



# **Handicap Parking Abuse: Policy Solutions for Kentucky**

**A report prepared for the Kentucky Council  
on Developmental Disabilities**

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## **Executive Summary**

Handicap parking is the cornerstone of accessibility for persons with disabilities. While accessibility has expanded because of handicap parking, new problems have arisen due to the abuse of handicap parking privileges. Three types of handicap parking violations exist:

1. Parking in a space without an appropriate permit.
2. Parking with an appropriate permit but the person does not have a mobility impairment.
3. The fraudulent creation of a permit in order to park illegally.

This paper examines the legal framework surrounding handicap parking in order to understand policy solutions. A maze of laws on the federal and state levels addresses handicap parking. State laws regulate permitting, fines and penalties and enforcement, and these are subject to federal mandates. Local law enforcement carries out the task of enforcing the regulations.

Second, this paper looks at empirical studies which have attempted to determine how often people abuse handicap parking spaces, their rationale for doing so, and the observed deterrents of abuse. Studies have found that abuse is a prevalent problem and that most people violate the regulations because of convenience. Observational studies have shown that the use of vertical handicap parking signs along with messages warning about enforcement have decreased violations. Furthermore, increased enforcement is also a proven deterrent.

Third, this paper surveys the news from states and localities about policy solutions to the widespread problem of abuse. The policy solutions that governments use most often include

- Enforcing Stricter Fines or Penalties;
- Using Technical Countermeasures;
- Tightening Standards for Issuing Permits;

- Increased Enforcement by Police or by Using Volunteers; and
- Implementing Handicap Parking Educational Programs

### **Recommendations for the Council**

From the empirical studies and the policy solutions described above, the Martin School has developed the following recommendations for the Council concerning possible handicap-parking legislation in Kentucky:

- Work with state legislators who are already working on handicap-parking abuse concerns.
- Require more frequent renewal of handicap-parking permits.
- Implement technical countermeasures to deter fraud and abuse.
- Take steps to increase local enforcement of handicap parking violations.
- Require vertical signs displaying a message about the consequences of violations.
- Place stricter requirements on the authorization for disability certification in the permit application process.

## **Handicap Parking Abuse**

The abuse of handicap parking spaces has been a problem ever since handicap parking came into existence. There are several types of abuse of handicap parking spaces. The most well known type occurs when a car parks in a space without an appropriate permit. A second type occurs when a person parks with an appropriate permit, but does not have a disability, such as when a family member of a person with a disability borrows their permit to park. The third, and most severe type of abuse, is the fraudulent creation of a permit in order to park illegally. Over the years, policymakers have attempted several solutions to address this widespread problem. The most commonly used attempts to curb abuse have included increased fines and penalties, increased enforcement, and educational programs. These solutions, and others, will be considered in this report to address handicap parking abuse in Kentucky.

First, however, in order to understand how to address the problem of abuse, one must become familiar with the legal framework surrounding the use and abuse of handicap parking.

### ***The Legal Framework of Handicapped Parking***

A myriad of laws and rules govern handicap parking, and these laws exist on the federal, state and local levels. Handicap parking regulation began in the 1960s through programs adopted at the state and local levels. Beginning in the late 1960s, the federal government adopted several pieces of legislation, which would ultimately affect handicap parking today. These acts were:

- **The Architectural Barriers Act of 1968**, which instructed federal agencies to require that physically handicapped persons, where possible, have ready access to, and use of federal facilities.<sup>1</sup>
- **The Rehabilitation Act of 1973** that extended those federal regulations beyond federal facilities to those that were federally-funded.<sup>2</sup>

- **The Fair Housing Act**, as amended in 1988, that prohibits discrimination in the sale or rental or make unavailable a dwelling to any buyer or renter because of a handicap.<sup>3</sup>
- **The Americans with Disabilities Act of 1990**, which prohibits discrimination in the employment of persons with disabilities and requires reasonable accommodations for those persons' needs.<sup>4</sup>

Besides these major pieces of legislation, the regulations governing handicap parking are complex, allocating responsibility among the three levels of government. The two areas of law governing handicap parking are:

1. Permit regulation (these are the rules for the issuance of handicap parking permits); and
2. Site regulation (the rules governing the site and design of handicap parking at commercial buildings, workplaces, public streets and residential buildings).<sup>5</sup> The Americans with Disabilities Act, which mandates that a specific number of handicap spaces be set-aside in parking lots, governs site regulation.

