits when they are issued to recipients. Requiring law enforcement to demonstrate to a court that someone knew that they weren't supposed to display a permit is burdensome and unnecessary. Merely displaying a permit on an unauthorized vehicle would be enough to get you a ticket under AB 284.

The bill also increases the maximum penalty from \$300 to \$500 for these two violations:

- 3) Selling a handicap parking permit, and
- 4) Fraudulently using a permit that was not issued to the holder.

-over-



Rationale

Disabled parking permits allow users to park in handicap parking spaces, park at meters for free, park in time limited spaces for as long as they need, and get gas at full service pump for self-service price. The permits are also valid in all 50 states and Puerto Rico.

Unfortunately, abuse of handicap parking permits continues to be a widespread and serious problem that must be stopped.

Healthy able-bodied people are using disabled parking permits as "park for free" cards at the expense of people with disabilities.

By passing this simple trailer legislation we can help to ensure that the law is enforced as intended, so that reserved disabled parking spaces remain accessible for those who rightfully need them.

Supporters

IndependenceFirst

Disability Rights Wisconsin

Survival Coalition of Wisconsin Disability Organizations

Wisconsin Coalition of Independent Living Centers

Sauk County Disabled Parking Enforcement Council

City of Madison Parking Council for People with Disabilities

City of Madison

City of Milwaukee

Wisconsin Council on Physical Disabilities

Wisconsin Sheriffs and Deputy Sheriffs Association

Wisconsin County Police Association

Wisconsin Council of the Blind and Visually Impaired

ISTHMUS | The Daily Page

Abusers hike cost of disabled parking

Proposed state law change would plug enforcement loophole

by Joe Tarr

on Thursday 03/11/2010

When Steve Pribbenow moved to Baraboo about 20 years ago, he had an awfully hard time finding parking spaces.

Pribbenow and his wife at the time were both disabled and needed the reserved spots for their wheelchair lift. But it seemed like the handicap-accessible spaces were always taken. There couldn't possibly be that many disabled people in town, he thought.

Fed up, Pribbenow helped form a local committee to police disabled spaces, catching people who use tags fraudulently. He has since become something of an expert on disabled parking laws. He trains volunteers around the state, including Madison, to catch cheats who illegally park in disabled spaces.

Over the years, Pribbenow has caught hundreds of people. It still ticks him off.

"People fraudulently use [disabled tags] because they're lazy," he says. "If I see somebody pull up into a stall and put a tag up and do a hop, skip and a jump into a store, I'm going to wonder what their problem is."

Fraudulent use of disabled parking tags is a big problem, police and parking officials say. Not only does it inconvenience people with legitimate disabilities, it costs local governments money.

According to Pribbenow, police estimate a single disabled tag can cost a city \$2,000 a year in lost parking revenue. "You can start doing the math and you're talking big money," he says. Madison estimates it subsidizes disabled parkers — both legitimate and illegitimate — to the tune of \$800,000 each year.

"For any group that has special privileges, other people pay for that," says Bill Putnam, Madison parking engineer. "There is a cost to the general population."

To make matters worse, a 2005 change in state law accidentally made it more difficult to cite people who illegally use disabled tags. Legislation is currently in the works to fix that problem. And debate about what privileges the disabled should have continues.

Every year, Madison's parking enforcers do a survey of the downtown area, bounded by Butler, Lake, Wilson and Langdon streets, counting how many cars have disabled tags on them. Then they try to verify if the tags are legitimate. Often, they're not.

"You'll find a lot of dead people parking downtown," jokes Stefanie Niesen, Madison's parking enforcement supervisor, about the number of tags that should have gone out of circulation when their rightful owner died.

People with disabled tags — either permanent license tags or temporary ones that they hang from their mirrors — are allowed to park in any disabled spot. There are about 25 street spots in downtown Madison. In Wisconsin, they can also park for free at any metered spot for up to 48 hours (except ones with less than a half-hour time limit).

City officials say about 15% of all metered spots downtown are occupied by cars with disabled tags. This percentage has remained fairly steady in recent years, Putnam says, but "as the population ages, we expect to see that percentage going up."

Many people with disabled tags are valid users, even if it isn't always obvious that they are disabled. For instance, Bill Tangney, a longtime member of the city's Disabled Parking Enforcement Assistance Council and the Commission on

People with Disabilities, has a friend with multiple sclerosis who, "if she walks too far, she gets too tired and her day is gone."

The state issues disabled parking tags to people who are certified by a doctor to have either a permanent or temporary disability that makes it difficult to walk 200 feet or more without stopping to rest; who need a wheelchair, cane, crutches or prosthetic to move; have lung disease or use portable oxygen; or have cardiac conditions, arthritis or neurological conditions.

But some people are using tags meant for others (a spouse, parent, dead aunt) or have obtained them under false pretenses. Statistics are hard to come by, but officials say abuse is widespread. Madison parking enforcement officer Mark Packard says one year he confiscated 278 disabled tags that were being used illegally.

Catching people who abuse disabled parking privileges has never been easy, but a 2005 change in state law made it even harder.

Back then, the Legislature drafted new penalties for fraudulent use of disabled tags, but dropped the word "use" from the list of offenses covered by the statute. The result, says assistant Madison city attorney Maureen O'Brien, was that "you could prosecute someone for making or altering a tag, but not for just using it."

It's still against the law to use a tag that doesn't belong to you, but officers must prove violators knowingly broke the law, which is almost impossible. Now police write tickets for "unlawful use" of tags, which carries a \$172 fine, instead of fraudulent use, which is \$298 (plus court fees), Niesen says. But even that takes a lot more legwork.

"Before, if we saw someone using a permit and we knew it wasn't their permit, we could ticket them," says Niesen. "Now we have to watch them arrive to the parking spot, watch them get out of the vehicle, and watch them leave. So we're sitting on the vehicle for quite a long time. We have to do a lot more investigating."

Sometimes officers watch a suspected violator for several days. "Then we will issue them a couple weeks' worth of tickets, which isn't cheap," Niesen says.

Rep. Peggy Krusick (D-Milwaukee) is sponsoring a bill that would put the word "use" back into the law, making it easier for tickets to be written. It would also increase the fine for illegally using a disabled tag from \$298 to \$500. Assembly Bill 284 was approved by the transportation committee last year and is slated for a full Assembly vote.

Meanwhile, others have suggested it's time to do away with free parking for the disabled.

Even many disabled-rights advocates think it might help reduce fraud, by eliminating the incentive. Says Pribbenow, "The [Americans with Disabilities Act] is aimed at giving people access, not necessarily special treatment." He notes that in some cities, disabled tags sell on the black market for thousands of dollars.

But Pribbenow acknowledges that being able to park for free can be a great benefit for people who are disabled. It helps some people with disabilities "lead a more normal life."

That's why he gets riled about people who take advantage of the system: "Those people are taking away the opportunity of the disabled to be like everybody else."