This report is concerned, however, with the permit regulations because they are more applicable to prevent abuse of handicap parking.

### ***Parking Permit Regulations***

Permitting determines who is eligible to use handicap parking spots. Permitting is generally regulated by states and is subject to federal mandates.<sup>6</sup> Federal law puts forth the minimum definition of "disability" as stated below:

**23 C.F.R. § 1235.2 Defines persons with disabilities which limit or impair the ability to walk as persons who, as determined by a licensed physician:**

- Cannot walk two hundred feet without stopping to rest; or
- Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- Are 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 the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

- Use portable oxygen; or
- Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.<sup>7</sup>

Federal laws also tell the states what types of permits shall be distributed and how the permits should be displayed. Three types of permits exist, and all three require the certification of a licensed physician, as mandated by federal law.

**1. Special handicap license plates:** these can be issued to vehicles owned by persons with a disability or to a vehicle owned by an organization that transports individuals with disabilities.

**2. Removable windshield placards:** these are transferable to other cars that the driver may be using. A person may have this type of permit in addition to the license plates.

**3. Temporary removable windshield placards:** these are good for only a short period of time, such as six months, and may be transferred to other cars that the driver may be using.

Beyond these laws, each state has statutes that govern the implementation of permitting, prohibitions against abuse of permits, and the enforcement of prohibitions.

### *Implementation of Permitting System*

Kentucky Revised Statutes set forth further regulations concerning the handicap parking permit system. One noteworthy fact is that Kentucky's definition of disability is broader than the minimum federal definition. Kentucky's definition adds the following conditions to the list for eligibility to receive a handicap-parking permit:

Severe visual, audio, or physical impairment including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritic rheumatism, or debilitating condition which limits or impairs one's mobility or ability to walk.

Other Kentucky regulations govern the issuance of permits in such areas as fees, proper documentation, and expiration dates of permits. In Kentucky, the special license plates and

removable parking placards are issued for a term of six years. The following chart<sup>8</sup> was prepared in 1997 by Handiplate Research and Development Company, and it reveals that Kentucky's permit expiration law is among the most generous of the states.

**Figure 1**

**Length of Time for Which Permanent Disabled Person(s) Parking Placards Are Issued.**

<b>1 Year</b>	<b>2 Years</b>	<b>3 Years</b>
Missouri Utah District of Columbia	California Louisiana Maryland Nevada New Mexico Tennessee West Virginia Puerto Rico	Colorado Kansas Mississippi Montana Nebraska New Hampshire New Jersey North Dakota Rhode Island
<b>4 Years</b>	<b>5 Years</b>	<b>6 Years</b>
Georgia Illinois Indiana Maine Michigan Oregon South Carolina Vermont Wisconsin Wyoming	Alabama Alaska Arizona Arkansas Connecticut Massachusetts New York North Carolina Ohio Oklahoma Pennsylvania South Dakota Texas Virginia Washington	Florida <b>Kentucky</b> Minnesota
		<b>Life</b>
		Idaho Iowa

For temporary parking placards, the expiration date in Kentucky is six months, a regulation that is in line with most states, as the following chart<sup>9</sup>, prepared in 1997, reveals:

**Figure 2**

**Length of Time for Which Temporary Disabled Parking Placards Are Issued**

3 Month Period	6 Month Period	12 Month Period	24 Month Period
Arkansas Colorado	Alabama Alaska California Connecticut Georgia Idaho Illinois Indiana Iowa Kansas <b>Kentucky</b> Maine Maryland Michigan Minnesota Mississippi Missouri Nebraska Nevada New Hampshire New Jersey New Mexico New York North Carolina Ohio Oklahoma Oregon Pennsylvania Tennessee Texas Utah Vermont Virginia Washington Wisconsin Wyoming District of Columbia	Florida Louisiana North Dakota South Dakota	Massachusetts Montana

### ***Prohibitions against Abuse of Permits in Kentucky***

Prohibitions against the abuse of handicapped parking permits are set forth in KRS

189.459. These prohibitions include the following:

“No person shall park in a parking area designated as accessible to and for the use of a person with a disability in a motor vehicle not displaying either an auto registration plate as provided in KRS 186.041, 186.042, 186.0425, or an out-of-state registration plate designated for the use of a person with a disability on the rear of the vehicle unless he displays on the dashboard of his motor vehicle an accessible parking placard issued to a person with a disability.”

“No person shall park a vehicle displaying an accessible parking placard in a parking area designated as accessible to and for the use of a person with a disability when the person with a disability is not in the motor vehicle.”

“No person shall make, issue, possess, or knowingly use any imitation, counterfeit, or transferable placard or license plate for a person with a disability.”

The penalties for violating these prohibitions are found in KRS 189.990, which states that “any person who violates [these prohibitions] will be ***fin******ed not less than twenty dollars (\$20) or more than one hundred dollars (\$100) for each offense.***” Each county or city in Kentucky sets fines for violating these prohibitions within these monetary limits.

### ***Enforcement of Prohibitions***

Kentucky state law gives enforcement power of the handicap parking prohibitions to local law enforcement through KRS 189.396. This law states that “all law enforcement officials shall enforce the traffic regulations contained in KRS Chapter 189 on off-street parking facilities offered for public use, except for-hire parking facilities listed in KRS 189.700.” Also, law enforcement officials in Kentucky have the ability to call in a disabled person(s) parking placard identification number and obtain information about the placard, such as owner’s name and address, the date of expiration, and if the placard has been reported lost or stolen. The following

chart<sup>10</sup> compares the ability of law enforcement in each state to have this call-in ability 7 days a week, 24 hours a day:

**Figure 3**

**Does Local Law Enforcement Have the Ability to Call-in a Disabled Person(s) Parking Placard Identification Number to Obtain Information?**

Can Do 24 Hours a Day/ 7 Days a Week	Only During Business Hours	Can Not do
Alaska Arkansas California Florida Idaho Illinois Indiana Iowa <b>Kentucky</b> Michigan Nevada New Hampshire New Jersey Ohio Oregon Pennsylvania South Dakota Tennessee Utah Vermont Virginia Washington West Virginia Puerto Rico	Colorado Connecticut Delaware Kansas Maine Mississippi Missouri; Montana Oklahoma Rhode Island Wisconsin	Alabama Arizona Georgia Louisiana Maryland Massachusetts Minnesota Nebraska New Mexico New York North Carolina North Dakota South Carolina Texas Wyoming District of Columbia

## ***Empirical Studies***

In order to address the violations of handicap parking regulations, it is useful to determine how often people abuse handicap parking spaces, their rationale for doing so, and the observed deterrents of abuse. Several researchers have undertaken observational and experimental studies that can begin to provide answers to these questions.

### ***How frequently do people abuse handicap parking spaces?***

Past research has shown that inappropriate use of handicap parking spaces occurs frequently. Several reports have indicated that the majority of cars parked in these spaces are parked illegally.<sup>11</sup> In an experiment designed to determine the frequency of handicap parking abuse, Taylor found that rates of violations were high in both urban (76.3%) and rural (44%) locations. Taylor's study targeted those persons who parked in a space without an appropriate permit or license plate.<sup>12</sup>

### ***Why do people abuse handicap parking spaces?***

A behavior study conducted in 1990 by Cope and Allred explored the rationale of those who violated handicap-parking ordinances. They undertook a survey at two local shopping malls in Greensville, North Carolina, randomly stopping 246 people walking in the center sections of the mall and asking them several questions related to their "traffic behavior." Each individual was asked if they had ever inappropriately parked in a handicap space, why or why they had not used the space, and if they had a legal handicap. Of the 246 contacted, 177 stated that they had never parked in a handicap space. One respondent reported that they had a handicap and had legal identification for their vehicle.

The most common reasons given for illegally using the spaces were:

- Convenience/in a hurry

- Could not see or read the sign
- Nothing else available

The most common reasons given for not illegally using the spaces were:

- It's against the law
- It's not right
- It's not respectful of others
- Others need it more<sup>13</sup>

The benefit of convenience appears to be the most prevalent reason that people will violate the handicap parking laws. In an observational study, Cope and Allred found the lowest handicap parking violation rates at a site where a convenient fire lane served as an alternative for short-term parking. A second example that supports this theory was that Cope and Allred found that the violation rate during rainy weather was 75% compared to 59.7% during clear weather.<sup>14</sup>

Overall, it seems that people will park illegally when the benefit of convenience outweighs the perceived risks of legal or social consequences.

### ***What works to deter handicap-parking violators?***

Researchers have conducted several observational studies to experiment with different deterrents of handicap parking abuse, most of which involve the use of contingent punishment (example: police enforcement) or antecedent strategies (example: the use of signs). An experiment conducted in 1991 by John G. Cope, Linda J. Allred and Joseph M. Morsell studied the percentage of illegal parking in spaces reserved for the physically disabled under three different sign conditions: ground markings, ground markings plus vertical signs, and vertical signs containing a message that concerned citizens were watching the space.<sup>15</sup> The results of their experiment reveal the following statistics:

**Figure 4**

**Rate at Which Handicap Parking is Violated Under Different Conditions: 1991 Experiment**

<b>Handicap Parking Sign Experimental Condition</b>	<b>Before Experiment: Ground Markings Only</b>	<b>During Experiment</b>	<b>After Experiment was Removed</b>
Vertical signs added to the experiment	<b>69.3%</b> violation rate	<b>57.3%</b> violation rate	<b>68.7%</b>
A message that concerned citizens were watching the space was added to the experiment	<b>68.7%</b> violation rate	<b>27.1%</b> violation rate	<b>34.6%</b> when message was removed and then <b>65.2%</b> after vertical sign was removed

The experiment revealed that vertical signs were more effective at deterring abuse than ground markings only. Other studies by Jason and Jung (1984)<sup>16</sup> and Suarez de Balcazar (1988)<sup>17</sup> support this claim that vertical signs are more effective than ground signs in preventing illegal parking. The addition of a message warning about social sanctions appeared to have the greatest impact on illegal parking compared to the vertical sign and ground markings.

Another study conducted by Cope and Allred in 1991 examined daily rates of illegal parking across three types of sign displays: (a) vertical sign alone or in combination with (b) a message sign announcing the possibility of public surveillance; or (c) a message dispenser attached to the vertical sign that held “politely-worded reminder notes” announcing community involvement in deterring abuse. Their findings included the following:

“The average rate of illegal parking dropped from 51.3% during the initial vertical sign phase to 37.3% under the message sign condition, followed by an increase to 50.4% when the message was removed. Illegal parking decreased to 24.5% when the message dispensers were first used and to 23.7% when the message dispenser condition was repeated.”<sup>18</sup>

While the majority of studies related to handicap parking deterrence have explored the use of signs, some studies have looked at other solutions. In 1988, a dissertation prepared by

Yolanda Suarez de Balcazar, entitled “Effects of Environmental Design and Police Enforcement on Violations of Handicapped Parking Ordinances,” found that a police enforcement program consistently reduced the number of inappropriately parked cars and the percentage of intervals of inappropriate use of parking spaces compared with a control site where no enforcement was implemented. The experiment involved a seven day city-wide police crackdown, as six regular police officers patrolled handicap parking spaces in private lots an average of once every 2 hours for 12 hours a day. The researcher measured the parking rates in an experimental site where police enforcement occurred and compared them with a control site that did not have enforcement. Suarez de Balcazar also found satisfaction among police officers, store managers, and persons with disabilities concerning the police crackdown program and willingness to support police enforcement of parking ordinances.<sup>19</sup>

### ***Policy Solutions***

Policy solutions proposed to curb the abuse of handicap parking have been wide and varied. A survey of news, nationwide, reveals that several states are taking different actions to stop abuse. Among these solutions are: enforcing stricter fines or penalties, technical countermeasures, tightened standards for issuing permits, increased enforcement using volunteers, and implementing a handicap parking educational programs.

#### ***Enforcing Stricter Fines or Penalties***

- In Sacramento, California, Assemblywoman Sharon Runner introduced a measure to raise the minimum fine for parking illegally in a handicap space from its current \$250 to \$500 in hopes of raising money for local governments. The bill also sets misdemeanors for more serious violations.<sup>20</sup>

- In Jefferson City, Missouri, a measure pending before Governor Bob Holden would triple the criminal penalties for those who misuse or fraudulently obtain handicap plates or placards, making it a Class A misdemeanor to do so, facing a maximum fine of \$1,000 and up to one year in jail. The bill would also make it a Class A misdemeanor if physicians falsely authorize an application for a parking permit.<sup>21</sup>
- This past April, the city of Boston increased penalties from \$100 to \$200 for people who leave unauthorized vehicles in parking spaces designated for use by disabled veterans or handicapped persons. The money would be used to create a Disability Commission.<sup>22</sup>

### *Technical Countermeasures*

- Boston, Massachusetts also set forth a law that all handicap parking signs be permanently affixed to the ground and indicate the fine amount.<sup>23</sup>
- States such as Virginia and Texas have enhanced authentication requirements for their handicap placards and require that the state seal appear as a holographic image on the placards, which make them difficult to counterfeit.<sup>24</sup>
- A politically unpopular solution has been for some jurisdictions to implement a permit recall program, requiring all permits to be renewed and replaced to find outdated or forged cards.<sup>25</sup>
- In several jurisdictions, the law requires that the applicant's driver's license number be printed on the placards, preventing improper use of authentic placards by those who are not handicapped.<sup>26</sup>
- Other states have proposed or adopted requirements that the placards have a photographic identification of the user and that the user carry similar identification in their wallet.<sup>27</sup>

- Proposed legislation in Missouri, gives law officers the option of asking an individual to provide verification that the person using a disabled placard have state authorization to do so. The state Revenue Department would issue a registration certificate. The law would also require physicians to keep on file the medical records of patients who are eligible for special parking privileges, and those records would be subject to review by a state medical licensing board.<sup>28</sup>
- New Mexico is working on a database to store information on the identity of people who have handicap parking tags.<sup>29</sup>
- The City of Buffalo, New York has implemented wireless parking as a way to curb abuse at parking meters and make paying for parking easier for disabled drivers. The system, developed by URS Corporation and supplied by Mobile2Meter Limited (M2M) works in this way: drivers register on a web site furnishing their cell phone number, license plate number, and billing information. When a motorist wants to park, they make a brief phone call using their cell phone and enter a short code and PIN number before they park. Attendants enforce the laws by using a hand-held terminal, which allows the officer to remotely query the database to identify the status of users parked in a particular zone. The rollout cost of this project was surprisingly low. The benefits include the fact that legitimate disabled users could be identified by their cell phone number, and they can remotely extend parking by calling the number again using the Web, cell phone or a landline phone.<sup>30</sup>

### ***Tightening Standards for Issuing Permits***

- In Houston, Texas, a new ordinance requires the doctor to provide a notarized statement certifying that an applicant is actually mobility-impaired<sup>31</sup>

- In 1996, California tightened its requirements for medical approval by requiring submission of detailed patient information and making that information available to law enforcement officials.<sup>32</sup>
- In Fort Lauderdale Florida, in 1997, officials proposed setting up a task force to investigate doctors accused of illegally certifying permit applications.<sup>33</sup>

### ***Increased Enforcement by Police or by Using Volunteers***

- In the past, the state of Delaware used police cadets to issue citations for handicap parking violations.<sup>34</sup>
- Several local governments have implemented a disabled parking “sweep,” which is similar to a drug enforcement sweep. Albany, New York began a “sweep” program, which collected \$35,000 in fines over three years from vehicles illegally parked in handicap spaces.<sup>35</sup> In Grand Prairie, Texas, the police department set aside shifts of one hour a day for monitoring these spaces.<sup>36</sup>
- Kent, Washington began the Volunteers in Police Service (VIPS) program that, in 1999, took responsibility for informing and reminding citizens of their obligations to obey handicap-parking laws. VIPS personnel are members of the Disabled Parking Enforcement Team, and they were trained on how to fill out a citation and instructed on how to issue them. If a VIPS member sees someone violating handicap laws, they take a photograph of the vehicle, showing the disabled parking sign and the absence of a placard or plate. The photograph and citation must be approved by the Community Education Unit Sergeant for approval.<sup>37</sup>

- Denver, Colorado uses a group of volunteers working for its Commission for People with Disabilities to spot violators. The volunteers work in pairs and some are disabled. They track down violators and issue them tickets.<sup>38</sup>
- In Phoenix, Arizona, the police department has a full-time volunteer who patrols shopping centers and apartment complexes looking for violators. In his first 15 months as a volunteer, the volunteer wrote 400 tickets and put 4,000 miles on his car.<sup>39</sup>
- The sheriff's department in Escambia County in Florida, in 1996, reported using 23 unpaid volunteers to enforce the regulations. The group is called PEST (Parking Enforcement Specialist Technicians), and it trains volunteers for 20 hours in state law, which includes advice by the sheriff's lawyer, enforcement officers, and training personnel. The volunteers were even issued shirts, pants, badges, and ticket books in order to write tickets.<sup>40</sup>
- Huntington, Long Island has 18 volunteers that are equipped with identification badges and Polaroid cameras that spend their spare time tracking down illegal parkers. Many of the volunteers are retired, have slight disabilities, or know people who are disabled. The money generated in fines is spent on a summer employment program for the disabled.<sup>41</sup>
- During the early 1990's, a county in Florida began to enforce prohibitions using one full-time employee and twenty volunteers, raising more than \$150,000 in only one year. The money generated went to meet compliance with the ADA.<sup>42</sup>
- In Espanola, New Mexico, city firefighters patrol parking lots in their free time, and they have the authority from the City Council to enforce parking laws.<sup>43</sup>
- Oklahoma law specifies that a percentage of parking fees can subsidize parking patrols, which can be staffed with community volunteers.<sup>44</sup>

### ***Handicap Parking Educational Programs***

- The State of New York created the Handicap Parking Surcharge and Education Program in 1999, imposing a \$30 mandatory surcharge in addition to any other sentence, penalty or fine for parking illegally in a designated handicap parking space. The program creates a fund in each county, which will collect the surcharge and use the money to execute contracts with private organizations to provide advocacy, education, literature distribution, and public awareness of handicap parking laws. In addition to imposing the surcharge, the new law also established programs to educate New York motorists on the importance of making handicap spaces available to those who really need them.<sup>45</sup>
- In Onandaga County, New York, the city manager and the mayor of Syracuse declared June 1994 as “Disabled Parking Awareness Month” in order to dissuade citizens from violating handicap-parking ordinances.<sup>46</sup>
- Omaha, Nebraska allows violators of handicap parking ordinances to attend a three-hour sensitivity training on the needs of handicapped motorists, during which violators are required to perform tasks while riding in a wheelchair.<sup>47</sup>

### ***Policy Recommendations for the Council***

Kentucky lawmakers have shown concern about handicap parking abuse in the last few years. Last year, Representative Mary Lou Marzian introduced a bill that would have increased handicap-parking fines from the maximum of \$100 to a maximum of \$250. The bill was defeated in committee, but advocates from the Center for Accessible Living have stated that Representative Marzian intends to reintroduce this bill again for the upcoming legislative session. If the Council decides to introduce legislation concerning this, they should consider working with Representative Marzian to include their concerns in her current bill. From the

empirical studies and the policy solutions described above, the Martin School has developed the following recommendations for the Council concerning handicap-parking legislation:

**Recommendation # 1:**

The Council should ask the state of Kentucky to experiment with a more frequent renewal policy for handicap privileges. Kentucky's renewal policy, at every six years, is very generous and may be a source of the abuse. This policy would filter out the cases in which the holder of the permit either died or regained mobility. Second, it would reduce the value of forged or stolen permits and may deter people from fraudulently applying for a permit since they may be more likely to get caught. The downside to such a policy would be that legitimate permit holders would incur the expense and inconvenience of renewing their permit.<sup>48</sup>

**Recommendation # 2**

Since hangtags are the most easily abused form of parking permit, implementing other regulations concerning these should be put into place. Some suggestions, already mentioned, include placing a holographic image on the hangtag to deter fraud, and placing the drivers license number of the person or their picture on the tag. These last two policies would deter persons who borrow their handicapped relative's permit for their own use.

**Recommendation # 3**

Enforcement of handicap parking violations is a key component of deterring abuse. While fines and penalties are needed, without adequate enforcement, the penalties serve as a non-deterrent. The Council should ask lawmakers to implement legislation, which allows localities to enlist the help of volunteers to enforce parking regulations or ask localities to make enforcement a priority.

**Recommendation # 4:**

Empirical studies have suggested that handicap parking signs play a major influence in deterring abuse. Legislation concerning handicap parking should include the requirement of vertical handicap parking signs that display a message about the fines and penalties associated with violations and a message that the space is being monitored either by police or by concerned citizens.

**Recommendation # 5:**

The Council might also consider asking the legislature to restrict the authorization for certifying disability. This may include limiting the certification decision to physicians who have been specially designated by the localities. It may also include requiring a notarized signature by a doctor rather than the signature alone that is required now. Another alternative would be to require the signature of two professionals or to create special boards with exclusive certification powers.<sup>49</sup> This recommendation would be especially relevant to Kentucky because some physicians in Kentucky have reported massive increases in the number of requests for handicap parking privileges.<sup>50</sup>

## Endnotes

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- <sup>1</sup> See 42 U.S.C. section 4154 (1995)
- <sup>2</sup> See 29 U.S.C. section 794(a) (1995)
- <sup>3</sup> Fair Housing Act, 42 U.S.C., section 3601-3614(a) 91995)
- <sup>4</sup> See Americans with Disabilities Act of 1990, 42 U.S.C. section 12112(a)-(b) (1995)
- <sup>5</sup> Miller, Geoffrey P. and Lori S. Singer. "Handicapped Parking." *Hofstra Law Review* Volume 20 No. 1 (Spring 2001), 88.
- <sup>6</sup> Miller and Singer, 2001, 88.
- <sup>7</sup> See 23 C.F.R. § 1235.2.
- <sup>8</sup> "Permanent Disabled Person(s) Parking Placards Issuance in Term of Years." HANDIPLATE Research & Development. Malibu, CA: Pepperdine University, 1997.
- <sup>9</sup> "Temporary Disabled Parking Placards Issued in Time Period of Months." HANDIPLATE Research & Development. Malibu, CA: Pepperdine University, 1997.
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- <sup>11</sup> Cope, John G. and Linda J. Allred. "Illegal Parking in Handicapped Zones: Demographic Observations and Review of the Literature." *Rehabilitation Psychology*. 1990. Volume 35, 249-257. Also Fletcher, D. "The Effect of the Presence of a Person in a Wheelchair or the Presence of an Adjacent "Reserved for Police Cars Only" Parking Space on the Illegal Use of Parking Spaces Reserved for People with Disabilities." *Rehabilitation Psychology*. 1997. Volume 42, 317-324.
- <sup>12</sup> Taylor, C.J. "Factors Affecting Behavior Toward People with Disabilities." *Journal of Social Psychology*. 1998. Volume 138, 766-772.
- <sup>13</sup> Cope and Allred, 1990, 249-257.
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- <sup>16</sup> Jason , L.A. and Jung, R. "Stimulus Control Techniques Applied to Handicapped-designed Parking Spaces." *Environment and Behavior*. Volume 16, 675-686.
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- <sup>18</sup> Cope, John G. and Linda J. Allred. "Community Intervention to Deter Illegal Parking in Spaces Reserved for the Physically Disabled." *Journal of Applied Behavior and Analysis*. 1991. Volume 24, No. 4, 687-693.
- <sup>19</sup> Suarez de Balcazar, 1988, 1.
- <sup>20</sup> Delsohn, Gary. "Legislature Considering Doubling Fine for Handicap Spot Violators." *Sacramento Bee*. June 13, 2003, Domestic News Section.
- <sup>21</sup> Sloca, Paul. The Associated Press State and Local Wire. "Lawmakers Seek to Strengthen Handicapped Parking Standards." Jefferson City, MO. June 23, 2003, Monday, BC cycle.
- <sup>22</sup> Abelson, Jenn. "Disability Initiatives Win at Meeting: Fines Doubled for Violations of Parking Rules." *The Boston Globe*. April 23, 2002. Metro/Region, B2.
- <sup>23</sup> Abelson, Jenn. "Disability Initiatives Win at Meeting: Fines Doubled for Violations of Parking Rules." *The Boston Globe*. April 23, 2002. Metro/Region, B2.
- <sup>24</sup> Miller and Singer, 2001, 206.
- <sup>25</sup> "Disabled Parking Permit Deadline: April 1." *Sun-Sentinel* (Ft. Lauderdale, FL). February 24, 1998, 6B.

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